

City Clerk File No. Ord. 15.003
Agenda No. 3.C 1st Reading
Agenda No. 4.C 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.003

TITLE: ORDINANCE AMENDING THE JERSEY CITY MUNICIPAL CODE, CHAPTER 296 (STREETS AND SIDEWALKS), ARTICLE VII (EXCAVATIONS), TO AMEND THE STANDARDS FOR STREET EXCAVATIONS AND CHAPTER 160 (FEES AND CHARGES), SECTION JJ, TO INCREASE THE FEES TO EXCAVATE STREETS

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the City of Jersey City grants over 1,200 permits to excavate City streets every year pursuant to §296, Article VII; and

WHEREAS, this number excludes the streets excavated by the Jersey City Municipal Utilities Authority and by United Water; and

WHEREAS, in the past, a lack of coordination between the City, its autonomous agencies and the various public utilities has often resulted in streets being excavated immediately after street resurfacing projects have been completed; and

WHEREAS, the City routinely receives complaints from motorists about streets which have been improperly back-filled and/or paved following street excavations and which has resulted in damage to their automobiles; and

WHEREAS, improving the standards for street excavations, backfilling and street repaving, and establishing a protocol for coordinating the City's street resurfacing projects and the street excavation projects of the City's autonomous agencies and the various public utilities, is in the City's best interest.

NOW, THEREFORE, BE IT ORDAINED by the Council of Jersey City that:

- A. The following amendments to Chapter 296 (Streets and Sidewalks), Article VII (Excavations) are hereby adopted:

STREETS AND SIDEWALKS ARTICLE VII Excavations

SUBARTICLE I Excavation in the Public-Right-Of-Way

§296-20. Excavation in the public right-of-way.

This chapter shall govern excavation in the public right-of-way within the City that is under the jurisdiction and control of the ~~Department of Public Works~~ Division of Architecture, Engineering and Traffic. The Director of ~~Public Works~~ the Division of Architecture, Engineering and Traffic shall be responsible for managing the public right-of-way.

§296-21. - Permits required to excavate.

- A. It is unlawful for any person to make or to cause or permit to be made any excavation in any public right of-way that is under the jurisdiction of the Department Division without first obtaining from the Department Division a permit authorizing such excavation. Permits to excavate for the purpose of connecting residential dwellings to municipal sewer and water utilities shall be issued by the Division of the Construction Code Official under the direction of the Department Division. All other permits shall be issued directly by the Department Division.
- B. No permit to excavate shall be required when an excavation is completed within a period of 24 hours or less to install a parking meter, street light, street tree, traffic sign, traffic signal, or utility pole or to repair a utility box in a sidewalk; or when an excavation is performed for the sole purpose of repairing a sidewalk.
- C. Permit requirements pertaining to emergency excavation are addressed in Subarticle 3, § 296-30.

§296-22. - Department Division orders and regulations.

In addition to the requirements set forth in this Article, the Department Division shall prepare, and file with the office of the City Clerk, Standard Plans and Specifications governing excavations conducted pursuant to this Article. In addition, the Standard plans and Specifications shall be adopted by resolution of the City Council. Each excavation conducted pursuant to this chapter shall be performed in accordance with the Standard Plans and Specifications.

§ 296-23. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

- A. "Applicant" shall mean any Owner or duly authorized agent of such Owner who has submitted an application for a permit to excavate.
- B. "Chapter" shall mean this Article of the City of Jersey City Code.
- C. "Block" shall mean that part of the public right-of-way that includes the street area from the property line to the parallel property line in width and extending from the property line of an intersecting street to the nearest property line of the next intersecting street in length. For purposes of this definition, an intersection also shall be considered a "Block."
- D. "City" shall mean the City of Jersey City.
- E. ~~"Department"~~ "Division" shall mean the Department of Public Works Division of Architecture, Engineering and Traffic.
- F. "Deposit" shall mean any cash deposit, or other security provided by the Applicant in accordance with Subarticle 3, Section H of this Chapter.
- G. "Director" shall mean the Director of ~~Public Works~~ the Division of Architecture, Engineering and Traffic or his or her designee.
- H. "Excavation" shall mean any work in the surface or subsurface of the public right-of-way, including, but not limited to opening the public right-of-way, installing, servicing, repairing or modifying any Facility(ies) in or under the surface or subsurface of the public right-of-way, and restoring the surface and subsurface of the public right-of-way.

