

ORDINANCE #20 – 2016

**AN ORDINANCE AMENDING CHAPTER 242, STREETS AND SIDEWALKS,
OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC
AND STATE OF NEW JERSEY**

NOW THEREFORE BE IT ORDAINED by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

SECTION 1. Margate City Code Chapter 242, Streets and Sidewalks, shall be amended as follows:

1. § 242-7. Sidewalk specifications shall be amended as follows:

The sidewalks shall be constructed, reconstructed, paved, repaved, improved or repaired to a width of not less than five feet and a depth of not less than four inches. Sidewalks that cross vehicular access and vehicular access shall have a depth of not less than six inches. Sidewalks and vehicular access's shall have a broomed concrete finish. Sidewalks at intersecting streets shall be constructed and reconstructed as public sidewalk curb ramps with detectable warning surfaces in accordance with the current New Jersey Department of Transportation Standards. The area between the curb and sidewalk shall be surfaced with vegetation. Said sidewalks shall be constructed, reconstructed, paved, repaved, improved or repaired in accordance with the specifications of the City Engineer or City's designee. See construction detail at the end of this chapter.

2. § 242-8.1. Gutter specifications shall be amended as follows:

Gutters shall be constructed, reconstructed improved or repaired to a depth of eight inches. Said gutter shall be constructed, reconstructed, improved or repaired in accordance with the specifications of the City Engineer or City's designee. See detail at the end of this chapter.

3. § 242-14. Permit required shall be amended as follows:

It shall be unlawful to dig, excavate, open or in any manner interfere with or disturb the surface of any street or sidewalk area within the City of Margate City's Right of Way for any purpose whatsoever without first securing a permit therefor as hereinafter provided.

4. § 242-15. Application; fee shall be amended as follows:

[Amended 10-8-1998 by Ord. No. 1998-20]

A.

Application for permission to make an excavation in any street between the curblines, driveways or in any sidewalk area shall be made to the City Engineer or City's designee. Such application shall be made on the required application form and shall be signed by the applicant and shall specify:

(1)

The applicant's name, address and phone number. (local and out-of-town).

(2)

The name, address and phone number of the person or firm who will be performing the work.

(3)

The length and width of such excavation.

(4)

The purpose for which the excavation is to be made.

(5)

The estimated time required to complete the work and restore the surface.

(6)

Such other information as may be prescribed by the City Engineer or City's designee.

B.

A fee of \$200 shall be paid to the City Clerk in care of the City Engineer or City's designee, prior to the issuance of the permit for all excavations of less than six square yards. If said opened, disturbed or undermined area exceeds six square yards, the additional yardage shall be classified as "excess yardage," and an additional fee shall be due and payable by the applicant for all yardage in excess of six square yards at a rate of \$10 per square yard.

C.

The area opened, disturbed or undermined by the applicant shall be measured and determined by the office of the City .

5. § 242-16. Issuance of permit shall be amended as follows:

[Amended 11-25-1992 by Ord. No. 1992-21; 10-8-1998 by Ord. No. 1998-20]

The City Engineer or City's designee, upon receipt and examination of the application and the fee referred to hereinabove, shall issue a permit under his hand for the excavation. He shall specify on the permit that it is good for a thirty-day period from date of issuance. He shall further specify on the permit that such work shall be completed and the road or sidewalk surface restored within 48 hours after work is commenced or within a duration of time which in his opinion is reasonable and fair. The applicant shall notify the City Engineer or City's designee ~~28 hours~~ two (2) business days (weekends and holidays are not considered business days) before the commencement of any work so that appropriate inspections can be made where required.

6. § 242-17. Restoration of excavated area section A shall be amended as follows:

A.

The applicant to whom such permit is issued shall, within the time limited in such permit, replace the earth and pavement in the excavation in such manner that the same shall be left in as good a condition as it was before the excavation was commenced.

(1)

Trenches shall be backfilled in layers not to exceed six inches and a vibratory tamper must be used. Ninety-five-percent compaction shall be required. Puddling of backfill is strictly prohibited. Should there be a deficiency, additional backfill material shall be supplied by the permittee. Whenever the City Engineer or City's designee shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill.

(2)

Roadways with a concrete base shall be restored using a combination of concrete and asphalt. The amount of concrete and asphalt to be used at each such excavation shall be as directed by the City Engineer or City's designee. See detail at the end of this chapter.

(3)

Bituminous concrete street restoration specifications.

