

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1427

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
63, SIDEWALKS, CURBS AND ALLEYWAYS OF THE CODE
OF THE BOROUGH OF WILDWOOD CREST**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is necessary and proper for good government, order and the protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants to supplement and amend Chapter 63 of the Code of the Borough of Wildwood Crest which regulates Sidewalks, Curbs and Alleyways in the Borough of Wildwood Crest; and

WHEREAS; the Board of Commissioners desires to amend Chapter 63 to update the construction details for sidewalks, curbs and alleyways to be consistent with Chapter 67 Street Openings and Excavations of the Code of the Borough of Wildwood Crest,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, Chapter 63 is hereby amended as following:

Section 1. Ordinance No. 305, adopted May 22, 1963, Ordinance No. 928, adopted February 26, 2003, Ordinance No. 1246, adopted November 30, 2016 and Ordinance No. 1327, adopted June 17, 2020, that has been codified in the Code of the Borough of Wildwood Crest as Chapter 63, are hereby amended and supplemented as set forth herein (added language is underlined, deleted language is ~~stricken~~):

Chapter 63 SIDEWALKS, ~~CURBS~~ AND ALLEYWAYS

§ 63-1. Definitions.

As used in this ordinance, the following words shall have the following meanings:

APPLICANT – Owner, contractor, developer, public or private entity, agency or utility to whom permit is issued.

APPLICATION FEE – The required non-refundable fee paid to the Borough at the time of application to off-set the administrative costs associated with the processing of the sidewalk permit.

BOROUGH – Borough of Wildwood Crest.

CONTRACTOR – Any individual, firm, agency, public or private entity, agency or utility performing the work for which the permit is issued.

PARKING STRIP - The area between the sidewalk and the curb with a minimum width of two feet except in those blocks or areas where partially developed parking strips of lesser or greater widths exist. In those situations the parking strip may conform to the adjacent parking strip.

ENGINEER – The Borough Engineer as the only person authorized by the Commissioners of the Borough of Wildwood Crest to oversee the work performed under this ordinance.

PUBLIC RIGHT-OF-WAY – Any and all surface and subsurface areas including alleys, easements and walkways as designated on the official map of the Borough or by deed or easement agreement for any areas over which the Borough has jurisdiction.

§ 63-2. Installation and repair; duty of owner.

It is and shall be the duty and obligation of the owner or owners of property on any improved street, road, avenue or any other public way or thoroughfare, to have installed and to keep in repair sidewalks and curbs, to the grade established by the Borough Engineer and approved and filed in the office of the Borough Clerk, and to maintain, in a clean condition, that portion of the gutter/roadway abutting the sidewalk from the edge of the curb line to a distance of eighteen (18) inches into the street.

§ 63-3. Permit required.

No person or corporation shall install or alter sidewalks, driveways, and/or curbing in the public right-of-way without first having obtained a valid permit to do so from Borough Construction Official Zoning Office. No additional zoning permit is required for sidewalk, or driveway and/or curb construction associated with new construction for which a building permit has been issued.

§ 63-4. Application for permit.

An application for a permit pursuant to Section 63-3 shall be made to the Borough Construction Official Zoning Office on the form prescribed and be accompanied by the required fee.

§ 63-5. Permit fees.

An application fee of \$ 150 ~~25~~ shall be paid for each driveway or sidewalk permit.

§ 63-6. Issuance of permit; inspection.

A. Permit. Permits shall be issued under the authority of the Construction Official Zoning Official of the Borough of Wildwood Crest and in accordance with the provisions of this chapter section and upon receipt of a complete application including payment of all fees. The permit is valid for a period of one (1) year from the date of issuance.

B. Inspection. The applicant shall notify the Construction Official Zoning Office forty-eight (48) hours in advance of placing any concrete so that appropriate inspection can be scheduled and completed. No concrete is permitted to be placed prior to passing the appropriate inspection.

§ 63-7. Sidewalks, driveways, curbing and flatwork – Construction details.

The construction, reconstruction, repair or alteration of any sidewalk, driveway or flat work shall conform to the following requirements:

A. See Appendix I, entitled Street Opening Ordinance Construction Details, on file with the Borough Construction Office, which is incorporated herein as if set forth at length.

