

**THE BOROUGH OF RIVERTON
BURLINGTON COUNTY**

ORDINANCE NO. 15-2005

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF
THE BOROUGH OF RIVERTON, IN THE COUNTY OF
BURLINGTON, NEW JERSEY, AMENDING AND
SUPPLEMENTING CHAPTER 111 OF THE RIVERTON
BOROUGH CODE, RELATIVE TO DRIVEWAYS, SNOW
AND ICE REMOVAL, STREET EXCAVATIONS, AND
SIDEWALK AND CURB REPAIR**

WHEREAS, the Mayor and Council of the Borough of Riverton, (the “Borough”) through its Street and Roads Engineer have reviewed various provisions of Chapter 111 of the Riverton Borough Code; and

WHEREAS, the Mayor and Council, on recommendation of the Streets and Roads Engineer, have felt it necessary to provide that the Construction Official have responsibility for approving and supervising the construction of driveways; and

WHEREAS, the Mayor and Council, recognize a need to ensure that the requirements for residents to remove ice and snow from public sidewalks be consistent with the Borough directory; and

WHEREAS, the Mayor and Council of the Borough of Riverton feel that it is necessary to increase the fines to be paid by the residents for failure to timely remove said snow and ice; and

WHEREAS, the Mayor and Council realize that it is the responsibility of the owners of the premises to ensure that the snow or ice is removed; and

WHEREAS, the Mayor and Council desire to update the Street Opening Ordinance and the Borough Engineer has provided a model ordinance which will best serve the residents of Riverton.

WHEREAS, the Mayor and Council need to provide for their designee who will provide recommendations on the need for sidewalk and curb repair;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Mayor and the Council of the Borough of Riverton, County of Burlington, State of New Jersey that:

- I. Chapter 111, Streets and Sidewalks be amended and supplemented as follows:

ARTICLE IV.

Driveways.

Section 111-9. Approval Required Prior to Construction:

No driveways erected in the Borough of Riverton for the purpose of providing ingress and egress for vehicles from the public streets, across the public sidewalks to private properties shall be constructed without first having obtained the approval of the Construction Official of the Borough of Riverton.

Section 111-10. Level and Slope:

Such driveways shall be depressed at the curb line to the authorized level of the watercourse and the gutterway, and shall slope upward to the level of the paved sidewalk at its outer edge, or at such other distance from the curb lines as shall be approved by the Construction Official of the Borough of Riverton.

Section 111-12. Reinforcement of Gutter:

The Construction Official of the Borough of Riverton may also provide that the watercourse in the gutterway into which said driveway shall open shall also be reinforced and strengthened.

ARTICLE V.

Snow and ice removal.

Section 111-13. Removal Required: Time Limit

The owner or owners of every lot of land fronting on any street, highway or public place within the limits of the Borough of Riverton shall, within twenty-four (24) hours of daylight after the sidewalk in front of said lot of land shall have been covered with snow or ice, remove or cause to be removed such snow or ice.

Section 111-14. Penalty for Failure to Comply:

The owner or owners of every lot or land fronting on any street, highway or public place within the limits of the Borough of Riverton who shall fail, within twenty-four (24) hours of daylight after the sidewalk in front of said land shall have been covered with snow or ice, to remove or cause to be removed such snow or ice shall, upon conviction thereof, forfeit and pay fine of \$100.

Sections 111-15 (Removal by Borough) and 111-16 (Costs to be a lien) be and hereby are rescinded.

Article VI.

Street Excavations

Section 111-17 Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

ENGINEER - The Borough Engineer, or his designee, appointed by the Borough Council who is responsible for review of street excavation permit applications and inspection of all street excavation restoration activities.

EXCAVATION - Removal or recovery of pavement, soil, rock or organic material from on or beneath the ground surface. This includes digging, trenching and any other mechanical disturbance.

INSPECTION ESCROW - Moneys deposited by the permittee and held by the Borough to reimburse the Borough Engineer for inspection costs of excavation and restoration procedures.

MAINTENANCE GUARANTY - Any security equal to 50% of the performance guaranty that may be accepted by the Borough to assure that the necessary improvements will function as required for a period of two years.

PERFORMANCE GUARANTY - Any security that may be accepted by the Borough to ensure that the required street restoration is complete in a satisfactory manner.

PERMITTEE - The permit is held by both the contractor and the entity for which the work is being performed. Both are considered the co-permittees.

