

**TOWNSHIP OF NEPTUNE  
ORDINANCE NO. 24-01**

**AN ORDINANCE TO OF THE TOWNSHIP OF NEPTUNE TO AMEND AND SUPPLEMENT  
CHAPTER 13 STREETS AND SIDEWALKS BY AMENDING SECTION 1 “EXCAVATION OF  
STREETS AND SIDEWALKS”**

**BE IT ORDAINED**, by the Township Committee of the Township of Neptune that the Ordinance be and is hereby amended as follows:

**SECTION 1.**

**§13-1 Excavation of Streets and Sidewalks**

**§13-1.1 Definition of Department of Engineering & Planning**

Whenever in this section reference is made to the "Department of Engineering & Planning" or their designated representative," this shall also mean that in the event there is no Director of Engineering & Planning, this shall then refer to the Assistant Director of Engineering & Planning. Whenever in this section reference is made to the “Director of Public Works” or their “designated representative,” this shall also mean that in the event there is no Director of Public Works, this shall then refer to the Assistant Director of Public Works.

**§13-1.3 Application Information and Fee**

Application forms shall be obtained from the Director of Engineering & Planning, or their designated representative, and shall contain the name and address of the person, firm or corporation making the application, and signed by the applicant or a duly authorized agent, and shall set forth the location where work is to be performed, the character of the work, and the time within which it is to be completed, together with scaled drawings of the proposed work.

- a. For proposed openings less than ninety (90) square feet/ten (10) square yards a non-refundable application fee of  ~~fifty (\$50.00)~~  **Two Hundred Fifty (\$250)** dollars payable to the Township of Neptune is required;
- b. For proposed openings greater than ninety (90) square feet/ten (10) square yards a non-refundable application fee of  ~~twenty-five (\$25.00)~~  **One Thousand** dollars  ~~per one hundred (100) square feet of proposed opening~~  is required.

**§13-1.10 Backfilling; Restoration of Surface**

The permittee shall assume all responsibility and hold the Township harmless for any property damage or bodily injury which may occur as a result of the work performed from the time the work commences until the permanent restoration has been made by the permittee. The permittee shall immediately backfill the opening with excavated material if such material is suitable, in layers not exceeding two (2') feet in thickness if heavy compacting equipment is used or in layers not exceeding one (1') foot in thickness if hard or light compacting is used. This fill shall be brought to an elevation of six (6") inches below the permanent surface. If the Director of Engineering & Planning, or their designated representative, determines that the excavated material is not suitable for backfilling as specified, then it shall be removed from the site and the opening backfilled as herein specified with suitable material, then six (6") inches of road gravel of a grade satisfactory to the Director of Engineering & Planning, or their designated representative, shall be applied and thoroughly compacted. This temporary restoration shall be checked for settling and all holes shall be filled evenly with the surface of the adjoining pavement.

Once the excavation work area has been properly saw cut, and the backfill tamped and compacted, the permittee shall install no less than six (6") inches of bituminous stabilized base course to the trench surface. If the distance from the edge of the excavation work area to the existing curb is less than two (2') feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of bituminous stabilized base course in the entire area.

The partially restored pavement shall be allowed to settle for no less than ninety (90) and no more than one hundred eighty (180) days. If at any time during the settlement period, the trench becomes unacceptable as determined by the Director of Engineering & Planning, the permittee shall be notified of the condition requiring repair, and such repair shall be performed within twenty-four (24) hours of such notification by the Director Engineering & Planning. If the repair is not made in the time specified, the Township may make the repair and any cost thereof will be charged against the permittee's cash repair deposit and/or maintenance bond. At the end of the period of time of settlement required by the Department of Engineering & Planning, an inspection shall be performed by the Department.

At this time, the permittee shall be required to mill the excavation work area surface to a width equal to one (1') foot wider on each side of the initial repair and install no less than two (2") inches of FABC surface course. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces and a hot-poured, rubber asphalt joint sealer (per current DOT Standard Specifications for Roads and Bridges).

Unless authorized by the Department of Engineering & Planning, any excavation less than ninety (90) square feet/ten (10) square yards shall require milling and restoration of the excavation work area extending a minimum of one (1') foot beyond the edge of excavation to the nearest curb. Any excavation equal to or greater than ninety (90) square feet/ten (10) square yards shall require milling and restoration of the excavation work area extending from ~~the center line of road to the curb~~ **curb to curb (full width of road)** and extending a minimum of one (1') foot beyond the outer edges of the excavation. If the excavation work area will be within ~~two hundred (200')~~ **Seventy-five (75')** feet or less of previous excavations occurring within ~~one (1) year~~ **Two (2) Years** of the subject excavation (by same permittee along the same side of the road), the permittee shall be required to mill and restore the roadway between the outer most excavations. **The director of Public Works reserves the right to change the restoration of surface requirements at any time and to extend the restoration limits where feasible to allow for better transition of old asphalt roadways.**

The permittee shall be required to replace any facilities including, but not limited to, curb, pavement, sidewalk, line striping, etc., that is affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to Township standards.

