

BOROUGH OF ALLENHURST

ORDINANCE #2017-10

AN ORDINANCE AMENDING SUBSECTIONS 18-1.4(f) OF CHAPTER XVIII OF THE BOROUGH CODE OF THE BOROUGH OF ALLENHURST ENTITLED "STREETS AND SIDEWALKS."

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise certain portions of its existing Street and Sidewalks Ordinance to address the needs of the community; and

WHEREAS, the repairs of street openings with "patches" that fail to restore our roadways to a reasonable approximation of their pre-opening conditions has, in the Council's opinion, a negative effect upon the Borough's streets as well as impacting our residents quality of life;

NOW THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough of Allenhurst Borough Code is hereby amended and supplemented as follows:

Chapter XVIII, subsection 18-1.4(f) be and is hereby revised to read as follows:

f. The permittee shall restore the surface of all streets, broken into or damaged as a result of the excavation work, to its original condition in accordance with the specification of the Borough Engineer. Permanent restoration of any and all openings shall be as specified below and will require milling and a one and one-half (1 1/2) inches thick minimum of covering, one-half width of the remaining cartway, from the centerline to the curb or to the limit of the furthest trench opening to the curb, whichever is greater.

The minimum permitted permanent repairs shall, in the opinion of the Engineer, be equivalent to:

- a) in streets surfaced with cement concrete - replacement of an equivalent concrete pavement;
- b) in streets surfaced with bituminous concrete - construction of a hot-mixed bituminous stabilized base, six (6) inches thick and a hot-mixed bituminous concrete surface course, one and one-half (1 1/2) inches thick. All pavement edges to be cut and neatly matched - no overlaying existing pavements will be permitted;
- c) in streets surfaced with a bituminous surface treatment - construction of a hot-mixed bituminous stabilized base, four (4) inches thick and a hot-mixed bituminous concrete surface course, one and one-half (1 1/2) inches thick.

All pavement edges to be cut and neatly matched - no overlaying existing pavements will be permitted;

- d) in streets of lesser construction - as approved by the Borough Engineer at time of issuance of permit. If the particular existing street pavements exceed these criteria, higher type repairs may be required.

All materials and workmanship to be in accordance with the NJDOT standard specifications. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the permanent replacement pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be tamped into place and this fill shall be topped with a minimum of at least two (2) inches of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made.

The crown of any the temporary restoration shall not exceed one (1) inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the Borough Engineer. If in the judgment of the Borough Engineer it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of steel plate or other suitable materials designated by him over such cut or excavation to remain until such time as the repair of the original pavement may be properly made.

Permanent restoration of the street shall be made by the permittee in strict accordance with the specifications prescribed by the Borough Engineer to restore the street to its original and proper condition, or as near as may be. Permanent restoration of any and all openings will require a minimum of covering as indicated in this paragraph 18-1.4(f).

Acceptance or approval of any excavation work by the Borough Engineer shall not prevent the Borough from asserting a claim against the permittee and his or its surety under the surety bond required hereunder for incomplete or defective work if discovered within twenty-four (24) months from the completion of the excavation work. The Borough Engineer's presence during the performance of any excavation work shall not relieve the permittee of its responsibility hereunder.

And, it is further

ORDAINED that except as herein above provided, the remainder of Chapter XVIII, STREETS AND SIDEWALKS, shall remain unaltered and in full force and effect; and it is further

ORDAINED that the provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections,

clauses and phrases of this ordinance shall stand notwithstanding the invalidity of any part; and it is further

ORDAINED, That this Ordinance shall take effect after publication and adoption according to law.

APPROVED: **April 11, 2017**

ADOPTED: **April 25, 2017**