(a)

Gravel shall be installed six inches thick. The gravel shall consist of compact soil aggregate, Type I-5. The use of a recycled asphalt product (RAP) or recycled concrete product may be substituted for the soil aggregate as long as it meets the New Jersey Department of Transportation (NJDOT) requirements for I-5 materials. The City Engineer or City's designee may, at his discretion, submit samples of the soil aggregate for a gradation analysis, with the cost of said analysis to be borne by the applicant.

(b)

Temporary restoration.

[1]

Asphalt roadways.

[a]

Less than 100 square feet.

[i]

For openings in asphalt roadways that are less than 100 square feet, the temporary restoration will consist of the installation of six inches of soil aggregate, Type I-5, to a level of six inches below the level of the adjacent paved surfaces. A four-inch lift of hot mix asphalt base course, Mix I-2, followed by a two-inch lift of a bituminous concrete cold patch installed to grade.

[ii]

These temporary surfaces shall be left in place for a period of not less than 45 days to allow sufficient settlement to occur. Should settlement continue to be inadequate, the City Engineer or

City's designee shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the City Engineer or City's designee until such time as the final restoration is completed, which shall be completed within not more than 90 days from the date of opening.

[Amended 12-10-1998 by Ord. No. 1998-27]

[b]

Greater than 100 square feet.

[i]

For openings in asphalt roadways that are greater than 100 square feet, the temporary restoration will consist of the installation of six inches of soil aggregate, Type I-5, to a level six inches below the level of the adjacent paved surfaces. A six-inch lift of hot mix asphalt base course, Mix I-2, shall then be installed to grade.

[ii]

These temporary surfaces shall be left in place for a period of not less than 45 days to allow sufficient settlement to occur. Should settlement continue to be inadequate, the City Engineer or City's designee shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the City Engineer or City's designee until such time as the final restoration is completed, which shall be completed within not more than 90 days from the date of opening.

[Amended 12-10-1998 by Ord. No. 1998-27]

(c)

Final restoration.

[1]

Asphalt roadways.

[a]

Less than 100 square feet. For openings less than 100 square feet, the final restoration will involve the removal of the top two inches of bituminous concrete cold patch. All edges shall be saw cut six inches beyond the actual trench width disturbed to produce a clean edge, and said edges shall be prepared with an asphaltic tack coat. A two-inch lift of hot mix asphalt surface course, Mix I-5, shall then be placed to a level even with the existing road grade.

[b]

Greater than 100 square feet.

[i]

For openings greater than 100 square feet, the trenches shall be milled to a depth of two inches to a distance of at least twelve inches beyond the actual trench width to produce a clean edge. All edges shall be coated with an asphaltic tack coat prior to a two-inch lift of hot mix asphalt surface course, Mix I-5, being placed to a level even with the existing road grade.

[ii]

No surface water shall be entrapped or ponded on the resurfaced areas. If any ponding occurs, the permittee will be responsible for performing whatever remedial action is required by the City Engineer or City's designee.

(4)

Emergency openings.

(a)

No permit shall be issued for any street opening which would disturb the pavement of any road having been constructed, reconstructed or overlaid until a period of five years after the completion of said construction, reconstruction or overlay, except in the event of an emergency. The five-year period as articulated herein shall be calculated from December 31 of the year in which said road was constructed, reconstructed or overlaid and run five years thereafter. In the event that any entity shall be required to open a street and/or roadway as a result of an emergency, said emergency opening shall be reviewed by the City Engineer or City's designee and if said City Engineer or City's designee shall determine that no such emergency existed, then the entity so opening the street and/or roadway shall have a fine imposed upon such entity in the amount of \$1,000 for the first nonemergency opening, \$5,000 for a second nonemergency opening and \$10,000 for a third nonemergency opening.

(b)

In the event that an emergency requires the opening of a roadway that has been resurfaced by the City during the previous five years, a full-width restoration will be required. The restoration will consist of a six-inch dense graded aggregate base course, and a six-inch hot mix asphalt base course, Mix I-2, brought to existing grade, within the excavated area. A full width curb-to-curb milling two inches in depth to extend 20 feet beyond the limit of excavations will be performed after proper settlement in the trench area. The allowable time for the settlement shall be 45 days

unless otherwise directed by the City Engineer or City's designee. The final surface course shall be a two-inch hot mix asphalt surface course, Mix I-5. See detail at the end of this chapter.

(c)

In the event that an emergency requires the opening of a roadway, the entity shall first notify the Margate City Police Department of the location and cause the emergency before commencing any work.

