

17-004 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER VIII, BUILDING AND HOUSING AND CHAPTER XIII, STREETS AND SANITATION

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter VIII (Building and Housing) and Chapter XIII (Streets and Sanitation) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter VIII (Building and Housing)*, Section 8-1.3 to amend fees; *Chapter XIII (Streets And Sanitation)*, Sections 13-1.2, 13-2.2, 13-2.3, 13-2.5, 13-2.6, 13-2.7, 13-2.9, 13-2.10, 13-2.13, 13-2.14, 13-2.15, 13-2.16, 13-2.18, 13-2.20 and 13-2.21 to amend terms regarding inspection and review fees, trenchless excavations and restoration area guidelines; *of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

SECTION 1

That Chapter VIII, Building and Housing, shall be amended to as follows:

CHAPTER VIII BUILDING AND HOUSING

8-1 STATE UNIFORM CONSTRUCTION CODE.

8-1.1 Enforcing Agency Established. through 8-1.2 Smoke Alarm Inspection.

No Change.

8-1.3 Fee Schedule.

The fee for a construction permit shall be the sum of the subcode fees listed in a. through o. hereof and shall be paid before the permit is issued as determined by the construction official.

a. *General.* through o. *Miscellaneous.*

No Change.

p. *Inspections by Borough Engineer.* The fee shall be \$150.00 per inspection for all required periodic inspections by Borough Engineer as detailed in Section 22-7.27.g and Final Certificate of Occupancy inspection. The required inspection fees shall be paid prior to the issuance of building permits.

8-1.4 Biannual Report: Recommending New Fee Schedule. through 8-1.6 Fire Limits.

No Change.

8-2 UNFIT BUILDINGS. through 8-7 RENTAL PROPERTY-REGISTRATION REQUIRED.

No Change.

SECTION 2

That Chapter XIII, Streets and Sanitation, shall be amended to as follows:

CHAPTER XIII STREETS AND SANITATION

13-1 REGULATIONS CONCERNING STREETS.

13-1.1 Obtaining Grades or Lines from Borough Engineer.

No Change.

13-1.2 Obstructing Streets and Sidewalks; Placement of Garbage for Collection.

a. It shall be unlawful to place or cause to be placed any material whatsoever upon any public street or public right of way within the Borough whereby the safe, free and unobstructed use of the same by the public may in anyway be impeded. It shall further be unlawful to place or cause to be placed in any public street or public right of way in the Borough any garbage or other waste material for collection unless the following regulations pertaining to garbage, trash, leaves, grass and brush are strictly complied with; and further provided that the same shall not be placed in any public collection by the Sanitation Department of the Borough or its contractor at that location and that said cans or receptacles shall not be placed at the street before 6 p.m. of the day prior to collection and shall be removed completely from such public street or public right of way or private property ~~within~~ twelve (12) hours after such garbage and trash collection is made.

b. through e. No Change.

13-1.2A Holiday Garbage Schedule. through 13-1.4 Permit to Encumber Street.

No Change.

13-2 STREET EXCAVATION AND OCCUPANCY.*

13-2.1 Definitions and Word Usage.

No Change.

13-2.2 Permit Required.

No person may perform any excavation work in, or occupy any portion of any street or public right-of-way, unless such work or occupancy is authorized by a written permit issued by the Borough Clerk as hereinafter provided.

13-2.3 Application for Permit.

Applications for permits shall be made to the Borough Clerk and/or Borough Engineer. If ~~forms are a form is~~ provided by the Borough Clerk and/or Borough Engineer, ~~they it~~ shall be clearly and accurately completed. Whether or not ~~forms are a form is~~ provided, the application shall contain a clear and definite description of the name, address and telephone number of the applicant; the name, address, telephone number and seven (7) day, twenty-four (24) hour emergency contact name(s) and telephone number(s) of contractor(s) (if not known at the time of application, this information must be provided before initiating any disturbance); the nature, scope, location, extent and purpose of the occupancy or excavation, together with the approximate size of any opening to be made; a sketch which clearly shows the location and dimensions of any proposed opening, the proposed dates of commencement and completion of the occupancy or excavation, which date shall be the expiration date of any permit issued pursuant to the application and such other data as may be reasonably required by the Borough Clerk, the Superintendent of Public Works and/or the Borough Engineer, including complete plan, profile and details of any proposed curb, sidewalk, pavement or other proposed improvement or structure being installed. (Ord. 5/19/05, §1)

13-2.4 Review of Engineer Required.

