

ORDINANCE NO. 2024-14

BE IT ORDAINED by the Mayor and Council of the Borough of Wood-Ridge, County of Bergen, New Jersey, that Chapter 468, entitled Streets and Sidewalks, is hereby amended as follows:

SECTION 1. Replace §468-2 entitled “Definitions” in its entirety as follows:

§468-2 Definitions

The following terms shall, for the purposes of this Chapter, have the meaning here indicated. Where the context of the language of this chapter requires, singular terms shall be considered plural and plural terms shall be considered singular.

Applicant – Any person, corporation, company, utility or other entity that submits an application for a road opening permit hereunder.

Moratorium Period – The time duration after a street has been paved or resurfaced, whether or not performed, funded or contracted by the Borough of Wood-Ridge, during which a road opening permit shall not be issued except as provided for by the provisions of this Chapter. A moratorium period shall include all days through December 31st, of the final calendar year of a moratorium period.

Opening – Any boring, breaking, cutting, digging, drilling, driving, excavating or tunneling, for any purpose, of a street or right-of-way, or a portion thereof.

Opening, Major – Any opening that is not a Minor Opening. Any opening performed underground by boring, drilling, driving, tunneling or other method to produce a horizontal path underneath a street or right-of-way, or a portion thereof, shall be a Major Opening for the purpose of this Chapter.

Opening, Minor – Any opening performed from above ground whereby the area of the opening is less than 50 square feet and the length of the longest side of the opening is less than 15 feet.

Owner – Any person, corporation, company, utility or other entity on whose behalf a street opening is performed by a permittee hereunder.

Permittee - Any person, corporation, company, utility or other entity granted a road opening permit hereunder.

Public Entity – Shall mean the State of New Jersey and any of its political subdivisions, such as counties, municipalities and school districts, and including any agency, authority, commission, department, instrumentality or corporation thereof. For purposes of this Chapter any public entity shall be subject to provisions and policies applicable to a Public Utility.

Road – shall mean the same as Street.

Street – Any road, highway, easement, or other right-of-way, located within the municipal limits of the Borough of Wood-Ridge, dedicated to, accepted by or maintained by either the Borough of Wood-Ridge or another public entity for use as a public roadway or other public purpose and which shall include all of the area lying under and within the bounds thereof.

Street Segment – shall mean the portion of a street located between two intersecting streets or between an intersecting street and the dead-end of the street.

Utility, Non-Public – A non-public utility is any corporation, company, or entity not regulated by the New Jersey Board of Public Utilities or its predecessors or successors and not owned or operated by a public entity, that provides a utility service of any kind to customers or users or that owns, leases, maintains or operates the facilities, infrastructure, network, system, or other means of providing, distributing or transmitting a utility service to customers or users.

Utility, Public – A public utility is any corporation, company, or entity, whether public or private, regulated by the New Jersey Board of Public Utilities or its predecessors or successors or owned or operated by a public entity, that provides a utility service of any kind to customers or users or that owns, leases, maintains or operates the facilities, infrastructure, network, system, or other means of providing, distributing or transmitting a utility service to customers or users.

Utility Service – Shall include but not be limited to telecommunications, broadband, cable television, internet, electric, natural gas, drinking water, storm water or waste water transmission or treatment, telephone of any kind including landline and cellular, or any other elements, energy or substances passing through a right-of-way via pipes or wires that connect to public or private land or buildings.

SECTION 2. Amend §468-3 entitled “Permit required” as follows:

1. Change the title of the section from “Permit required” to “Opening Permit and Moratorium Requirements”

2. Replace Subsection D in its entirety as follows:

D. Moratorium Period. All streets shall be subject to a moratorium period of five years as defined in this Chapter. Road opening permits shall not be issued for any purpose during a moratorium period except as provided for below:

- 1) A road opening permit shall be issued for emergencies as so judged and determined by the Borough Engineer subject to the following conditions:
 - a. Examples of emergencies shall include, but not be limited to, gas leaks and breaks of sewer lines or water lines that disrupt service.
 - b. When an emergency requires a street under moratorium to be opened said opening shall be performed in a manner specified by the Borough Engineer that both minimizes damage to, and facilitates restoration of, the street including its surface. Street restoration shall be performed according to specifications, methods, limits, and quantities as determined and directed by the Borough Engineer, which may include full road depth reconstruction, full road width milling and paving, and/or infrared patch repair.
 - c. All costs associated with restoration of streets or rights-of-way shall be the responsibility of the owner as determined and directed by the Borough Engineer.
 - d. All other provisions of this Chapter shall apply.

