

ORDINANCE 2025-03

**AN ORDINANCE OF THE BOROUGH OF AUDUBON, COUNTY OF CAMDEN,
STATE OF NEW JERSEY AMENDING CHAPTER 54 OF THE CODE OF THE
BOROUGH OF AUDUBON ENTITLED “STREETS AND SIDEWALKS AND OTHER
PUBLIC PLACES”**

BE IT ORDAINED by the Board of Commissioners of the Borough of Audubon, County of Camden, State of New Jersey that Chapter 54 known as “Streets and Sidewalks and Other Public Places” of the Borough of Audubon be and is hereby amended as follows:

SECTION 1. That “Article VI Street Excavations.” be and is hereby established:

SECTION 2. That Section 54-156 “Permit required; emergencies.” be and is hereby established:

- § 54-156. A. No person (defined to mean any corporation, company, association, firm, partnership or individual) shall make an excavation in or tunnel under any street for the laying of gas, water or sewer or for any other purpose without first obtaining a permit from the Superintendent of Public Works.
- B. A tunnel or excavation may be commenced without a permit where an emergency has arisen, which makes it necessary to start work immediately, provided that the application for permit is made as soon thereafter as is practical. The permit shall be retroactive to the date on which the work was begun.
- C. The Superintendent of Public Works may issue permits to municipal public bodies without fee.

SECTION 3. That Section 54-157 “Application procedure; information required.” be and is hereby established:

- § 54-157. A. Applications for a permit shall be made to the Superintendent of Public Works and shall contain the following information:
- (1) The name, address, and telephone number of the applicant.
- (2) The name of the street where the opening is to be made, the street number and block and lot number, if any, of the abutting property.
- (3) The nature of the surface in which the opening is to be made (whether sewer, water, or gas and whether new construction or the repair of an existing street).
- (4) The character and purpose of the work proposed.

- (5) The date when the work is to be commenced and date when work is to be completed.
 - (6) The utility markout request number.
- B. Each application shall state the identity and address of the applicant, the company performing such construction, the location where the excavation or tunnel is to be made, the approximate dimensions of the road opening and the period during which the permit shall be valid. The original of each permit shall remain on the file with the Superintendent of Public Works with a copy to remain on file with the Department of Public Works.

SECTION 4. That Section 54-158 "Road opening fees and deposits." be and is hereby established:

- § 54-158. A. Before the issuance of any such permit, the applicant shall deposit with the Clerk of the Borough the following amounts:
- (7) A minimum deposit of \$1,000 in cash or certified check, which shall cover an excavation no larger than 30 square feet in area.
 - (8) A minimum deposit of \$2,000 in cash or certified check, which shall cover any excavations greater than 30 square feet in area, but no larger than 50 square feet in area.
 - (9) An additional amount for all street openings in excess of 50 square feet, to be computed at \$1 per square foot in excess of 50 square feet.
 - (10) An additional amount, based on the unit prices in the preceding subsection, if the area actually excavated exceeds that estimated at the time application was made.
- B. The amount deposited shall be retained by the Borough for a period of 18 months from the date of the reconstruction of the road, to guarantee the proper performance of the work done by the applicant and the maintenance thereof in good condition by the applicant for said eighteen-month period.
- C. In addition to the above deposit, the applicant shall pay a nonreturnable fee to be used to pay the cost of personnel employed to process the application and permit and to inspect the work performed as follows:
- (1) Resident: A nonreturnable fee in the amount of \$100 for each and every proposed opening of not more than 100 square feet in area and an additional sum of \$100 is required for each additional area of 100 square feet or fraction thereof up to 300 square feet.
 - (2) Business: A non-returnable fee in the amount of \$100 for each and every proposed opening of not more than 100 square feet in area and

an additional sum of \$100 is required for each additional area of 100 square feet or fraction thereof up to 300 square feet.

- (3) Public utilities: The nonreturnable fee shall be calculated in accordance with § 54-158.D. "Guaranty bonds."