~~With Department of Engineering & Planning approval, center line of road milling and restoration may be offset by the distance necessary to avoid disturbing existing line striping or markers.~~

Work that is completed in the public right-of-way, but outside of the cartway, should be restored to existing conditions. If the work contains curb and sidewalk then the area shall be restored with curb and sidewalk in accordance with the Township Engineer's review and recommendations on specifications.

If the work was other than sidewalk, such as slate or pavers, then it shall be restored to slate or pavers or the material that existed prior to excavation.

#### **§13-1.11 Engineering Inspection and Construction Administrative Escrow Fees**

~~The permittee shall establish an engineering inspection escrow account with the Township Finance Officer unless specifically waived by the Township of Neptune, by and through the Department of Engineering & Planning, for any proposed permit for over ninety (90) square feet or ten (10) square yards. In the event of a multiple repairs/replacements on the same street or within three (3') feet the openings shall be cumulative and not submitted as separate permits in order to avoid the inspection fee. The account shall be for five (5%) percent of the estimated cost of the project, or five hundred (\$500.00) dollars, whichever is greater. The escrow shall be used by the Township for the reimbursement of engineering fees, inspection fees and other reasonable fees associated with the permittee's project. In the event that charges deplete the escrow account by more than fifty (50%) percent of the original submission, the permittee shall be notified and requested to submit additional escrow sums in sufficient amount to restore the escrow account to not less than seventy-five (75%) percent of the original escrow deposit.~~

#### **Inspection fees for road openings shall be as follows:**

- a. **For proposed openings equal to or less than nine (9) square feet/ One (1) square yard, a non-refundable fee of \$100.00 payable to the Township of Neptune is required.**
- b. **For proposed openings less than ninety (90) square feet/ Ten (10) square yards and under one hundred (100) linear feet, a non-refundable inspection fee of \$200.00 payable to the Township of Neptune is required**
- c. **For Proposed opening greater than ninety (90) square feet/ Ten (10) square yards and over one hundred (100) linear feet, a non-refundable inspection fee of \$200.00, plus \$100.00 per one hundred (100) linear feet thereafter payable to the Township of Neptune is required.**

#### **§13-1.12 Emergency Permits**

In case of emergency, an emergency permit may be issued by the ~~Police Department of the Township of Neptune,~~ **Director of Public Works or a designated representative** after which an application for a permit, as hereinbefore required, shall be made to the Director of Engineering & Planning, or their designated representative, within forty-eight (48) hours after the work has been commenced. **All emergency work must be approved by the Director of Public Works or a designated representative prior to the start of construction.**

#### **§13-1.14 Excavation of Newly Paved Streets**

No street opening permit shall be issued by the Director of Engineering & Planning to any person given notice under this section or their assignees or successors which would allow an excavation or opening in paved and improved street surface less than ~~three (3)~~ **Five (5)** years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

If determined that the roadway needs to be opened in the event of an emergency the penalty shall apply.

The penalty charge shall be on a sliding scale determined as follows:

a.	Penalty assessment	= \$1,000- <del>\$2,500.00</del>
b.	Area of road cut in S.F. x <del>\$5-\$7.00</del>	= Varies
	Total a and b	= Varies

Penalty factor is three (3%) percent of the above total for each unelapsed month or fraction thereof of the three (3) year (36 months) restricted period. Maximum penalty shall be one hundred eight (108%) percent of above total and minimum penalty shall be five hundred (\$500.00) dollars. Inspection and permit fees are payable in addition to the penalty charges set forth herein pursuant to subsection **13-1.13**. No portion of the penalty charge shall be refundable and penalty charges do not relieve the permit holder from the required performance cash bond or the required insurance. Restoration of all road openings in "new street" pavement shall be to a "newly paved" condition. The restoration shall be according to subsection **13-1.10**.

**SECTION 2.**

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

**SECTION 3.**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 4.**

This Ordinance shall take effect upon its passage and publication according to law.

<b>Motion/ Second</b>	<b>Roll Call To Adopt On First Reading</b>				
	YAY	NAY	ABSTAIN	ABSENT	
Second	Keith Cafferty	X			
Motion	Robert Lane, Jr.	X			
	Kevin McMillan			X	
	Nicholas Williams	X			
	Tassie D. York	X			
					Adopted on First Reading Dated: January 8, 2024
					_____ Gabriella Siboni, RMC Township Clerk

<b>Motion/ Second</b>	<b>Roll Call To Adopt On Second and Final Reading</b>				
	YAY	NAY	ABSTAIN	ABSENT	
	Keith Cafferty	X			
Motion	Robert Lane, Jr.	X			
Second	Kevin McMillan	X			
	Nicholas Williams	X			
	Tassie D. York	X			
					Adopted on Second Reading Dated: January 22, 2024
					_____ Gabriella Siboni, RMC Township Clerk

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Gabriella Siboni  
Township Clerk

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Tassie D. York  
Mayor