

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3037**

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 287, STREETS AND SIDEWALKS, ARTICLE IV, EXCAVATIONS IN STREETS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, improved regulations of work performed by persons, corporations and utilities companies in the open streets of the City is beneficial to the safety of its residents; and

WHEREAS, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to Amend Part II General Legislation, Chapter 287, of the Code of the City of Garfield;

BE IT ORDAINED by the Mayor and City Council of Garfield, County of Bergen, State of New Jersey, as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 287, Streets and Sidewalks, Article IV, Excavations in Streets, is hereby amended to include the following:

§ 287-14. Permit required.

It shall be unlawful for any person, corporation or other business entity, municipal or private, or any utility company, public or private, to make any excavation, opening or tunnel in, on or under any of the streets, roads or highways of the City without having first obtained a permit for the same as hereinafter set forth or without complying with the provisions of this section or in violation of or variance from the terms of any such permit. Nothing contained in this section shall be construed as requiring the issuance of a permit for the performance of any work done by the City or under a contract with the City for the construction of waterlines, sewer lines or street improvements or any other activity to be undertaken by the City or under a contract with the City.

§ 287-24. Inspections; completion of work; maintenance.

- A. The City Manager or his designee shall from time to time inspect or cause to be inspected all excavations, openings or tunnels being made in, on or under any street, road or highway in the City to see to the enforcement of the provisions of this article. Notice shall be given to him at least 10 hours before the work of refilling any tunnel or excavation commences.

- B. Upon completion of the work involved in such street opening, a request for inspection shall be made to the Superintendent of the Department of Public Works. If the inspection discloses that the street has been properly restored, he

shall issue a certificate of proper restoration and cause the same to be filed with the City Clerk.

- C. The person, corporation or other business entity, or any utility company receiving the permit shall be responsible for the proper maintenance of that portion of the street over which the permit has been issued, including continued backfilling to compensate for settlement, for a period of one year from the date of the certification of the proper restoration of the street by the Superintendent of the Department of Public Works. The permittee shall assume all liability for damages resulting therefrom or in any way connected therewith.
- D. The City may, upon the determination of the Department of Public Works and/or the City Engineer that the requirements of this article or the requirements of the permit issued are not being met:
 - (1) Order a temporary stop to any road opening.
 - (2) Order that the applicant perform or correct work in accordance with the directions of the City.
 - (3) Order a stop to any work and revoke the permit; in which event, the City of Garfield shall complete the work or cause it to be completed and either declare the applicant's deposit forfeited or notify the applicant's surety of an intent to file claim on the bond.
 - (4) Authorize the correction of any work after notification to the permittee and after the neglect or the refusal of the permittee to make such corrections within 24 hours and, after the completion of the same, either declare the permittee's deposit forfeited or notify the permittee's surety of an intent to file a claim on the bond.
 - (5) Take any other action deemed reasonable under the circumstances to protect the City's interests or to protect the public.

Section 2. Severability.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

Section 3. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST: _____

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: June 18, 2024

Adopted: July 23, 2024

APPROVED: _____

Richard Rigoglioso, Mayor