PERSON - Any individual corporation, company, utility, association, society, firm, partnership, quasi-public entity, state, agency, political subdivision or a member or employee thereof

PUBLIC UTILITY - A closely regulated enterprise for providing utility service to the public which has been deemed necessary for the public health, safety and welfare and is licensed/regulating by a federal agency, and/or the New Jersey Board of Public Utilities.

STREET - An existing road, highway or any vehicular thoroughfare which is under the jurisdiction of the Borough of Riverton. The street includes all areas within the right-of-way of said thoroughfare.

111-18 Permit required.

No person shall excavate in a street, of the Borough of Riverton nor direct or cause any employee, agent or contractor of such person to perform any excavation in any street of the Borough of Riverton until a written permit for such excavation has been duly issued by the Borough Engineer of the Borough of Riverton.

111-19 Permit application procedures.

Application for all permits to excavate in any street of the Borough of Riverton shall be made on the forms provided by the Borough and submitted to the Borough Engineer. Forms can be obtained from the Borough Clerk's office during regular

business hours. Accompanying all applications shall be the following:

A. Application submissions.

- (1) A clearly legibly drawn plan or sketch done by a professional land surveyor, or based on a cloth tape survey, which delineates the exact location of the street opening. The plan shall include the following information:
 - (a) Written and graphic scale.
 - (b) The length, width and depth of the opening.
 - (c) Location of existing Borough storm drainage, water and sanitary systems and appurtenances within a one-hundred-foot radius of the opening.
 - (d) Location of all curbing, sidewalks and other municipal improvements within a one-hundred-foot radius of the opening.
 - (e) Where depths of trenches or excavations are such that shoring, sheeting or other means of stabilizing or bracing the trench opening is required, detailed plans, bearing the seal and signature of a New Jersey licensed professional engineer shall be submitted.
 - (2) Certificate of liability insurance indemnifying and holding harmless the Borough of Riverton and Borough Engineer.
 - (3) Performance and maintenance guaranties conforming to the requirements set forth in §111-21.
 - (4) Application form.
 - (5) Application fee in the amount prescribed in §111-20 herein.
 - (6) In the case of trench openings in which traffic detours are required or in which the trench will remain open for periods longer than one day or overnight, a detailed barricade, warning device and detour plan conforming to all applicable requirements of the Manual on Uniform Traffic Control Devices shall be provided. The plan shall be reviewed and be subject to the approval of the Riverton Borough Police Department.
 - (7) A written schedule of operations, including the anticipated dates of street openings and excavations and restoration work.
- B. Permittee. The permit shall be issued jointly in the name of the contractor actually performing the work of the street opening and the person for whom the work is

to be performed. It shall be understood that the Borough of Riverton shall hold equally liable and responsible both the contractor actually performing the work and the entity for whom the work is performed regarding all restoration, maintenance of traffic, protection of public safety, repair of defective trench or excavation restoration in the pavement and all else related to the trench or excavation and restoration thereof.

- C. Permit. No street opening or any other work within the right of-way of a street of the Borough of Riverton shall commence until a written permit has been duly issued by the Borough Engineer. A copy of the permit shall be available at the work location during all periods of construction and restoration operations and shall be provided for inspection upon demand.
- D. If a road opening is required by a public utility in order to expedite emergency repairs, then said opening may be performed prior to the issuance of a permit from the Borough Engineer, provided that the entity performing the opening shall submit an application and fees as set forth herein within 48 hours of the executed emergency opening. Under no circumstances shall an opening for emergency access relieve the permittee from complying with the restoration requirements as set forth in this ordinance.

111-20 Schedule of permit fees.

A. The following schedule of fees is hereby fixed, determined and established as being the fees to be paid to the Borough of Riverton for the issuance of all road opening or street excavation permits. Should any additional costs be incurred by the Borough of Riverton due to the permittee’s operations or negligence, including administrative, engineering, inspection and legal costs, the permittee shall reimburse the Borough for all costs incurred. Permittee shall be required to post adequate funds in escrow to reimburse the Borough for costs of the Borough Engineer’s inspection. Any excess moneys shall be remitted to the permittee upon approval and acceptance by the Borough Engineer of all final, permanent road restoration work in accordance with the standards set forth herein. All costs shall be paid by the permittee prior to the issuance of a permit by the Borough Engineer, as provided herein:

- (1) Application fee: \$100.
- (2) Inspection escrow.

Area of Opening (square feet)	Escrow
0 to 100	Minimum \$150.00
100 to 10,000	\$150.00, plus \$0.10 for each square foot over

100 square feet

Over 10,000 5% of performance bond

- B. For a public utility, the schedule of fees may be modified in a separate agreement with the Borough that will guarantee that any street excavation and restoration work performed by the utility shall conform with the requirements set forth herein.