(7)

In all cases where concrete has to be removed prior to any excavation, saw cut methods of removal shall be used. The restoration of the concrete shall be according to the following specifications:

(a)

It shall be Class B with a class design strength (28 days, psi) of 3,700 pounds per square inch.

Add new 8 – Multiple Utility Openings as follows:

8. Multiple Utility Openings

(a)

When the same utility company, authority or developer performs five or more total cumulative openings, regardless of size, within the same street block during the five-year period following resurfacing, repaving, or reconstruction of said street, it shall be the obligation of that utility company, authority or developer to mill to a depth of two inches the entire block between existing gutter lines and for the entire block and overlay that milled area with a two-inch thick layer of hot mix asphalt surface course, Mix I-5.

(b)

When the same utility company, authority or developer performs five or more openings, regardless of size, within the same year in the same block beyond the five-year period of a resurfacing, repaving, or reconstruction of said street, it shall be the obligation of that utility company, authority or developer to mill to a depth of two inches the entire block between existing gutter lines and for the entire block and overlay that milled area with a two-inch thick layer of hot mix asphalt surface course, Mix I-5.

(c)

When the same utility company, authority or developer performs trench installation exceeding 1.5% of the pavement's surface area within a block, or if more than 1/3 of the width of the street is disturbed, or if three or more openings, regardless of size, are made within a fifty-foot length of the street, it shall be the obligation of that utility company, authority or developer to mill to a depth of two inches the entire block between existing gutter lines and for the entire block and overlay that milled area with a two-inch thick layer of hot mix asphalt surface course, Mix I-5.

(d)

Milling and paving restoration shall not preclude the permittee from performing the required pavement restoration, except that the finish elevation of the asphalt restoration may be lowered by two inches in anticipation of a pending milling operation. Lowering of the restoration area will not be permitted if milling and paving operations are not being performed within 48 hours of the restoration or in advance of a weekend or holiday. In no case shall the final asphalt thickness of a lowered restoration area be less than two inches in thickness.

(e)

Street openings for the purposes of installing new or replacing old water or sewer laterals under the ownership and maintenance of the City of Margate City shall be exempt from this portion of road restoration, unless the installation is performed for a private entity. Said private entity shall be required to obtain a street opening permit and perform the final restorations.

7. § 242-18. Public utility company bond; fee shall be amended as follows.

[Amended 10-8-1998 by Ord. No. 1998-20]

Any public utility company in the City of Margate City, in the conduct of its business, shall post with the City Clerk a bond for \$10,000, which bond shall be approved by the City Attorney and conditioned to ensure the proper restoration of all streets and sidewalks opened by said utility company. The public utility company shall give written notice of all streets and sidewalks which it desires to open to the City Engineer or City's designee, who shall issue a permit for each project to open said street or sidewalk. Said utility shall pay to the City Clerk, care of the City

Engineer or City's designee, for the use of the City of Margate City the amount as indicated in § [242-15](#) of the City Code.

8. § 242-19. Clearance for fire equipment shall be amended as follows:

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

9. § 242-20. Protection of traffic, add sections C, D & E as follows:

C.

Prior to the placement of any equipment for work to be performed under the street opening permit, the person, firm, corporation, or company performing the work shall erect the necessary maintenance protection of traffic devices. All maintenance and protection of traffic, both signage and location, shall be in accordance with the published details of the MUTCD. Any question arising as to the amount of required traffic control devices shall be resolved by the Margate City Police Department. Failure to establish the necessary traffic control prior to the initiation of any work under a street opening permit shall be cause for revocation of said permit.

D.

Any street opening permit work which shall cause the temporary closure of one lane of traffic shall not take place until a proper traffic control plan has been submitted to and approved by the Margate City Police Department. After approval of said traffic control plan, at least 24 hours' advance notice by telephone shall be provided to the Margate City Police Dispatcher. No complete closure of any municipal street shall be permitted unless submitted with the original request for and issued under the approved street opening permit.

E.

Prior to the initiation of any excavation activity, proper erosion and sediment control measures shall be employed to prevent any excavated material from entering existing drainage facilities. Where it is determined necessary by the Supervisor of Public Works, inlet filter material shall be utilized during the course of excavation. Filter material shall be removed upon completion of the excavation work. For projects involving more than one day, the contractor shall maintain and replace the filter material to assure functioning in rainfall events.

SECTION 2: All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3: This ordinance shall take effect upon its final passage and publication as required by law.

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

Board of Commissioners of the City of
Margate City, New Jersey

Introduction: September 15, 2016

Enactment: October 6, 2016