- 2) A road opening permit may be issued for non-emergencies as so judged and determined by the Borough Engineer subject to the following conditions:
 - a. Examples of non-emergencies shall include, but not be limited to, installation of new service connections for a newly constructed building and installation of new or replacement mains or lines by a public utility or non-public utility that transmit a utility service.
 - b. Construction of a new building or renovation of an existing building that requires installing new utility service connections shall be granted a road opening permit subject to all other provisions of this section and chapter.
 - e. When a non-emergency requires a street under moratorium to be opened said opening shall be performed in a manner specified by the Borough Engineer that both minimizes damage to, and facilitates restoration of, the street including its surface. Street restoration shall be performed according to specifications, methods, limits, and quantities as determined and directed by the Borough Engineer, which may include full road depth reconstruction, full road width milling and paving, and/or infrared patch repair.
 - c. All costs associated with restoration of streets or rights-of-way shall be the responsibility of the owner as determined and directed by the Borough Engineer.
 - d. All other provisions of this Chapter shall apply.

SECTION 3. Amend §468-4 entitled “Application for permit” as follows:

1. Replace Subsection A in its entirety as follows:

- A. Form. Applications for a road opening permit shall be on a form prescribed by the Borough Administrator in consultation with the Superintendent of Public Works (hereinafter “Superintendent”) and Borough Engineer (hereinafter “Engineer”). The application form shall be submitted to the Borough Clerk, or another Borough employee or department as may be designated, at least 7 business days prior to the commencement of any work. An applicant may submit one application form for multiple openings. The form shall include, at a minimum, the following information:
- 1) The name, address and phone number of the applicant and, if a business or company is the applicant, the name and address of the owner or other responsible person of the business or company.
 - 2) The address or other detailed information to identify the location of the planned opening.
 - 3) The name, address and phone number of the owner on whose behalf the opening is being performed, if different from the applicant.
 - 4) The name, address and phone number of any contractor or subcontractor, other than the applicant or the owner, who will be performing any work.
 - 5) The name and emergency phone number of a responsible party to be contacted and available to respond 24 hours per day in case of an emergency.
 - 6) A reason for the work to be performed.
 - 7) A description of the work to be performed, including a plan or sketch, detailing the work location, the distances of the planned opening from the nearest curblines and nearest intersection, the planned scope of work, the planned dimensions of the opening, the planned method of performing the opening, and the planned method of restoring the street or right-of-way.
 - 8) Safety plan for the work to be performed.
 - 9) Cost estimate of the work to be performed.
 - 10) Proposed start and completion dates of the work to be performed.
 - 11) Signature of the applicant which shall also constitute acknowledgement, consent and agreement to the following:
 - a. Obligation to request and secure all necessary utility mark-outs in the work area prior to starting work.
 - b. Obligation to perform all street openings and restorations according to specifications, methods, limits, and quantities as determined and directed by the Superintendent or Engineer.
 - c. Compliance with all provisions of the Borough Code Chapter 468 governing Streets and Sidewalks, including but not limited to, providing proof of insurance and payment and posting of all fees and deposits.

- d. Compliance with all other applicable provisions of the Borough Code including, but not limited to, permitted working days and hours, traffic safety and control, police traffic detail coverage, etc.
- e. Acceptance of any and all liability, loss, damage, claim, expense or demand arising from any matter or any action related to the work and the issuance of a permit.
- f. Agreement to save harmless and indemnify the Borough of Wood-Ridge, including its officials, employees and agents, against any and all liability, loss, damage, claim, expense or demand arising from any matter or any action related to the work and the issuance of a permit.

2. Replace Subsection B in its entirety as follows:

B. Emergency Street Openings

- 1) In the event that an emergency condition exists requiring immediate action by any person, corporation, company, utility or other entity, hereinafter "Emergency Applicant", that would require obtaining a road opening permit pursuant to this Chapter, the emergency applicant may take immediate action to open the street and perform corrective measures without first obtaining a permit, provided that:
 - a. A true emergency exists and the emergency applicant immediately notifies the Dispatch Desk of the Wood-Ridge Police Department prior to starting any work.
 - b. The emergency applicant shall apply for a road opening permit no later than within 24 hours of the street opening or on the next business day.
 - c. Any emergency applicant that performs an emergency street opening shall, from commencement to completion of the work, be subject to all provisions and requirements of this Chapter, including restoration of streets and rights-of-way, as if they were issued a permit. All work shall be performed in accordance with the provisions of this Chapter subject to the review, inspection, judgement and orders of the Superintendent, Engineer, or their designee.
- 2) The Wood-Ridge Police Dispatch Desk shall, as soon as possible and practical, notify the Borough Administrator and the Superintendent, or any other designated Borough official or employee, of the emergency. The Administrator or Superintendent shall notify the Engineer if necessary.
- 3) The Borough reserves the right to issue a stop work order where and when the same is deemed appropriate and necessary by a Police Officer, the Superintendent, the Engineer, or any other Borough official or employee responding to the emergency or inspecting the street opening and related work.

3. Replace Subsection C in its entirety as follows:

C. Application Review. All applications shall be reviewed by the Superintendent, Engineer, or another designated Borough official or employee prior to issuing a road opening permit. Applications for major openings must be reviewed by the Engineer. The review shall note any objections to the application, request clarifications if necessary, and note any stipulations and/or directions, if any, that shall be imposed as conditions of approving an application and issuing a permit. All objections shall be addressed to the satisfaction of the Borough prior to issuing a permit.

4. Replace Subsection F in its entirety as follows:

F. Issuance. Road opening permits shall be issued by the Borough Clerk, or another Borough employee or department as may be designated, only when a complete application has been reviewed and approved, all fees and deposits have been paid, and all other requirements of this Chapter have been met. One permit may be issued to an applicant for multiple openings.

5. Delete Subsection G in its entirety.

SECTION 4. Amend §468-5 entitled "Work requirements" by creating a new Subsection F as follows:

F. Continuous Progress. All work shall be staged and performed with sufficient manpower, equipment and readily available materials so as to achieve continuous progress in reaching milestones and completing the work within a reasonable and customary time period as judged by the Superintendent or Engineer.

SECTION 5. Replace §468-7 entitled "Inspections" in its entirety as follows:

§ 468-7 Inspections, Orders and Notices.

A. The Superintendent, Engineer, or their designee shall periodically inspect all street openings, the work being performed therein, and the repair and resurfacing thereof, for the purpose of determining achievement of, or compliance with, the following:

- 1) Continuous progress and timely completion of the project
- 2) The requirements and specifications of this Chapter
- 3) Any conditions imposed on the issuance of the permit
- 4) The Code of the Borough of Wood-Ridge
- 5) The laws and regulations of the State of New Jersey
- 6) Generally accepted standards for construction methods, quality and safety

B. The Superintendent, Engineer, or their designee may take the following actions:

- 1) Issue a Temporary Stop Work Order for any street opening or work being performed thereon or therein. A Temporary Stop Work Order may be issued for an emergency circumstance, or anticipated emergency circumstance, including inclement weather. In such cases, the Borough may order that a street opening be immediately secured, backfilled, and the street surface be restored, all costs for which shall be the responsibility of the permittee.
- 2) Issue a Permanent Stop Work Order for any street opening or work being performed thereon or therein. In such cases, the Borough shall have the right to revoke the permit, and perform, or cause to be performed, any and all work necessary to complete the work and restore the street and may declare the permittee's deposit forfeited or notify the permittee's surety of an intent to file claim on the bond.
- 3) Issue a Corrective Action Order that shall require the permittee to perform or correct specified work in accordance with the Borough's directions within 5 days. After the issuance of such an order, the permittee shall not perform any other work until the work so ordered is completed and is inspected and approved by the Borough. If the permittee neglects or refuses to perform such work as ordered within 5 days, or ignores said order and proceeds with other work, the Borough shall have the right to issue a Permanent Stop Work Order and proceed as provided for this section.
- 4) Issue an Emergency Abatement Order to address an imminent danger or hazardous condition that shall require the permittee to perform or correct specified work in accordance with the Borough's directions immediately. After the issuance of such an order, the permittee shall not perform any other work until the work so ordered is completed and is inspected and approved by the Borough. If the permittee neglects or refuses to perform such work as ordered within 24 hours, or ignores said order and proceeds with other work, the Borough shall have the right to issue a Permanent Stop Work Order and proceed as provided for this section.
- 5) Issue a Return-to-Work Order in cases when the permittee is not performing work on a daily basis on normal working days for the full duration of normal working hours. If within 5 days of the issuance of the order, the permittee does not commence work at a schedule satisfactory to the Superintendent or Engineer, the Borough shall have the right to issue a Permanent Stop Work Order and proceed as provided for this section.
- 6) Issue a Notice of Failure to Make Progress when the permittee is failing to achieve continuous progress in reaching milestones and completing the work within a reasonable and customary time period as judged by the Superintendent or Engineer. If within 10 days of the issuance of the notice, the permittee fails to make progress at a rate satisfactory to the Superintendent or Engineer, the Borough shall have the right to issue a Permanent Stop Work Order and proceed as provided for this section.

