

**TOWNSHIP OF HILLSIDE
ORDINANCE O-23-07**

**ORDINANCE AMENDING CHAPTER 265 STREETS AND SIDEWALKS
ARTICLE IV: STREET OPENINGS**

WHEREAS, the Township of Hillside desires to amend Chapter 265 Streets and Sidewalks, Article IV: Street Openings, §265-13 Permit Required.

NOW THEREFORE BE IT ORDANED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HILLSIDE THAT:

1. CHAPTER 265 STREETS AND SIDEWALKS, ARTICLE IV: STREET OPENINGS, §265-13 PERMIT REQUIRED is hereby *amended* as follows:

§ 265-13. Permit required.

- A. ~~No~~ It shall be unlawful for any person, firm, or corporation to excavate, dig in, tunnel, construct, remove, replace or repair any improvements, or place any form of construction in, over or upon any street or improvement or otherwise endanger or obstruct the normal flow of vehicular, bicycle or pedestrian traffic or normal flow of surface water, by the placing of any earth or other excavated material, barricade, structure, material or equipment or open in any manner any portion of the right-of-way of any street or thoroughfare in the Township for any purpose without having first obtained a permit from the Department of Public Works and upon compliance with the provisions of this article.
- B. Except as provided in paragraph (1) of this subsection, no permit shall be issued for a newly constructed or substantially improved street for a period of five (5) years from the date of acceptance of such construction except in cases of emergency. Sixty (60) days prior to the start of construction of permanent pavement or improvements on any street, the applicant shall notify, in writing, all property owners of record on such street, all utility companies serving such street, the Police Department and the Fire Department of such construction and of the provisions of this section.
 - (1) For a permit to be issued for excavation of any paved or improved street surface which is less than five (5) years, the applicant, under the instructions of the Director of the Township of Hillside Department of Public Works, shall be required to secure approval from the Township Council by resolution before any permit can be approved hereunder.
 - (a) The applicant, under the instructions of the Director, shall make application for Council approval as provided hereunder and provide, to the extent possible, an explanation of all efforts made to avoid the street opening and therefore the basis for the requested Council approval.
 - (b) Should an applicant be granted a permit by Council to open the paved street as described herein above, the fees for the opening shall be assessed as indicated in Sections 265-15.
- C. The Director shall have the right to revoke or cancel the permit at any time should the permittee fail to comply with any of the terms, agreements, covenants, ordinances, and conditions thereof.

- D. No permit shall be assigned or transferred except upon the prior written consent of the Director. Nor shall the work take place in any other than the location specifically designated in the permit.
- E. No permit shall be issued for an opening during the period from the first day of December to the 15th day of March or where conditions exist due to severe weather, freeze, frost, etc., except for emergency openings or openings required by law.
- F. If the application for street opening permit requires the street to be excavated or opened for a width equal to or greater than twenty-five percent (25%) but less than fifty percent (50%) of the existing roadway, or if the opening exceeds one parking lane width, the applicant shall be required to restore the pavement with a two (2) inch mill and two (2) inch overlay between the curb line and center line of the roadway.
- G. If the application for street opening permit requires the street to be excavated or opened for a width of equal to or more than fifty percent (50%) of the existing roadway, the applicant shall be required to restore the roadway pavement with a two (2) inch mill and two (2) inch overlay from curb line to curb line.
- H. All street openings, excavations and restorations thereof shall be made under the supervision and control of the Director and shall be subject the oversight and inspection of the Engineer.

2. SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

3. REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

4. EFFECTIVE DATE

This Ordinance shall take effect 20 days following the final adoption thereof by the Township Council of the Township of Hillside and shall be published as required by law.

First Reading and Introduction on February 28, 2023

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		DeAugustine	X				
		Freedman	X				
		Hyatt	X				
		Mobley	X				
	X	Rios	X				
X		Bonanno, VP	X				
		Epps, CP	X				

Public Hearing March 21, 2023

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	DeAugustine	X				
		Freedman	X				
		Hyatt	X				
X		Mobley	X				
		Rios	X				
		Bonanno, VP	X				
		Epps, CP	X				

Final Adoption: March 21, 2023

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	DeAugustine	X				
X		Freedman	X				
		Hyatt	X				
		Mobley	X				
		Rios	X				
		Bonanno, VP	X				
		Epps, CP	X				

Craig Epps

Craig Epps, Council President

ATTEST:

Brook Nieves

Brook Nieves, Deputy Clerk

Approved:

Dahlia O. Vertreese
Dahlia O. Vertreese, Mayor

4-25-2023
Date

Vetoed:

Returned to the Township Clerk with the following statement of objections:
