

ORDINANCE #5-19

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER XVI, "STREETS, SIDEWALKS AND SANITATION," SUBSECTION 16-1, "STREET EXCAVATION," TO REFLECT REVISIONS TO PERMIT APPLICATION REGULATIONS

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough Code of General Ordinances (the "**Code**") provides regulations for excavation and construction in public street within the Borough, pursuant to its general police power, as set forth in N.J.S.A. 40:48-2; and

WHEREAS, the Mayor and Borough Council hereby desire to amend Borough Code Chapter XVI, "Streets, Sidewalks and Sanitation," Section 16-1, "Street Excavation," to amend Subsection 16-1.4, "Application for Permit," to reflect the following changes (additions are underlined and deletions are in [brackets]):

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

16-1.4 Application for Permit.

a. No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Borough Clerk on the form provided by the Borough of Keyport and signed by the applicant performing the work. The form must be completed in such a fashion as to contain a clear and definite description of the name, address, telephone number of the applicant, the nature, scope, location and purpose of the excavation, together with the approximate size of the opening to be made in a sketch which clearly shows the location and dimensions of the proposed opening, the proposed dates of commencement and completion of the 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 Department of Public Works, including complete plans, profiles and details of any proposed curb, sidewalk, pavement or other proposed improvement or structure being installed. Upon receipt of the application, the Borough Clerk shall refer the same to the Superintendent of Public Works or his designee and the Construction Official for comments within five (5) business days of receipt of a complete application. All comments shall be made and the application returned to the Clerk with a recommendation of approval or disapproval (and the reasons therefor) within seven (7) days of the receipt of the application by the Department of Public Works. The Clerk shall issue all permits approved within three (3) days of receipt of application by the Department of Public Works or the expiration of the seven (7) day comment period, whichever occurs first.

b. Work on any opening to be made under the permit provided for herein shall commence within thirty (30) days from the date of the permit and prosecuted with diligence until its completion. If for any reason the work is not started within this period, the permit shall be void and any unused portion of its cash repair deposit or performance bond shall be refunded to the applicant.

c. Moratorium.

1. Street openings will not be permitted between November 15 and March 31 of any year unless it is determined by the [Mayor and Council] Borough Engineer to be of an emergent nature and upon the recommendation of the

Superintendent of Public Works, except with respect to subsections 16-1.32 and 16-1.33.

2. The Borough Clerk shall not issue any permit for a street opening, an excavation or the discharge of explosives in any street, public place or private property unless there is presented satisfactory proof to the issuing authority in the form of a written statement that there has been compliance with R.S. 2C:17.4.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter XVI of the Borough Code shall be amended as follows:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

16-1.4 Application for Permit.

a. No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Borough Clerk on the form provided by the Borough of Keyport and signed by the applicant performing the work. The form must be completed in such a fashion as to contain a clear and definite description of the name, address, telephone number of the applicant, the nature, scope, location and purpose of the excavation, together with the approximate size of the opening to be made in a sketch which clearly shows the location and dimensions of the proposed opening, the proposed dates of commencement and completion of the 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 Department of Public Works, including complete plans, profiles and details of any proposed curb, sidewalk, pavement or other proposed improvement or structure being installed. Upon receipt of the application, the Borough Clerk shall refer the same to the Superintendent of Public Works or his designee and the Construction Official for comments within five (5) business days of receipt of a complete application. All comments shall be made and the application returned to the Clerk with a recommendation of approval or disapproval (and the reasons therefor) within seven (7) days of the receipt of the application by the Department of Public Works. The Clerk shall issue all permits approved within three (3) days of receipt of application by the Department of Public Works or the expiration of the seven (7) day comment period, whichever occurs first.

b. Work on any opening to be made under the permit provided for herein shall commence within thirty (30) days from the date of the permit and prosecuted with diligence until its completion. If for any reason the work is not started within this period, the permit shall be void and any unused portion of its cash repair deposit or performance bond shall be refunded to the applicant.

c. Moratorium.

1. Street openings will not be permitted between November 15 and March 31 of any year unless it is determined by the Borough Engineer to be of an emergent nature and upon the recommendation of the Superintendent of Public Works, except with respect to subsections 16-1.32 and 16-1.33.

2. The Borough Clerk shall not issue any permit for a street opening, an excavation or the discharge of explosives in any street, public place or private

property unless there is presented satisfactory proof to the issuing authority in the form of a written statement that there has been compliance with R.S. 2C:17.4.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: February 5, 2019
Public Hearing: February 19, 2019
Adopted: February 19, 2019



Valerie T. Heilweil, RMC, CMR
Borough Clerk
Borough of Keyport



Collette J. Kennedy, Mayor
Borough of Keyport