- 7) Take any reasonable actions or issue any reasonable notices or orders to ensure compliance with the Borough Code, to preserve or protect the property and interests of the Borough, or to protect the health, safety and welfare of the public.
- 8) Nothing herein shall be construed as to prevent any other Borough Official or Employee, including Officers of the Wood-Ridge Police Department, from taking any reasonable actions or issuing any reasonable notices or orders to ensure compliance with the Borough Code, to preserve or protect the property and interests of the Borough, or to protect the health, safety and welfare of the public.

SECTION 6. Replace §468-9 entitled "Insurance and security requirements" in its entirety as follows:

§468-9 Insurance, Fee, and Deposit Requirements Established and Authorized

A. Insurance Requirements

- 1) The applicant shall present evidence of insurance policies of a type, form, language, coverage, limits and effective dates as may be determined and required by the Borough Administrator in consultation with the Borough Risk Manager, the Borough Attorney and the Borough Engineer, in consideration of the nature of the work to be performed. The certificate of insurance shall name the Borough as additionally insured and shall indemnify and save harmless the Borough and its officials, employees and agents against and from all suits and costs of every kind and from all personal injury or property damage resulting from negligence or from any aspect of work performed under the permit.
- 2) If the applicant is a public utility, insurance may be in the form of a certificate of self-insurance, if so approved by the Borough Administrator in consultation with the Borough Risk Manager and the Borough Attorney.
- 3) The Borough reserves the right to assert any and all insurance requirements, whether or not explicitly specified in this Chapter, that it deems necessary and proper in consideration of the nature of the work to be performed and to reject any insurance policies or indemnification language submitted to it by any applicant.

B. Street Opening Fees and Deposits

- 1) Street opening fees and deposits are hereby established and authorized to be charged and collected prior to issuance of any permit for all applications and permits for street openings and related work, for police traffic details and related traffic control, and for all related reviews, inspections and administrative functions performed by the Borough's employees, officials and professionals as provided for in this Chapter.

- 2) Street opening fees and deposits shall be known as "Schedule S" of this Chapter, which shall be maintained on file by the Borough Clerk and available for distribution free of charge to anyone requesting it. Schedule S shall be adopted by resolution of the Mayor and Council and shall remain in full force and effect until amended by resolution of the Mayor and Borough Council. The Borough Engineer shall regularly monitor said fees and deposits and, when appropriate, make recommendations to the Borough Administrator for any adjustments to said fees and deposits.
- 3) All deposits and bonds shall be retained by the Borough until such time as the completed work receives final approval by the Borough Engineer and until all Borough costs have been determined and paid.
- 4) The opening, cutting or excavating of any curb, driveway apron, driveway, sidewalk, walkway, paved area, paver bricked area, or a part of any thereof, located within the Borough right-of-way, shall be treated as if it were a street for the purposes of this Chapter and shall be subject to all fees and deposits pursuant to the definitions and provisions of this Chapter.