D. Guaranty bonds:

- (1) Private applicants. When the amount of the deposit, as determined under §54-158, would exceed \$2,000 the applicant may, at his or her option, furnish a guaranty bond with corporate surety for the full amount of such deposit instead of making the required deposit. Said bond shall unconditionally guarantee that the applicant will make the proposed street opening, backfill same and restore the pavement in accordance with requirements of the Borough and maintain same for a period of 18 months from the date of the resurfacing of said road.
- (2) Public utilities. When the applicant is a public utility as defined by the statutes of the State of New Jersey, the Borough may accept in lieu of the required deposits and fees previously set forth herein, a guaranty bond to the Borough in the sum of \$50,000. Such bond shall guarantee payment of the amount that would have been deposited in the event of failure of the applicant to comply with this article. Such bond shall guarantee that the public utility will make the proposed street opening, backfill the same and restore the pavement in accordance with the requirements of the Borough. Such bond shall also include a thirty-six-month guaranty. The Borough, at its option, may accept a corporate bond. Where the estimated cost of restoration exceeds \$50,000, the public utility shall supply an additional bond to cover such expenses. Said bond shall not be considered to be filed until it is approved and accepted by resolution of the Board of Commissioners of the Borough of Audubon. In the event that, after proper filing of a bond by a public utility as aforesaid, said public utility shall fail to abide strictly by the provisions of this article, the Board of Commissioners of the Borough of Audubon may, by resolution and without prior notice to the public utility, revoke any privileges for street opening which may have previously been granted under its guaranty bond, and revoke said bond and return it to the public utility, and require cash deposits for all future street openings made by said public utility, as well as cash deposits for all openings not properly restored as of the date of revocation of said bond. The public utility must also pay a nonreturnable fee to be used to pay the cost of personnel employed to process the application and permit and to inspect the work performed in the amount of \$100 for the first 20 square feet or part thereof of any opening and \$50 for each additional 15 square feet or part thereof up to 300 square feet. In those cases where the Borough Engineer, upon inspection, determines that the

opening, based on his or her experience and expertise, will be one out of the ordinary due to the underground conditions or work involved, or where the proposed opening involves construction of a longitudinal pipe main serving more than one property, or in any case where the area to be opened exceeds 300 square feet, or where the Superintendent of Public Works or his designee has determined final restoration to be a complete mill and overlay of the roadway, applicant shall also pay the actual cost of and any and all inspections.

- E. If the roadway in which the street opening is being made is less than five years old since it was last paved and improved, the fee will be \$2,000 paid by all applicants for any permit for each opening or excavation to any public street, roadway or highway in the Borough.

SECTION 5. That Section 54-159 “Additional deposit.”, be and is hereby established:

- § 54-159. A. If the Superintendent of Public Works determines that an excavation for which a permit has been issued is of greater dimensions than those stated in the permit, the Superintendent shall notify the permittee that an additional deposit shall be required.

SECTION 6. That Section 54-160 “Insurance.”, be and is hereby established:

- § 54-160. A. No permit shall be issued until the applicant has furnished the Superintendent of Public Works with satisfactory proof that he is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be \$250,000 for injury to any one person, \$500,000 for injuries to more than one person in the same accident and an aggregate of \$100,000 for property damage for a single incident.
- B. Qualified utilities, as defined as utilities regulated by the New Jersey Board of Public Utilities, shall be exempt from this section, provided that proof of liability insurance is on file with the Superintendent of Public Works.

SECTION 7. That Section 54-161 “Rules and regulations for excavations.” be and is hereby established:

- § 54-161. All permits issued under this article shall be subject to the following rules and regulations.
 - A. All excavations shall be kept properly barricaded at all times and, during the hours of darkness, shall be provided with proper warning lights. This

regulation shall not excuse the permittee from taking any other precaution reasonably necessary for the protection of persons or property.

- B. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Department of Public Works. It shall be the responsibility of the Department of Public Works to notify the Department of Public Safety of any such street closing. The Department of Public Works shall be informed of all street closings at least 24 hours in advance when practical.
- C. The Department of Public Works may, upon application by the permittee, extend the time limit during which the permit shall be valid.
- D. If the Department of Public Works determines that any backfilled excavation has settled or caved in, it shall so notify the permittee, who shall promptly continue backfilling with the materials specified until the Department of Public Works determines that settlement is complete.
- E. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.
- F. Utilities shall notify the Department of Public Works a minimum of one week in advance of scheduled street openings.
- G. Street openings shall be straight cut by saw/jackhammer.
- H. All work shall be done in accordance with NJDOT Standard Specifications for Road and Bridge Construction, latest edition and NJDOT Standard Roadway Construction Details.
- I. Nothing contained within this Chapter shall pertain when the applicant is a contractor performing work for the Borough.

SECTION 8. That Section 54-162 “Regulations for restoration of surface.” be and is hereby established:

- § 54-162. A. Whenever any sidewalk, curb or gutter is broken up or excavated, it shall be restored to its proper condition as soon as practicable by the person having broken up or excavated it, at his or her own expense, to the satisfaction of the Borough Engineer or Superintendent of Public Works or his or her designee.
- B. In the event of an excavation involving the Borough sewer system, the applicant must notify the Borough to inspect any excavation, including any repairs before said excavation is backfilled. All backfilling and restoration shall be done under the supervision of and in the manner prescribed by the Superintendent of Public Works or his or her designee. Failure to call for inspections or failure to backfill and restore in the manner prescribed by the

Superintendent of Public Works or his or her designee shall result in the forfeiture of applicant's deposit and may result in failure to issue subsequent permits.