No Change.

13-2.5 Nonrefundable Permit Fees.

The following nonrefundable permit fees are established and shall be collected by the Borough Clerk before issuing a permit:

a. Unless a specific fee is established hereinafter, the permit fee shall be ~~\$50.00~~ \$200.00.

b. Moving building along a street - \$1,000.00.

c. Discharge of a sump pump drain, roof drain or area drain into the public right-of-way where no connection to the public stormwater connection system is proposed - ~~\$75.00~~ \$200.00 (paragraph d. below applies if a connection is proposed).

d. Connecting to the sanitary sewer or stormwater collection system - ~~\$100.00~~ \$200.00, and where a pavement opening is required, \$25.00 additional for each 100 square feet, or fraction thereof, of ~~pavement surface~~ area disturbed.

e. For construction or replacement of curbs, sidewalks or driveway aprons – the greater of ~~\$100.00 or \$0.50~~ \$200.00 or \$1.00 per lineal foot of curb plus ~~\$0.25~~ \$0.50 per square foot of sidewalk and driveway apron.

f. For other excavations or occupancies which disturb improvements, such as utility ~~improvements~~ connections - ~~\$100.00~~ \$200.00, plus \$25.00 additional for each 100 square feet, or fraction thereof, of ~~pavement surface~~ area disturbed ~~plus \$5.00 additional for each 100 square feet, or fraction thereof, of unpaved area disturbed.~~
(Ord. 5/19/05, §1; Ord. No. 08-016G, §1)

g. For utility infrastructure installations, repairs, upgrades, or replacements - \$200.00, plus \$0.50 per lineal foot of utility main installed, repaired, upgraded, or replaced for the purposes of the fee calculation, lineal footage of directional drilling, micro-tunneling, Jack and Bore, moling or other trenchless installation shall be included.

13-2.6 Refundable Fees.

a. *Application Review Escrow Fee.* If the nature and extent of the work proposed requires review by the Borough Engineer pursuant to subsection 13-2.4 or will require an unusual level of review by municipal officials or others to be retained by the municipality, the Borough Clerk, upon the advice of such other Borough officials as the Clerk deems necessary, may recommend to the Borough council that a refundable application review escrow fee be required. The Council may accept, modify or reject the recommendation.

b. *Inspection Escrow Fee.* If the nature and extent of the work proposed will require constant or regular periodic inspection by Borough staff or by the Borough Engineer or by others to be retained by the Municipality, the Borough Clerk, upon the advice of such other Borough officials as the Clerk deems necessary, may recommend to the Borough council that a refundable inspection escrow fee be required. The council may accept, modify or reject the recommendation.

c. Refundable application review escrow or inspection escrow fees shall be administered in the same manner as similar fees required by the Planning and Development Regulations Code of the Borough of Rumson: (subsection 22-3.14.1).
(Ord. 5/19/05, §1)

d. *Application Review and Inspection Escrow Fees.* For reimbursing the Borough for direct fees, costs, charges, and expenses shall be billed in the same manner as by the Planning and Development Regulations Code of the Borough of Rumson: (subsection 22-3.14.m).

13-2.7 Performance Guarantees.

a. Permits shall not be issued unless a cash repair deposit or satisfactory performance guarantee has been provided by the applicant.

b. Cash repair deposits shall be:

1. Disturbance of ~~paved areas~~ area:

(a) Less than 100 square feet - \$400.00.

(b) 100 square feet, but less than 500 square feet - \$1,500.00.

(c) 500 square feet or more - \$1,500 + ~~\$2.50/square~~ \$2.00/square foot for each square foot in excess of 500.

~~2. Disturbance of unimproved (vegetated) areas:~~

~~(a) Less than 100 square feet - \$200.00.~~

~~(b) 100 square feet, but less than 500 square feet - \$400.00.~~

~~(e) — 500 square feet or more — \$400 + \$0.50/square foot for each square foot in excess of 500. —~~

3. In case of disturbance of other improvements such as drainage, sidewalks, drives or utilities, the Borough Clerk shall determine in each case the amount of cash repair deposit sufficient to allow the Borough to perform all repairs and restorations. The Clerk may request an estimate from the Borough Engineer or other appropriate officials.

c. through d.