- I. "Facility" or "Facilities" shall include, but not be limited to, any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, poles, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by an Owner or person, that are located or are proposed to be located in the public right-of-way.
- J. "Major Work" shall mean any reasonably foreseeable Excavation that will affect the public right-of-way for more than fifteen (15) consecutive calendar days.
- K. "Municipal Excavator" shall mean any agency, authority, board, commission, department, or subdivision of the City, or agent thereof, that owns, installs, or maintains a Facility or Facilities in the public right-of-way.
- L. "Owner" shall mean any person, including the City, who owns any Facility or Facilities that are or are proposed to be installed or maintained in the public right-of-way.
- M. "Permit" or "Permit to Excavate" shall mean to perform an excavation as it has been approved, amended, or renewed by the Department.
- N. "Permittee" shall mean the Applicant to whom a permit to excavate has been granted by the Department in accordance with this Chapter.
- O. "Person" shall mean any natural person, corporation, partnership or entity, any Municipal Excavator, or any governmental agency, including the State of New Jersey or United States of America.
- P. "Public Right-of-Way" shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, spaces, streets, and ways within the City, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of Division.
- Q. "Sidewalk" shall mean the area from the established or actual building line and the back of the nearest curb in front of any building or vacant lot, or on the sides thereof.
- R. "Standard Plans and Specifications" shall mean and include those standards and specifications prepared by the Division that govern excavations pursuant to this Article and shall include but not be limited to standards and requirements imposed by the Division relating to the method, location and time of excavation and such other requirements as may now or hereafter be imposed or otherwise required by the Division.
- S. "Utility Excavator" shall include but not be limited to any Owner whose Facility or Facilities in the public right-of-way are used to provide electricity, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers regardless of whether or not such Owner is deemed a public utility by the New Jersey Board of Public Utilities (BPU).

SUBARTICLE II

Applications for Permits to Perform an Excavation

§296-24. - Applications.

- A. Applications shall be submitted in a format and manner specified by the ~~Department~~ Division and shall contain:

- (1) The name, address, telephone, and facsimile number of the Applicant, including an emergency phone number and contact whereby the Applicant can be reached 24-hours per day, 7 days per week. Where an Applicant is not the Owner of the Facility to be installed, maintained, or repaired in the public right-of-way, the application also shall include the name, address, telephone, and facsimile number of the Owner.
- (2) A description of the location, purpose, method of excavation, and surface and subsurface area of the proposed excavation.
- (3) A plan showing the proposed location and dimensions of the excavation and the Facilities to be installed, maintained, or repaired in connection with the excavation, and such other details as the Department Division may require.
- (4) A copy or other documentation of the franchise, easement, encroachment permit, license, or other legal instrument that authorizes the Applicant or Owner to use or occupy the public right-of-way for the purpose described in the application. Where the Applicant is not the Owner of the Facility or Facilities to be installed, maintained, or repaired, the Applicant must demonstrate in a form and manner specified by the Department Division that the Applicant is authorized to act on behalf of the Owner.
- (5) The proposed start date of excavation.
- (6) The proposed duration of the excavation, which shall include the duration of the restoration of the public right-of-way physically disturbed by the excavation.
- (7) Written acknowledgment that all material to be used in the excavation, installation maintenance, or repair of Facilities, and restoration of the public right-of-way, comply with all applicable state and federal environmental laws and regulations.
- (8) Written acknowledgement that the Applicant and Owner are in compliance with all terms and conditions of this Chapter, the orders, regulations, and Standard Plans and Specifications of the Department Division, and that the Applicant and Owner are not subject to any outstanding assessment, fees, penalties, that have been finally determined by the City or a court of competent jurisdiction.
- (9) Evidence of insurance as required by Subarticle 3, Section F of this Chapter.
- (10) A deposit as required by Subarticle 3, Section H of this Chapter.
- (11) Any other information that may reasonably be required by the Department Division.