- C. Any person making any opening or excavation shall perform initial restoration of all such openings in those areas of the paved roadways or shoulders where the original pavement has been removed, disturbed or destroyed by the construction activity and backfill them in accordance with the following procedure, so that the roadway or surface is replaced in a condition as near as possible as it was prior to the opening or excavation.
- (1) All fill material shall be deposited in layers not exceeding six inches and each layer shall be rammed or tamped with pneumatic or power-driven mechanical tampers approved by the Borough Engineer or Superintendent of Public Works or his or her designee.
 - (2) Broken or crushed stone to be used in replacing the stone base shall be cast in separate piles and kept clean and separate from other excavation material and shall be carefully replaced to a minimum thickness of eight inches. The stone base shall be tamped and keyed with mineral filler.
 - (3) All foundations shall be restored to a width six inches wider than the width of the excavation and six inches longer than the length of the excavation. All foundations shall be restored with the same type of material and to the same depth as existed prior to making the excavation, or a minimum of four inches, in accordance with the requirements of the NJDOT Standard Specifications for Road and Bridge Construction, latest edition.
 - (4) The street surface shall be restored to a width six inches wider than the width of the restored foundation and six inches longer than the length of the restored foundation. All surfaces shall be restored with the same type of material and to the same depth as existed prior to making the excavation, or a minimum of two inches, in accordance with the requirements of the NJDOT Standard Specifications for Road and Bridge Construction, latest edition.
 - (5) When filled, the excavation shall be level and flush with the finished grade of the street adjacent to the opening. A temporary patch shall be constructed by the permittee, consisting of two inches compacted thickness of cold patch material, Grade A or Grade B, as defined in the NJDOT Standard Specifications for Road and Bridge Construction, latest edition. The initial restoration shall be constructed within 24 hours after tamping of the backfill. Permittee shall, to the satisfaction of the Borough Engineer or Superintendent of Public

Works or his or her designee, maintain the surface of the trench until permanent restoration is made.

- (6) No permittee shall commence permanent surface restoration of any street for a minimum of thirty (30) calendar days from the date of initial surface restoration, or until the Borough Engineer or Superintendent of Public Works or his or her designee has deemed that settlement of the subsurface is complete and the area properly prepared for restoration.
- D. Following initial restoration and approval by the Borough Engineer or Superintendent of Public Works or his or her designee that settlement of the subsurface is complete, any person making any opening or excavation shall perform permanent restoration of all such openings in accordance with the following procedure:
- (1) Permanent restoration with a bituminous street or alley. Whenever an opening is made in a pavement that has a bituminous surface, the pavement shall be cut out 18 inches wider than the width of the trench, that is to say, nine inches wider on each side thereof. The permanent pavement restoration shall consist of bituminous surface course to match existing in thickness, or a minimum of two inches (compacted thickness) of bituminous stabilized surface course, HMA 9.5M64 or equivalent as approved by the Borough Engineer or Superintendent of Public Works or his or her designee.
 - (2) Permanent restoration with a concrete street or alley. Whenever an opening is made in a pavement that has a concrete surface course, the pavement shall be cut out 18 inches wider than the width of the trench, that is to say, nine inches wider on each side thereof. The new concrete pavement shall consist of concrete surface course to match existing thickness, or a minimum of six inches, and shall be reinforced with three-eighths-inch round reinforcing steel spaced six inches center or equivalent thereof.
 - (3) If more than two individual excavations would be required within a one-hundred-foot length, a single trench must be used rather than individual excavations. If more than one excavation or trench would occur within a one-hundred-foot length, the applicant will be required to mill the existing roadway to a depth of two inches extended 10 feet beyond the extreme limits of trenches and install a two-inch-thick lift of bituminous stabilized surface course, HMA 9.5M64 or equivalent as approved by the Borough Engineer, for the entire length from curb-line to curb-line and or as approved by the Borough Engineer or Superintendent of Public Works or his or her designee.