~~A. All sidewalks, driveways, curbing and flat work shall be concrete with a compressive strength of not less than 3500 psi at twenty-eight (28) days.~~

~~B. Sidewalks, driveways and flat work shall have a minimum concrete thickness of four (4) inches, except where the sidewalk is part of a driveway in which case the minimum concrete thickness shall be six (6) inches. Minimum sidewalk width shall be five (5) feet except in those blocks or areas where partially developed sidewalks of lesser or greater widths exist. In those situations the sidewalk may conform to the adjacent sidewalks. Sidewalk shall have a maximum cross slope of one fourth (1/4) inch per foot.~~

~~C. That portion of the driveway from the interior property line to the street shall have a minimum thickness of six (6) inches and shall be constructed of concrete. All~~

~~driveways shall be reinforced with welded wire fabric (minimum 6x6), fiber mesh, or an equivalent. Expansion joints shall be installed at intervals not exceeding twenty (20) feet. Formed joints shall be cut into the concrete sidewalk between the expansion joints at equal intervals not exceeding the width of the sidewalk.~~

- ~~D. Curbing shall have a top width of six (6) inches and a depth of at least eighteen (18) inches with a street side reveal to match existing adjacent curbing. The full depth curbing shall extend below any depressed areas of driveways and provide a reveal not less than one half (1/2) inch and not greater than one and one half (1 1/2) inches. All curbing shall have a radius top street side edge of one and one fourth (1 1/4) inch.~~
- E. ~~The street gutter area shall be patched to match existing material of asphalt or concrete with a minimum one half (1/2) inch expansion joint filler between the curbing and gutter material.~~
- B F. Location of existing utilities. Prior to any excavation, the applicant or his contractor shall bear the responsibility of locating and marking, either by paint on the pavement or placement of stakes in the ground, the location of all water services, gas services, gas mains, water mains, sewer mains, sewer laterals, telephone and electric raceways or conduits and drains within the area to be excavated. The applicant is required by law to request and obtain a utility markout by calling 811 prior to digging/excavating.
- C G. Parking strip. ~~Subject to Subsections B and C of this section, T~~the area extending from the curbing to the sidewalk, ~~which curbing and minimum sidewalk area is described herein above,~~ shall be composed of a permeable surface of only grass, stones or porous pavers; the use of impervious materials, including but not limited to asphalt or concrete, is prohibited. Only a filter fabric may be used as a weed barrier; any use of plastic or other impermeable material as a weed barrier is prohibited.
- D H. The provisions of this section shall not apply to that portion of a right-of-way/curbline that adjoins a property containing a commercial use, except that the use of porous pavers is encouraged.

~~(Figure 1. Sidewalk Specification Examples — See on file at Borough Offices)~~

§ 63-8. Permit conditions and regulations.

- A. Transferability. Every permit shall apply only the specific site address for which it is issued and shall not be transferable.
- B. Possession of permit. A copy of the permit, together with a copy of the plan endorsed with the approval of the Construction Zoning Official, must be kept in the possession of the person actually performing the work and shall be exhibited on demand to the Construction Official or his designee Zoning Inspector.
- C. Revocation of permit. The Borough Zoning Official or Commissioner of Public Safety or designee may revoke a permit for any of the following reasons: a. Violation of any provision of this chapter section or any other applicable law or ordinance. b. Violation of any condition of the permit issued. c. Carrying on the work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or ~~declared by any provision of this revision to constitute~~ a nuisance.
- D. All permits shall be prominently displayed in a front window or upon the front door of the structure on the subject property, and in the event the property is vacant land, such permit shall be displayed on the temporary electric pole if one exists, or a pole placed on the property in the front yard area for the purpose of displaying the permit.

§ 63-9. Violations and penalties.

Any person, firm, corporation, or utility violating any of the provisions of this ordinance shall, upon conviction thereof before the Municipal Court Judge of the Borough of Wildwood Crest, be subject to a fine not exceeding two thousand dollars (\$2,000.) or imprisonment in the County jail for a period not exceeding ninety (90) days, or both. ~~Penalties for violating the emergency road opening provisions are contained above in Section 67-7. Moreover, any person, firm or corporation violating any of the provisions of this section shall not obtain a permit under this section for a three (3) year period.~~

§ 63-10. Reserved.

§ 63-11. Reserved.

§ 63-12. Reserved.

Section 2. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 3. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

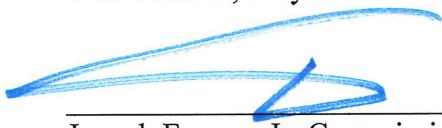
Section 4. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 5. This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

Dated: April 9, 2024


Patricia A. Feketics, Borough Clerk


Don Cabrera, Mayor


Joseph Franco, Jr. Commissioner


Joseph Schiff, Commissioner

Introduced: March 27, 2024

Adopted: April 9, 2024