B. The Department Division may allow an Applicant to maintain documents complying with Subsections (D), (I), (J), and (K) on file with the Department Division rather than requiring submission of such documents with each separate application.

C. Coordination.

The ~~Department~~ Division shall review the plans and identify conflicts and opportunities for coordination of excavations. The ~~Department~~ Division shall notify affected Owners and permittees of such conflicts and opportunities to the extent necessary to maximize coordination of excavation. Each applicant shall coordinate, to the extent practicable, with each potentially affected Owner and permittee to minimize disruption in the public right-of-way.

§296-25. - Joint excavation.

Municipal Excavator and Utility Excavator. Whenever a Municipal Excavator(s) and Utility Excavator(s) propose Major Work in the same Block within a 2 year period, the ~~Department~~ Division may condition permits for such Work in a manner that maximizes coordination and minimizes the total period of construction.

SUBARTICLE III

Permits to Excavate**§296-26. Action on applications for permits to excavate.**

- A. Any entity seeking to excavate a City street, including autonomous agencies of the City, must apply for a permit to do so. After the receipt of an application for a permit to excavate, the ~~Department~~ Division, within 45 days, shall determine whether an application is complete.
- B. If the application is deemed to be incomplete, the ~~Department~~ Division promptly shall advise the Applicant in a written, electronic, or facsimile communication of the reasons for rejecting the application as incomplete.
- C. Within 60 days of receipt of a complete application, the ~~Department~~ Division shall deny, approve, or conditionally approve the application.
 - (1) If the application is approved or conditionally approved, the ~~Department~~ Division shall issue a permit to the Applicant upon payment of all fees required under §160 JJ. Any and all permit fees for autonomous agencies of the City seeking to excavate a City street shall be waived. The ~~Department~~ Division may condition a permit with specified requirements that preserve and maintain the public health, safety, welfare, and convenience. The ~~Department~~ Division shall inform the permittee of the basis for such requirements.
 - (2) If the application is denied, the ~~Department~~ Division shall advise the Applicant in a written, electronic, or facsimile communication of the basis for denial.
- D. The Division Director shall notify The Historic Preservation Office before any excavation commences within the legal borders of Jersey City. The Historic Preservation Officer or an assigned agent(s) shall have the right to be present during any excavations. If excavation uncovers or discloses any structure, grave or artifact, which in the opinion of the Historic Preservation Officer may be of cultural, architectural or archaeological significance, he or she may order that excavation to cease immediately; direct that the means or manner of excavation be changed so as to avoid destruction or damage to any such items excavated; or direct that the excavation cease temporarily until arrangements are made to protect, preserve or remove such items. Any permittee shall have the right to appeal any decision of the Historic Preservation Officer to the Historic Preservation Commission, but no excavation work may continue pending the decision of appeal.

§296-27. Terms and limitations.