111-21 Performance and maintenance guaranties.

- A. Each application for a permit for street excavation shall post, prior to issuance of a street excavation permit, a performance guaranty ensuring proper and satisfactory completion of all pavement and trench restoration in strict accordance with the specifications set forth herein. The amount of the performance guaranty shall be:

- (1) Excavations up to 100 square feet in area: \$10.00 per square foot.
- (2) Excavations over 100 square feet in area: 120% of the cost of excavation and restoration as estimated by the Borough Engineer.

- B. The performance guaranty shall be posted with the Riverton Borough Clerk/Treasurer and shall be in any of the forms indicated herein.

- (1) Certified check drawn payable to the Borough of Riverton and drawn on a New Jersey bank.
- (2) Letter of credit drawn in favor of the Borough of Riverton and issued by a New Jersey fiduciary institution. The letter of credit shall be subject to the review and approval of the Borough Solicitor for form prior to its acceptance.
- (3) Surety bond issued by a surety company licensed by the State of New Jersey. Evidence shall be submitted as to the solvency of the bonding company issuing the bond. The bond shall be executed by the permittee as principal herein, and the surety company shall be the surety therein. The bond shall be subject to the review and approval of the Borough Solicitor for form prior to its acceptance.

- C. Maintenance guaranty. Upon completion of the final permanent restoration (to the satisfaction of the Riverton Borough Engineer) of the street in accordance with all standards set forth herein, a maintenance guaranty shall be posted by the permittee. The maintenance guaranty shall be in one of the three forms set forth in §111-21.B. The maintenance guaranty shall be in an amount equal to 50% of the performance guaranty and shall remain in force for a period of not less than two years from the date of acceptance of the permanent pavement restoration by the Borough Engineer. The maintenance guaranty shall be subject to the review

and approval of the Borough Solicitor for form prior to its acceptance.

D. Release of guaranties; performance guaranties. Performance guaranties shall be released upon satisfaction of the following conditions:

- (1) Approval of the Borough Engineer of all final, permanent road restoration work in accordance with the standards set forth herein.
- (2) Posting of an acceptable maintenance guaranty conforming to the requirements set forth in §111-21.C herein.
- (3) Satisfaction of any outstanding restoration for other street opening excavation permits held by the permittee in which construction has been completed and/or restoration has either not been completed, has failed or is otherwise unsatisfactory.

E. Utilities.

- (1) Any public utility may, in lieu of posting separate performance and maintenance guaranties, post, annually, a performance guaranty and maintenance guaranty in any of the forms authorized by §111-21 above and subject to the approval, as to form, of the Borough Solicitor. The amount of the guaranties shall not be less than \$20,000 for performance, \$10,000.00 for maintenance or an amount as determined by the Borough Engineer. The utility shall provide to the Borough Engineer a projected list of street excavations and scheduled utility extensions during the calendar year and an estimate of the average number of emergency openings which may be experienced in the course of a year.
- (2) The public utility shall provide the names, addresses, telephone numbers and contact officials of all contractors who will be performing street excavations and pavement restoration work. This shall not relieve the utility of any responsibilities for obtaining the necessary road opening permits.

111-22 Restoration specifications.

All pavement restoration shall be in strict compliance with the standards set forth herein, and all materials shall conform to all applicable requirements of the New Jersey Department of Transportation, Standard Specifications for Road and Bridge Construction, hereinafter referred to as “Standard Specifications”, as amended.

A. Bituminous pavement restoration. The restoration of all bituminous surfaced roadways which have been excavated shall conform to the following pavement types and thicknesses specified herein:

Type of	Aggregate	Bituminous	Bituminous
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Roadway	Subbase (inches)	Stabilized Base Course (inches)	Concrete Surface Course (inches)
Major Collector	6"	4½"	1½"
Minor Collector	6:	3½"	1½"
Residential Access	6"	3"	1½"
Rural Residential	6"	3"	1½"

- (1) Surface course. The bituminous concrete surface course shall conform to all applicable requirements set forth in Sections 404 and 903 of the Standard Specifications for hot-mixed, Mix No. 1-5. A tack coat conforming to the requirements herein shall be applied to the base course prior to placement of the surface course.
 - (2) Base course. The bituminous stabilized base course shall conform to all applicable requirements set forth in Sections 304 and 903 of the Standard Specifications for bituminous stabilized base course, hot-mixed, Mix 1-2. Where directed by the Borough Engineer, the bituminous stabilized base course shall be placed on an aggregate subbase course conforming to the requirements set forth herein.
 - (3) Subbase course. A subbase course shall conform to all applicable requirements set forth in Section 301 of the Standard Specifications in conjunction with the requirements for either dense graded aggregate (Standard Specifications Section 901.08) or soil aggregate Type 1-5 (Standard Specifications Section 901.09).
- B. Gravel surfaced roads. In the case of a gravel or soil aggregated surfaced roadway, the minimum restoration thickness shall consist of not less than the eight inches compacted thickness of 1-5 soil aggregate conforming to gradation type as set forth in the New Jersey Department of Transportation Standard Specifications, Section 901.
- C. Sidewalks. Any concrete sidewalk disturbed, damaged or disrupted as part of the street excavation shall be replaced with concrete sidewalk conforming to all applicable standards of the Borough of Riverton. All concrete shall be ready-mixed air-entrained portland cement concrete conforming to all applicable requirements set forth in Section 914 of the Standard Specifications for Class B concrete. Expansion joints shall be of a minimum thickness of 1/2 inch and shall be of the bituminous cellular-type conforming to the requirements of the New Jersey Department of Transportation Standard Specifications, Section 908. All sidewalks shall be placed on a soil aggregate base or fiber mesh conforming to the requirements specified elsewhere herein. All concrete sidewalk shall have a minimum thickness of not less than four inches (six inches at driveway crossings),

and all base courses beneath sidewalks shall have a minimum compacted thickness of not less than four inches.

- D. Curb and gutters. Where concrete curbing and/or gutters are disturbed, damaged or removed, curbing and gutters of the exact configuration as the existing curbing and/or gutters shall be constructed. Concrete shall be air-entrained portland cement concrete conforming to the requirements in Section 914 of the Standard Specifications for Class B concrete. Dimensions of curbs shall be 6 inches by 8 inches by 18 inches for all Borough streets.
- E. Topsoiled and unpaved areas. All topsoiled, seeded or otherwise unpaved areas disturbed in the course of the work shall be topsoiled with a minimum thickness of not less than four inches of loam-type topsoil. Fertilizer, lime and all other soil conditioners needed to promote the proper growth of grass shall be incorporated and thoroughly worked into the topsoil. Seed or sod of the species suitable for growth in the location and environment and conforming to the requirements of the New Jersey Department of Transportation Standard Specifications shall be placed in all unpaved areas. All slopes greater than or equal to 3 to 1 shall have additional stabilization.
- F. Gravel shoulder areas. All shoulder areas disturbed in the trench opening shall be restored and graded to provide and maintain the proper flow of drainage and to provide adequate lateral support of the abutting pavement structure. The gravel material shall be soil aggregate, Type 1-5, conforming to the requirements of New Jersey Department of Transportation Standard Specifications, Section 901. The soil aggregate or gravel shall be a minimum depth of not less than eight inches compacted thickness.
- G. Concrete drive aprons. All concrete drive aprons disturbed during the course of excavation shall be reconstructed of air-entrained portland cement concrete conforming to the requirements in Section 914 of the Standard Specifications for Class B concrete. The apron shall have a minimum concrete thickness of six inches, including the sidewalk area traversing the apron. The apron shall be reinforced with welded steel wire mesh of 10-gauge steel wire located in the bottom 1/3 of the pour.
- H. Shade trees. Any tree removal shall be approved prior to commencement by the Borough's certified tree expert and shall comply with Chapter 60B of the Riverton Borough Code. Protection of existing trees shall be installed prior to excavation and shall remain until after final inspection by the Borough Engineer. Tree protection shall consist of four-foot high snow fence installed at the dripline of subject trees. No activity or storage shall take place within said fencing.

111-23 Construction standards; methods of construction.

All methods of construction and construction practices employed in the excavation of trenches, digging in street, backfilling, compacting and restoration of pavements shall be

in strict compliance with the requirements set forth herein, with the Standard Specifications or as otherwise directed by the Borough Engineer.