No Change.

13-2.8 Waiver of Fees and Performance Guarantees.

No Change.

13-2.9 Permittee's Responsibilities.

In addition to conforming with any other applicable Federal, State, county or municipal regulations, permittee shall assume the responsibility described in this section and shall take all actions necessary to properly execute these responsibilities:

a. through e. No Change.

f. Maintain temporary walkways in all sidewalk areas at least ~~three (3)~~ four (4) feet wide and adequately protected unless otherwise permitted by the Borough.

g. through k. No Change.

13-2.10 Restrictions.

a. No permit will be issued by the Borough Clerk to open or excavate a new, reconstructed or repaved street within five (5) years of its construction, reconstruction or repaving.

b. The Borough Council may authorize a permit prohibited by paragraph a. above if the applicant can clearly demonstrate that the public health or safety requires the proposed work or a significant hardship exists. The council may, as advised by the Borough Engineer, impose additional conditions on the permit including extraordinary repair requirements.

~~e. — If the Borough has given notice of its intent to construct, reconstruct or repave a street to all persons owning property abutting that portion of the street to be repaved and to all public utilities and authorities operating in the Borough by notice in the Borough's official newspaper and by mail to the address of the property owners as shown on the official tax records of the Borough and to the utilities or authorities at their principal places of business advising them of the nature of the proposed work and notifying them that they have fifteen (15) days from the date of mailing to notify the Borough if they intend to open or excavate the street within the next five (5) years, then an additional fee will be paid by any applicant failing to respond to such notice if the Borough Council authorizes a permit pursuant to paragraph b. above. The additional charge shall be on a sliding scale and shall be equal to two (2%) percent of the Borough Engineer's estimate of the cost of restoration for each unelapsed month or fraction thereof of the five-year restricted period. —~~

~~d. c.~~ No work related to any permit may be performed in violation of the provisions of subsection 3-16.2, Hours of Operation – Construction and Property Maintenance Activity, of the Code of the Borough of Rumson except as may be specifically approved as part of the permit documentation.

13-2.11 Indemnification and Insurance. through 13-2.12 Breaking Through Pavement.

No Change.

13-2.13 Tunnels and Trenchless Excavations.

a. Tunnels under pavement shall not be permitted except by permission of the Borough Engineer. If permitted, tunnels shall be adequately supported by timbering and backfilling under the direction of the Borough Engineer.

b. Trenchless excavations shall include but not be limited to directional drilling, micro-tunneling, Jack and Boring, moling, or any other method of installing underground utilities without disturbing the surface. Trenchless excavations shall not be permitted except by permission of the Borough Engineer. The restoration requirements for trenchless excavations shall be consistent with 13-2.14 and 13-2.16.

13-2.14 General Restoration Requirements.

a. through c. No Change.

d. In the case of utility work undertaken by a public or private utility, which work involves placing of new or replacing or repairing existing utility infrastructure, including but not limited to gas lines, water lines, electrical lines, communication and data lines, and sewer lines, where the area to be excavated (including horizontal directional drilling, moling, jack and bore, or tunneling) is greater than 50 linear feet, upon completion or within a reasonable amount of time as determined by the Borough Engineer, the permittee shall mill and repave the entire pavement surface from edge to edge or curb to curb for the full length of the excavation, in accordance with the restoration requirements herein. When the limits of restoration include an intersection with pedestrian sidewalks, barrier free accessible curb ramps shall be installed in accordance with the requirements contained herein.

e. All restoration of curbs, sidewalks, and driveway aprons (when applicable) shall conform to the United States Access Board Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, dated July 26, 2011.