C. Surety Deposit or Bond

- 1) All applicants shall be subject to the requirement to post a surety deposit or bond, in a form and manner and for a duration as specified by the Borough, if so determined and ordered by the Borough Administrator in consultation with the Borough Engineer, the Borough Attorney and the Borough Risk Manager.
- 2) The purpose of the surety deposit or bond shall be to guarantee the proper performance and completion of the proposed work, including restoration of the street and reimbursement of all Borough costs.
- 3) The amount of the surety deposit or bond shall be equal to 125% of the cost of the full project cost, inclusive of the proposed work, restoration of the street or right-of-way and reimbursement of all Borough costs as estimated by the Borough Engineer and Borough Administrator.
- 4) A surety deposit or bond shall be returned only after the Borough Engineer issues a final approval and acceptance of the street restoration six months after its satisfactory completion if a minor opening or 12 months after its satisfactory completion if a major opening.
- 5) Maintenance Bond. Based upon the unique or special circumstances of a particular application as judged by the Borough, the Borough shall have the right to require an applicant to post a maintenance bond in order to guarantee the quality of the work and integrity of the street restoration. The bond shall be in an amount, form and manner, and for a duration, as specified by the Borough.

D. Road Opening Permit Application Fee

- 1) There shall be a nonrefundable application fee for each and every opening as established by Fee and Deposit Schedule "S" of this Chapter.
- 2) A Road Opening Permit Application Fee shall not be charged when a sewer connection fee has been charged and collected, but all other requirements and deposits shall apply.
- 3) The payment of a Road Opening Permit Application Fee shall not be construed as a payment for restoration of streets or rights-of-way or surety, security or escrow deposits, as provided for in this chapter, all of which shall be separate and distinct payment obligations of the applicant/permittee/owner.

E. Annual Fee for Public Utilities

- 1) In lieu of paying individual application fees for each minor road opening permit, a public utility may elect to pay an annual application fee for a specified number of minor openings per year as established by Fee and Deposit Schedule "S" of this Chapter.
- 2) Said fee shall be paid by March 1st each year and shall cover the calendar year period of January 1st through December 31st.
- 3) This provision shall apply only to the road opening permit fee requirement and shall not change or remove any other requirement or provision of this Chapter, including the requirement to submit a permit application for each project to be performed and the requirement to pay for the costs of restoration of streets or rights-of-way and posting of surety, security or escrow deposits, as provided for in this chapter, all of which shall remain as requirements and obligations of the public utility.

F. Security Deposit

- 1) All applicants shall be subject to the requirement to post a security deposit, via certified or bank check, if so determined and ordered by the Borough Administrator in consultation with the Borough Engineer and the Borough Attorney, to guarantee the proper restoration of the street which shall be inspected by the Borough Engineer.
- 2) The security deposit shall be refundable if the Engineer approves the restoration. The Borough may retain the security deposit, or a portion thereof, if the Engineer rejects the restoration.

- 3) The amount of security deposit shall be equal to 125% of the cost of the street restoration as estimated by the Borough Engineer, but in no case shall be less than the amounts as established by Fee and Deposit Schedule "S" of this Chapter.
- 4) To guarantee the quality of the work and integrity of the street restoration after its satisfactory completion, the Borough shall retain a percentage of the security deposit for a specified retainage period as established by Fee and Deposit Schedule "S" of this Chapter. At the expiration of the retainage period, the Borough Engineer shall inspect the restoration and, upon issuance of a final approval and acceptance, the retained security shall be refunded to the applicant.

G. Escrow Deposit

- 1) All applicants shall be subject to the requirement to post an escrow deposit, via certified or bank check, if so determined and ordered by the Borough Administrator in consultation with the Borough Engineer and Borough Attorney.
- 2) The purpose of an escrow deposit shall be to reimburse the Borough for its costs related to the street opening including attorney reviews, engineering inspections, police traffic details, traffic control, street cleanings, and any other actions or services necessary to protect and preserve the Borough's property or interests or to protect the health, safety and welfare of the public.
- 3) The amount of escrow deposit shall be equal to the anticipated costs of Borough actions or services listed in this subsection as estimated by the Borough Engineer and Borough Administrator, but in no case shall be less than the amounts as established by Fee and Deposit Schedule "S" of this Chapter. Any unused balance of the escrow deposit shall be refunded to the applicant upon the Borough Engineer issuing a final approval and acceptance of the street restoration.
- 4) The Borough may retain any unused balance of an escrow deposit to recover any costs paid by the Borough to complete the project or restore the street that were not otherwise recovered from an applicant's security deposit or surety deposit or bond.