A. Excavation

- (1) Prior to the removal of any pavement or the excavation of any trench, the pavement shall be cut in a straight line along the lines of the trench or opening. The existing pavement should be cut back one foot from the edge of excavation. The pavement shall be cut using a pavement cutting wheel, pavement saw or other device as approved by the Borough Engineer. The cut shall extend through all courses of bituminous concrete surface and base courses. Should broken or failed pavement be encountered within or abutting the limits of the trench, these areas shall be cut back to an area of sound pavement. In the event of over excavation, the pavement shall be saw cut back to a straight line abutting sound pavement and firm base, free of undermined areas. In the case of undermining of the area beneath the pavement abutting the trench, the pavement over the undermined area shall be saw or wheel cut in a straight line to produce a straight edge abutting sound pavement over a firm undisturbed subgrade.
- (2) The excavation shall be conducted in such a manner as not to interfere or disrupt any existing utility installations, building connections, foundations, curbing, sidewalk, shade trees, traffic signal appurtenances, storm drains or other appurtenances either located or extending into a subsurface area either within the trench area or within proximity of the trench or opening area in such a manner as to possibly be affected by the trenching or opening activity.
- (3) All unsuitable backfill material shall be removed from the work area and disposed of in a suitable location. The permittee shall replace all unsuitable backfill with select material conforming with the New Jersey Department of Transportation Standard Specifications 1-13 designation. The removal and disposal of all unsuitable backfill and excess material and the replacement of all unsuitable backfill material shall be at the expense of the permittee.
- (4) Shoring, bracing and stabilization. The permittee shall ensure that the proper bracing, shoring and other means of trench stabilization shall be constructed wherever required or deemed necessary by the Borough Engineer or by any state, federal or local laws. All shoring, bracing and stabilization shall be designed to withstand all lateral pressures and support all loading surcharges imposed by traffic, adjoining structures or other sources of surcharge loading. All shoring, bracing and stabilization shall conform to the plan as required herein above and shall be designed by a New Jersey licensed professional engineer. All shoring, bracing and

stabilization shall conform to all standards set forth by the Occupational Safety and Health Administration (OSHA) of the United States Department of Labor and the Bureau of Workplace Safety Standards of the New Jersey Department of Labor and Industry. In the case of prefabricated steel trench boxes or other devices, only those devices conforming to all applicable standards set forth hereinafter above shall be employed.

- (5) No soil, materials or other items shall be placed so as to interfere with public use of the highway, road or street or as to create a traffic hazard.
 - (6) The excavation shall be kept open for the minimum time required to accomplish the purpose of the opening, and all openings, excavations and trenches shall be closed at the earliest time thereafter. Temporary bridging or road plates may be permitted subject to the written permission of the Borough Engineer.
- B. Backfilling. All backfilling of trenches, openings and excavations in streets of the Borough of Riverton shall be performed in strict compliance with the procedures and methods set forth herein and in the New Jersey Department of Transportation Standard Specifications or as otherwise directed by the Borough Engineer.
- (1) All pipe shall be placed on the proper class and type of bedding required for the type of soil conditions encountered, depth of cover over the pipe, type of pipe and traffic loading imposed.
 - (2) The height of cover over the pipe or conduit shall not be less than the minimum height of cover as required for the type of conduit or pipe, pipe thickness and diameter needed to withstand a minimum AASHTO HS-25 Loading, unless otherwise approved by the Borough Engineer. Approval of shallow installations will be based on design details showing how traffic loads will be transferred around the pipe or conduit.
 - (3) Backfill shall be thoroughly compacted by mechanical means in eight-inch lifts to a minimum 95% (AASHTO T-95) relative density. Tampers or compaction equipment shall be designed for the type of material being compacted. All compaction equipment shall be subject to the inspection of the Borough Engineer.
 - (4) Under no circumstances shall puddling, flooding or other nonmechanical means of compaction be permitted.
- C. Pavement restoration. All pavement restoration shall be performed in strict compliance with all applicable requirements as set forth in the New Jersey Department of Transportation Standard Specifications or as otherwise amended herein or as otherwise directed by the Borough Engineer.

111-24 Traffic safety and control.

The permittee shall bear all responsibility for ensuring traffic safety and safety to the public in the trench and work area at all times. The permittee shall also be responsible for maintaining proper traffic circulation throughout the work area. The permittee shall ensure compliance with all provisions herein or as otherwise directed by either the Borough Engineer or the Police Department.

A. Barricades; warning devices; traffic control devices.

- (1) All barricades, signs, flasher units, cones, traffic warning and direction devices, barrel delineators and all other devices employed in traffic control, warning and direction in and around the work area shall be in strict compliance with all requirements set forth in the Manual for Uniform Traffic Control Devices (MUTCD), including design, placement and maintenance.
- (2) It shall be the responsibility of the permittee to erect and maintain at all times all required barricades, signs, warning devices and all other items required to maintain traffic safety and circulation and public safety and convenience. If it is the determination of the Borough Engineer or the Police Department that additional traffic safety measures are required, said measures shall immediately be implemented by the permittee.
- (3) Flashers, reflective devices and other items required to ensure visibility of the trench or work areas in hours of darkness shall be provided in strict compliance with all requirements set forth in the Manual of Uniform Traffic Control Devices.
- (4) Maintenance and emergency situations. The permittee shall provide to the Borough Engineer and to the Riverton Borough Police Department the names and telephone numbers of responsible individuals who can be contacted on a twenty-four-hour-a-day, seven-day-per-week basis to respond to an emergency involving the trench or street opening and to replace or repair any defective, nonfunctioning, vandalized, stolen, damaged or otherwise ineffective barrier, warning device, flasher, sign, barricade or other device as required to repair or cause to be repaired any trench restoration failure or unsafe condition.
- (5) Manholes; inlet castings; valve boxes. Should it be necessary to allow, for any period of time whatsoever, a manhole casting, storm drainage inlet casting, valve box, traffic signal detector plates or other appurtenances in the roadway, shoulder or sidewalk area to remain above the elevation of the surrounding pavement, ground or sidewalk, barricades, barrel delineators or other suitable devices provided with flasher units shall be placed over the appurtenances and shall be secured to prevent toppling or

unauthorized removal or tampering, but shall conform with all applicable requirements of the Manual of Uniform Traffic Devices for breakaway in the event of vehicle collisions. If, in the opinion of the Borough Engineer, temporary pavement can be placed around the appurtenance to alleviate the unsafe condition, the permittee shall be required to place such temporary pavement in accordance with all requirements specified herein and to properly remove such pavement when the appurtenance has been set to proper grade.

- (6) Temporary crossings; road plates. Should the permittee propose the use of road plates or other temporary bridging, the specific approval for such items must be obtained, in writing, from the Borough Engineer.
- (7) Detours. No detours shall be implemented unless specific written approval has been granted by the Borough Engineer and the Borough Police Department or approval of any detour, the permittee must submit a specific application to the Borough Engineer and Police Department. Such application shall include the following submissions:
 - (a) Six copies of a detour plan indicating the following:
 - [1] Location of detour indicating street from which traffic is to be detoured and streets of alternate route.
 - [2] Alternate route location.
 - [3] Signing plan indicating the location of all signs, and details of all signs including advance warning signs, traffic direction signs and barricades.
 - [4] Placement of uniformed traffic control officers. Location of all traffic control officers conforming to the requirements herein.
 - [5] Written narrative of detour plan which shall indicate route of detour, length of time detour is to remain in effect, traffic control measures and means to provide access to all residences and businesses within detour area.
 - [6] Evidence of notification of all agencies, including but not limited to:
 - [a] Volunteer fire company service district in which detour is located.
 - [b] First aid squad serving district in which the detour is

located.

- [c] Board of Education Transportation Coordinator and Superintendent of Schools.
- [d] Borough Clerk.
- [e] Residents within the detour perimeter.
- [f] All other agencies as may be directed by the Borough Engineer.

- B. Application for detour approval must be submitted 30 days in advance of the date of implementation of the detour. A waiver of this requirement may be permitted if, by determination of the Borough Engineer, a bona fide emergency condition exists.
- C. Uniformed traffic control directors. Where the need for traffic control directors or flagmen is indicated, all personnel shall be uniformed and shall have satisfactorily completed an approved traffic control and traffic direction course. All traffic control directors shall be equipped with all required flags, safety attire and communication equipment as required by the Manual of Uniform Traffic Control Devices and the State of New Jersey. All traffic control directors shall be subject to the approval of the Riverton Borough Chief of Police.

111-25 Responsibilities of permittees.

Any person granted a permit by the Borough of Riverton to excavate or otherwise disrupt pavement or any area within the right-of-way of any street of the Borough of Riverton shall accept, as conditions of the granting of the permit, the following responsibilities:

- A. Assume all liability and responsibility arising from the street excavation covered by the permit, including liability arising from the opening, construction operations, traffic safety and control and restoration, holding the Borough of Riverton and Borough Engineer harmless from all liability and litigation.
- B. Comply with all requirements set forth herein or as otherwise directed by the Borough Engineer.
- C. Provide the Borough Engineer of the Borough of Riverton with a minimum of two working days, notice in advance of commencement of street opening work.
- D. Notify all utilities or other entities of the street opening work as required by New Jersey law.