13-2.15 Excavation and Backfilling Requirements.

a. through b. No Change.

c. Unless otherwise allowed, all trenches shall be backfilled at the end of each working day with suitable materials from the trench excavation or with granular borrow material. Rocks larger than ~~six (6)~~ two (2) inches may not be included in backfill. Backfill material shall be deposited in layers and mechanically compacted to a minimum ninety (90%) percent Modified Proctor Density or as otherwise accepted by a Borough representative. Consolidation will not be acceptable as a method to achieve the soil densities specified.

d. The backfilling, replacement of sub-base and installation of base course shall be completed within twenty-four (24) hours after completion of work except as otherwise permitted by a Borough representative.
(Ord. 5/19/05, §1)

13-2.16 Restoration of the Surface.

a. through b. No Change.

c. Following the period of settlement, the permittee shall be required to mill the excavation work area surface as specified in paragraph d. below and install no less than two (2) inches of ~~FABC~~ Hot Mix Asphalt surface course. The permittee shall also be required to provide a tack coat on all existing bituminous concrete surfaces and hot-poured, rubber asphalt joint sealer per ~~Section 908~~ of New Jersey Department of Transportation Standard Specifications for Roads and Bridges when appropriate.

d. All ~~longitudinal~~ excavations, unless otherwise permitted by the Borough, of 100 square feet or greater area and other excavations as determined by the Borough shall require milling and restoration of the excavation work area extending from the curb or edge of pavement to the center line of the road or a minimum of one (1) foot beyond the outer edges of the excavation, whichever is greater.

e. Excavations along the center line of the street for more than 50 linear feet shall require full-width milling of the street surface.

f. The Borough Engineer has the discretion to extend, modify, or revise milling limits to accommodate existing pavement and drainage conditions.

e.g. Unless waived otherwise permitted by the Borough, all ~~rectangular~~ excavations, longitudinal excavations less than one hundred (100) square feet, open or highly visible joints, all

joints in pavements and all other excavations as determined by the Borough, shall be repaired using infrared thermal bond seamless bituminous pavement patching.

ƒ. ~~h.~~ The permittee shall be required to replace any facilities, including but not limited to, curb, pavement, sidewalk, line striping, etc. that are affected by the excavation and restoration work.

~~g.~~ ~~i.~~ With Borough approval, the limit of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line striping or markers.

~~h.~~ ~~j.~~ Maintenance Procedures. It shall be the duty of the permittee to guarantee and maintain all site restoration for one (1) year after completion. Performance guarantees will be released one (1) year after final pavement restoration is complete and approved by the Borough. Such release shall be subject to the permittee having adequately maintained the restored excavation work area for a period of one (1) year from the date of final completion and approval of the work. The Borough Clerk shall retain fifty (50%) percent of any cash repair deposit and/or the full amount of any non-cash performance guaranty during the one (1) year period.

If an inspection reveals that any restored excavation area becomes in need of repair within the maintenance period, the Borough shall notify the permittee that he must repair the area within thirty (30) days from the date of notification or sooner if safety or public convenience is involved. If the permittee fails to repair the trench within this time limit, the Borough may utilize the permittee's maintenance guarantee to pay for the cost of the repairs pursuant to subsection 13-2.18.

Upon termination of the maintenance period, any remaining portion of said performance guarantee that has not been expended shall be returned to the permittee without interest.

13-2.17 Temporary Patching.

No Change.

13-2.18 Borough's Right to Restore Surfaces or Eliminate Violations.

a. If the permittee shall have failed to restore the surface of any street or any other improvement to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit or shall fail to adhere to other requirements of this section, the Borough shall have the right to do all work necessary to restore all improvements, to eliminate violations and to complete the work. The permittee shall be liable for the actual cost thereof and twenty-five (25%) percent of such cost, in addition, for general overhead and administrative expenses. The Borough shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply, in payment of the amount due it, any funds of the permittee deposited as herein provided; and the Borough shall also enforce its rights under any non-cash guarantee provided. The Borough will normally give the permittee twenty-four (24) hours notice of its intent to act, under the terms of this section, to eliminate violations of this section or to restore the surface, except that, in the case of immediate danger to public health or safety, certified to by the appropriate officials, no such notice must be provided.