- (4) In cases where an applicant proposes multiple road openings on the same street, the Borough may require final restoration of the surface course to include a complete mill and repave if the aggregate of the openings exceeds 10% of the roadway surface area. The permanent restoration work for the closing of the street opening shall require mill and repave with two-inch-thick lift of bituminous stabilized surface course, HMA 9.5M64 or equivalent as approved by the Borough Engineer, from curb to curb for a length of 50 feet in both directions from any disturbance. The surface pavement material and sealant around the entire perimeter must be in accordance NJDOT Standard Specifications for Road and Bridge Construction, latest edition, and all work must be completed in a satisfactory manner as determined by the Borough Engineer or Superintendent of Public Works or his or her designee.
 - (5) If the roadway in which the street opening is being made is less than five years old since it was last paved and improved, the permanent restoration work for the closing of the street opening shall require mill and repave with two-inch-thick lift of bituminous stabilized surface course, HMA 9.5M64 or equivalent as approved by the Borough Engineer, from curb to curb for a length of 50 feet in both directions from any disturbance. The surface pavement material and sealant around the entire perimeter must be in accordance NJDOT Standard Specifications for Road and Bridge Construction, latest edition, and all work must be completed in a satisfactory manner as determined by the Borough Engineer or Superintendent of Public Works or his or her designee.
- E. Nothing contained within this Chapter shall pertain when the applicant is a contractor performing work for the Borough.

SECTION 9. That Section 54-163 “Conditions of permit.” be and is hereby deleted and replaced with the following:

- § 54-163.
- A. Transferability. Every permit shall apply only to the person to whom it is issued and shall not be transferable. Permits issued to utilities shall show the identity of the utility.
 - B. Commencement of work. Work under a permit shall commence with 45 days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended, in writing, by the Superintendent of Public Works.
 - C. Possession of permit. A copy of the permit must be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized employee of the Borough of Audubon.

D. Revocation of permit. The Department of Public Works may revoke a permit for any of the following reasons:

(1) Violation of any provision of this article or any other applicable rules, regulations, laws, or ordinances.

(2) Violation of any condition of the permit issued.

SECTION 10. That Section 54-164 “Specifications for barricades and signs.” be and is hereby established:

§ 54-164. The permit holder shall conform to the requirements in the Current Manual on Uniform Traffic Control Devices, Part IV, when required by the Borough to provide barricades and/or signs.

SECTION 11. That Section 54-165 “Notice of street improvement; time for completion of work.” be and is hereby established:

§ 54-165. Before any street is improved or paved, the Department of Public works shall give notice to all persons owning property abutting on the street and to all public utilities in the street and all other work which requires excavation of the street shall be completed within 45 days from receipt of notice. The time for completion of the work may be extended, in writing, by the Superintendent of the Department of Public Works upon application by the person performing the work. This section shall not excuse any person from the requirement of obtaining a permit as provided in § 54-156.

SECTION 12. That Section 54-166 “Special permission required for excavation in recently improved streets.” be and is hereby established:

§ 54-166. A Except in the case of an emergency, no person to whom notice was given as provided in § 54-165 shall be issued a permit to excavate the street to which the notice related for a period of five years unless its issuance is approved by the Board of Commissioners of the Borough of Audubon.

B. Subsection A shall not apply in any case where the excavation is made necessary by the occurrence of some event which could not have been foreseen at the time that notice was given or where the public health or safety requires the performance of the work in question.

SECTION 13. That Section 54-167 “Violations and penalties.” be and is hereby established:

§ 54-167. Any person who shall willfully violate any provision of this article shall, upon conviction, be punishable by a fine not exceeding \$2,000 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, in the discretion of the Judge of

the Municipal Court, and each day's failure to comply with any such provision shall constitute a separate violation.

SECTION 14. All ordinance and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION 15. If any section, subsection or part, clause or phrase of this Ordinance shall be declared invalid by judgement of any court of competent jurisdiction, such section, subsection, part, clause, or phrase shall be deemed to be severable from the remainder of the ordinance.

SECTION 16. This Ordinance shall take effect immediately after final passage and publication as required by law.

BOROUGH OF AUDUBON

Robert Jakubowski, Mayor

ATTEST: _____
Danielle Ingves, RMC, CMR, Borough Clerk

CERTIFICATION

The foregoing ordinance was introduced by the Board of Commissioners at a meeting held on April 1, 2025. This Ordinance will be considered for adoption on final reading and public hearing to be held on May 6, 2025 at 5:00 p.m. The purpose of this Ordinance is to amend Chapter 54 of the Code of the Borough of Audubon entitled "Streets and Sidewalks and Other Public Places".

A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:00 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Audubon Municipal Building, 606 Nicholson Road, Audubon, New Jersey.

I, Danielle Ingves, Clerk of the Borough of Audubon, hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Board of Commissioners of the Borough of Audubon at their meeting of May 6, 2025, in the Municipal Building, 606 W. Nicholson Road, Audubon, New Jersey.

Danielle Ingves, RMC, CMR, Borough Clerk

The foregoing Ordinance was adopted on final reading and public hearing at a meeting held by the Board of Commissioners on _____ 2025.

Danielle Ingves, Municipal Clerk