- E. Protect the health, safety and welfare of the public at all times by employing all required traffic safety devices, warning devices and other items required to maintain traffic safety and circulation at all times.
- F. Prevent to the fullest extent possible the inconvenience to the public due to road opening work and maintain at all times safe and efficient traffic circulation around the work.
- G. Provide and maintain liability insurance for not less than the limits as specified in §111-29 or as required by law, whichever is greater. All liability insurance policies shall name the Borough of Riverton and the Borough Engineer as being additionally insured and held harmless from all suits arising from the road opening. Said endorsements shall be recorded on the insurance policy and evidence of coverage shall be submitted to the Borough Engineer prior to the issuance of a road opening permit.
- H. The permittee shall submit evidence of workmen's compensation insurance coverage prior to the issuance of the road-opening permit.
- I. Obey all instructions issued regarding the permit issued by the Borough Engineer.
- J. Post all required performance and maintenance guaranties as required and repair any defects or failures in the restoration during the period covered by the maintenance guaranty. The permittee shall ensure that all repairs are carried out within two working days of notification of restoration defects or failure by the Borough Engineer.

111-26 Excavations Prohibited Following Street Improvements.

- A. Whenever the Borough Council undertakes any action to provide for the paving or re-paving of any street, the Borough Clerk shall promptly mail a written notice thereof to each person or entity owning sewers, mains, conduits or other utilities in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons that street opening permits or openings, cuts or excavations and permits for work to be done prior to such paving or re-paving, shall be submitted promptly in order that the work covered by the street opening permit may be completed not later than 45 days from the date of the governing body's action, whether same be by Resolution, Ordinance or Motion. The Borough Clerk shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures, abutting said street for their information and to state agencies and department or other persons who may desire to perform excavation work in said street.**
- B. Within said forty-five (45) days, every public utility company receiving notice as

prescribed herein shall perform such excavation work, subject to the provisions of this Ordinance, as may be necessary to install all repair sewers, mains, conduits or other utility installations. In the event that any owner of real property abutting said street shall fail within forty-five (45) days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts, or excavations in said streets, shall be forfeited for a period of five (5) years from the date of enactment of said Ordinance, Resolution or the passage of such Motion. During said five (5) year period, no street opening permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Engineer, in emergency, as described otherwise in this Ordinance, exists which makes it absolutely essential that the street opening permit be issued.

- C. Every Borough department or official charged with responsibility for any work which may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said forty-five (45) day period so as to avoid the necessity for making any openings, cuts, or excavations in the new pavement in said Borough street during said five (5) year period.

111-27 Inspection and acceptance.

- A. All work shall be subject to inspection by the Borough Engineer or his agent designate. The Borough Engineer shall reserve the right to inspect all work relating to the street excavation, including but not limited to excavation, backfill, bedding, pavement restoration, restoration maintenance and traffic control and safety measures. If, in the opinion of the Borough Engineer, the permittee is not complying with all requirements set forth herein or as otherwise directed or that the permittee has failed to maintain safe conditions in the work area creating a hazard to both the public and/or personnel, the Borough Engineer shall reserve the right to revoke the permit and require the permittee to cease work for which the permit and street excavation is intended until such noncompliance have been rectified to the satisfaction of the Engineer.
- B. All restoration work shall be subject to the review and approval by the Borough Engineer. No pavement restoration shall be considered to be complete or accepted until approved by the Borough Engineer. Once approved by the Borough Engineer, notification will be given to the permittee. Release of the performance guaranty will not be authorized until satisfactory posting or acceptance of the maintenance guaranty conforming to the requirements set forth in §111-21.C herein.

111-28 Responsibility for damages.

The permittee shall solely be liable and responsible for any damages, injuries or claims

resulting from the street excavation, restoration or in any connection related to the permit, the permittee's operations and actions. Nothing in this ordinance shall be understood or construed by any permittee or other person as to absolve any permittee, his employees, agents or contractors of any responsibility for any damage or injuries suffered by any person or property in opening or excavating in any Borough street.

111-29 Insurance indemnification.

- A. The permittee shall post with the Borough Clerk a certificate of public liability insurance providing a minimum umbrella or comprehensive coverage limit of not less than \$1,000,000 for injuries, including wrongful death to any one person and, subject to the same limit for each person, in an amount not less than \$500,000 on account of one accident and property damage insurance in an amount of not less than \$250,000 for damage to property for each and every occurrence.
- B. Automobile and truck insurance in an amount not less than \$500,000 for injuries and/or wrongful death, to any one person and subject to the same limit for each person and in an amount not less than \$1,000,000 on account of one accident and property damage insurance in an amount not less than \$500,000 and \$1,000,000 per occurrence is required.
- C. Special hazards, if there is a possibility of such hazards existing in the work contemplated, endorsements shall be included with the policy or policies for the following coverages and amounts:
 - (1) Collapse or structural injury to building: \$500,000, each occurrence.
 - (2) Underground damage: \$500,000 each occurrence.
- D. The permittee shall provide to the Borough indemnification against any liability or suits arising from the permittee's operations and the street opening or any work in connection hereof, and the permittee shall protect and hold harmless the Borough of Riverton or its officers, its employees and its agents against any claims arising for the permittee's operations and the street excavation or any related work. ,

111-30 Violations and penalties; other remedies.