SECTION 7. Replace §468-10 entitled "Fee Schedule" in its entirety as follows:

§468-10. Street Opening Fee and Deposit Schedule S

- A. Fees and deposits shall be determined either on a per opening or per permit basis as established in this Schedule. All fees and deposits must be submitted to the Borough prior to the issuance of any permit and the start of any work, except in cases of an emergency as detailed in this Chapter.

B. Road Opening Permit Application Fee – There shall be a nonrefundable application fee for each and every opening as follows:

- 1) Minor Opening: \$250.00 per opening
- 2) Major Opening: \$1,000.00 per opening
- 3) In the case of a Major Opening Permit involving linear trenching running parallel to the curbline, every 100 linear feet of opening shall constitute one opening for which an individual opening fee is required, up to a maximum fee of \$2,500 per street segment.

C. Annual Fee for Public Utilities – \$2,500.00 for a maximum of 20 Minor Openings per calendar year.

D. Security Deposit – Minimum amounts:

- 1) Minor Opening: \$1,000.00 per permit
- 2) Major Opening: \$5,000.00 per permit

E. Security Deposit Retainage – Minimum amounts:

- 1) Minor Opening: \$1,000.00 retainage for 6 months
- 2) Major Opening: \$5,000.00 retainage for 12 months

F. Escrow Deposit – Minimum amounts:

- 1) Minor Opening: \$1,000.00 per permit
- 2) Major Opening: \$2,500.00 per permit

SECTION 8. Replace §468-11 entitled “Return of deposit upon completion of work” in its entirety as follows:

§468-11. Modification or Appeal of Requirements

- A. The Borough Administrator, in consultation with the Borough Engineer, the Borough Attorney and the Borough Risk Manager, as appropriate, is authorized to modify any fee, insurance, surety, security or escrow requirement of this Chapter for a particular application based upon the unique or special circumstances of the particular application.
- B. Any determination or order of a Borough Official related to the provisions of this Chapter concerning fees, insurance, surety, security or escrow may be appealed to the Mayor and Council by submitting a written request to the Borough Clerk.

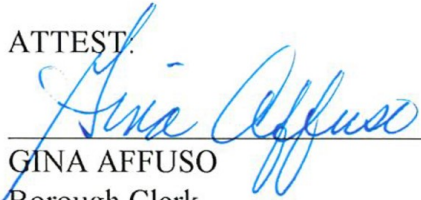
C. Upon written request being submitted to the Borough Clerk, the Mayor and Council may consider and may grant via resolution a modification to any fee, insurance, surety, security or escrow requirement of this Chapter based upon the unique or special circumstances of the particular application.

SECTION 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 10. If any part, sections, provisions, or the total of any of the abovementioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Wood-Ridge.

SECTION 11. This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:



GINA AFFUSO
Borough Clerk

APPROVED:



PAUL A. SARLO
Mayor

Introduced:	8-21-24
Published:	8-26-24
Adopted:	9-4-24
Published:	9-9-24

Borough of Wood-Ridge Chapter §468-10

Street Opening Fee and Deposit Schedule S

- A. Fees and deposits shall be determined either on a per opening or per permit basis as established in this Schedule. All fees and deposits must be submitted to the Borough prior to the issuance of any permit and the start of any work, except in cases of an emergency as detailed in this Chapter.
- A. Road Opening Permit Application Fee – There shall be a nonrefundable application fee for each and every opening as follows:
- 1) Minor Opening: \$250.00 per opening
 - 2) Major Opening: \$1,000.00 per opening
 - 3) In the case of a Major Opening Permit involving linear trenching running parallel to the curbline, every 100 linear feet of opening shall constitute one opening for which an individual opening fee is required, up to a maximum fee of \$2,500 per street segment.
- B. Annual Fee for Public Utilities – \$2,500.00 for a maximum of 20 Minor Openings per calendar year.
- C. Security Deposit – Minimum amounts:
- 1) Minor Opening: \$1,000.00 per permit
 - 2) Major Opening: \$5,000.00 per permit
- D. Security Deposit Retainage – Minimum amounts:
- 1) Minor Opening: \$1,000.00 retainage for 6 months
 - 2) Major Opening: \$5,000.00 retainage for 12 months
- E. Escrow Deposit – Minimum amounts:
- 1) Minor Opening: \$1,000.00 per permit
 - 2) Major Opening: \$2,500.00 per permit