~~b. It shall be the duty of the permittee to guarantee and maintain all site restoration for one (1) year after completion.~~

b. Should Public Works, the Police Department, or Borough Engineer at any time determine that the permittee has failed to provide all required signs and protective devices in accordance with the directions of Public Works, the Police Department, Borough Engineer and/or the requirements of the Manual on Uniform Traffic Control Devices, the Borough may order the work stopped and suspend the permit and/or may provide and erect or cause the provision and erection of such required signs, barricades and traffic control devices, and the cost thereof may be deducted from the cash repair deposit provided by the applicant or may be billed directly to the applicant by the Borough. If such billing is made and not paid by the applicant within 15 working days after such billing, the amount may be deemed due and recoverable from the applicant's cash deposit or surety. The Borough will normally provide the applicant with 24 hours' notice of its intention to provide any such required signs, barricades and traffic control devices, except that, in case of immediate emergency or hazard to the public health or safety, the Borough may cause the provision and erection of such devices without notice.

13-2.19 Trenches in Pipe Laying.

No Change.

13-2.20 Drains and Sump Pump Discharges.

a. No person will discharge roof drains, area drains, yard drains or sump pump drains into the public right-of-way; connect them to any portion of the stormwater drainage system or discharge them outside of the public right-of-way in a manner to cause concentrated flow into the public right-of-way without obtaining a permit.

b. A permit to discharge roof drains, area drains and other facilities, which do not convey groundwater and only flow during or immediately after rainfall, into the public right-of-way or to connect them to the municipal storm drainage system will be issued if the Borough ~~Clerk~~ Engineer determines that:

1. No groundwater will be conveyed; and
2. No hazard to public health or safety will result; and
3. No damage to any public infrastructure or to any portion of the right-of-way will result; and/or
4. All disturbed portions of the public infrastructure will be adequately replaced or repaired.

c. A permit to discharge sump pump drains or other facilities which convey groundwater into the public right-of-way or connect them to the municipal drainage system is subject to the following:

1. No permit will be issued if:

(a) The Borough Council, on the advice of the Borough ~~Clerk~~ Engineer or other Borough official(s), finds that the proposed discharge will create significant, unacceptable public safety or public health issues; or

(b) The Borough ~~Clerk~~ Engineer determines that a reasonable alternative other than discharge into the public right-of-way exists. Reasonable alternatives include modifications of the system to reduce or eliminate the volume of discharge and/or discharging into ponds, water courses or landscaped or natural areas on or adjacent to the property.

2. The Borough ~~Clerk~~ Engineer will only issue a permit subject to use of the following options, when available:

(a) Connection to a stormwater drainage system or adequate receiving piping available or to be made available on or adjacent to any portion of the permittee's property; or

(b) Connection to a stormwater drainage system or adequate receiving piping available or to be made available not more than one (1) property away from the permittee's property which can be reached within the public right-of-way without crossing a street; or

(c) Any other reasonably available alternative.

3. When issuing a permit to allow discharge into the public right-of-way or a connection to the stormwater drainage system, the Borough ~~Clerk~~ Engineer may designate the location of the discharge or connection.

d. Drains and sump pump discharges in the public right-of-way legally existing on the date of adoption of this section may be continued without a permit and will not constitute violations of this ordinance until:

1. The property owner is notified by the Borough ~~Clerk~~ Engineer that a permit must be obtained for the existing discharge; and

2. One (1) year elapses from the date of notice by the Borough ~~Clerk~~ Engineer without the applicant obtaining a permit.

(Ord. 5/19/05, §1)

13-2.21 Prompt Completion of Work.

a. The permittee shall prosecute with diligence all excavation work covered by the permit and shall promptly complete such work and restore the street and other improvements as soon as practicable and, in any event, not later than the date specified in the permit.

b. All permits issued by the Borough Clerk shall expire one year from the permit issued date. Upon expiration of the permit, the applicant will be required to apply for a new permit, pay appropriate excavation permit fees, supplement (if required) any deficient cash repair deposits and shall furnish the Borough Clerk satisfactory evidence, in writing, that the permittee has in force and will maintain in force during the performance of the excavation work and the period of permit public liability insurance in accordance with limits and conditions as contained herein.

13-2.22 Urgent Work. through 13-2.24 Persons Exempt.

No Change.

13-3 SIGNS. through 13-5 FEES FOR OFF-STREET GARBAGE AND RECYCLING COLLECTION.

No Change.

13-6 MANDATORY RECYCLING PROGRAM. through 13-7 CLEAN COMMUNITIES PROGRAM.

No Change.

SECTION 3

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4

This ordinance shall take effect upon final passage and publication according to law.

Introduced: April 11, 2017

Passed and Approved: April 25, 2017