- A. Any person violating or failing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be subject to one or more of the following: imprisonment in the county jail or in any place provided by the Borough for the detention of prisoners for any term not exceeding 90 days; or by a fine not exceeding \$1,000; or by a period of community service not exceeding 90 days.
- B. Injunctive relief. In addition to any other remedy provided in this ordinance, the

municipality may institute a suit in equity or at law where unlawful conduct or actions violative of this ordinance occur or an injunction to restrain any continued violation -of this ordinance or to compel the contractor or his principal to comply with the provisions of this ordinance. It the event that the Borough is successful in said litigation, then the offending parties shall be responsible for any and all fees incurred by the Borough in the course of that litigation.

- C. Concurrent remedies. The penalties and remedies described in this ordinance shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the municipality from exercising any other remedy provided by this ordinance or otherwise provided at law or in equity.

111-31 Revocation; imposition of special conditions.

The Borough may revoke any permit for noncompliance with any provision of this ordinance. In any special case, the Borough may, by resolution, impose special conditions to which the issuance of the permit will be subject, or the Borough may, in any such case, deem by resolution that any provision of this ordinance shall not apply or shall be altered.

111-32 Repealer; severability; when effective.

- A. Repealer. In the event that any clause, section or paragraph of this ordinance is deemed to be invalid for any reason, then it is hereby declared to be the intent of the governing body that the balance of the ordinance shall remain in full force and effect, the governing body hereby declaring that it would have adopted the remainder of the ordinance even without the offending provision.
- B. Severability. Any and all ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of any such inconsistencies.
- C. Effective date. This ordinance shall become effective upon proper passage in accordance with the law.

ARTICLE VIII.

Sidewalk and Curb Repair.

Section 111-29. Notice to repair; Objections.

Whenever in the judgment of the Council or its designee, any sidewalk and curb or sidewalks and curbs shall be in need of repair, the Council shall fix a time and place to receive and consider objections to the repairing of such sidewalk and curb or sidewalks and curbs and shall cause the Clerk to give notice to the owner or owners of the lands in front of which such sidewalk and curb or sidewalks and

curbs are constructed, at least ten (10) days before the date set for said meeting, that, in the judgment of the Council, such sidewalk and curb or sidewalks or curbs are in need of repair and stating the time when and the place where the Council will meet to receive and consider objections to the repairing of said sidewalks and curbs. Said notice shall be in writing, and shall be sent to such owner or owners by mail, if their post office address is known; if not known, then posting such notice on the premises affected thereby, or leaving the same with any occupant thereof, or by personal service if said owner be resident within the borough. At such meeting or any subsequent meeting, the Council may, by resolution, provide for the repair of any such sidewalk and curb or sidewalks and curbs at the cost and expense of the owner or owners of the lands in front of which such sidewalk and curb or sidewalks and curbs are constructed, stating the nature, kind and extent of the work required to be done, and written notice of the required work shall be sent to such owner or owners by mail, if their post office address is known if not known, then by posting such notice on the premises affected thereby, or leaving the same with any occupant thereof, or by personal service if said owner be resident within the borough.

II. This ordinance shall take effect upon immediate adoption.

ATTEST:

BOROUGH OF RIVERTON

By: _____

By: _____

MARY LONGBOTTOM
BOROUGH CLERK

ROBERT MARTIN, MAYOR

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, County of Burlington and State of New Jersey, do hereby **CERTIFY** that the foregoing to be a true and correct copy of an Ordinance introduced and passed by the Borough Council at a meeting of said Council held September 14, 2005, and said Ordinance was finally adopted at a regular meeting of the Borough Council held October 12, 2005, after a public hearing.

Mary Longbottom, RMC
Municipal Clerk

RECORDED VOTE AYE

NAY

ABSTAIN

DANIEL
VILLARI
SMYTH
GILMORE
CESARETTI
ALLS-MOFFATT
MAYOR (TIE)