- A. The permit shall specify the location, extent, and method of the excavation, the start date and duration of the excavation, the hours of the day in which work will be allowed, the permittee to whom the permit is issued, and any conditions placed on the permit.
- B. No excavation shall interfere with the free flow of vehicular or pedestrian traffic without the approval of the Director. Prior to the issuance of a permit authorizing an excavation with the potential to disrupt the free flow of vehicle traffic, the Applicant shall meet with the Municipal Engineer, or his designee, at which time the Applicant shall submit plans for ensuring the safe and orderly flow of vehicular traffic during excavation work. Such plans, and any amendments the Municipal Engineer or his designee shall require, will be submitted as part of the Applicant's request for a traffic permit in addition to a road opening permit. Nothing in this section shall excuse the permittee from complying with any other regulations the ~~Department~~ Division may have with respect to the closure of streets.
- C. Any contractor, sub-contractor, utility companies, including those engaged in the installation of gas, water and electric lines, or autonomous agency of the City shall report to the Division yearly, their intentions with regard to prospective work requiring future street openings in the community for the purpose of coordinating such activity with pavement projects anticipated by the City.
1. Except in the case of an emergency, the City shall have the right to schedule street openings in a manner which will create the least disturbance, in furtherance of which purpose the Division shall provide to the utility companies and autonomous agencies of the City a schedule of expected street construction and resurfacing projects in advance so that these entities can coordinate their plans with the City accordingly. A list of these proposed street construction and resurfacing projects shall be published on the City's website as well.
 2. Once a year the Director of the Division shall notify public utility providers, autonomous agencies of the City of any and all planned work on City roads. Any work to be done on these roads will have to be done before paving is started. Such notice shall state that no road opening permit shall be issued for openings, cuts or excavations in such City road for a period of five (5) years after the date of paving. The notice shall also notify such permittee that applications for road opening permits, for work to be done prior to such paving shall be submitted promptly in order that the work covered by the permit may be completed before paving.
 3. During such five-year period, no permit shall be issued to open, cut or excavate in such City road unless, in the judgment of the Municipal Engineer, an emergency exists which makes it absolutely essential that the road opening permit be issued.
 4. Any contractor hired to perform a street excavation in the City shall provide proof that it is licensed and bonded with the State of New Jersey, and the Municipal Engineer is authorized to demand a bond in an amount not less than \$25,000 to assure that any road opening on roadways is restored satisfactorily. The restoration shall include milling and repaving of the area so as to blend uniformly with the adjacent roadway as per the conditions stated in the permit, including restoration of pavement markings, signage and all other appurtenances.

§296-28. Through §296-38. No Change.

SUBARTICLE IV
Excavations

§296-39. Through §296-41. No Change.

§296-42. Regulations concerning excavation sites.

Each Owner and permittee shall be subject to requirements for excavation sites that are set forth in Department Division orders or regulations. Such orders or regulations shall include, but not be limited to, the following measures:

- A. Protection of the excavation. Each permittee shall cover open excavation with steel plates ramped to the elevation of the contiguous street, pavement, or other public right-of-way, or otherwise protected in accordance with guidelines prescribed by the Department Division.
- B. Housekeeping and removal of excavated material. Each permittee shall keep the area surrounding the excavation clean and free of loose dirt or other debris in a manner deemed satisfactory to the Department Division. Excavation sites shall be cleaned at the completion of each work day. In addition, the permittee shall remove all excess excavated material from the site of the excavation no later than the end of each work day.
- C. Storage of Materials and Equipment. Materials and equipment that are to be used for the excavation within five (5) calendar days may be stored at the site of the excavation.
- D. Hazardous material. Each permittee shall be subject to hazardous material guidelines for data collection; disposal, handling, release, and treatment of hazardous material; site remediation; and worker safety and training. The permittee shall be required to comply with all federal, state, and local laws regarding hazardous material. For purposes of this Subsection, hazardous material shall mean any gas, material, substance, or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local government authority to pose a present or potential hazard to human health or safety or to the environment.
- E. Roadway restoration requirements for all excavation work involving roads of the City shall be done in compliance with the most recent standards promulgated by the Municipal Engineer.
- F. Any road in the City which has been resurfaced in the last ten (10) years for which a new road opening permit is issued shall include the requirement that the party performing the work must resurface the road from curb to curb and from street corner to street corner. Furthermore, all driveways and/or sidewalks at any intersection impacted by work done under a road opening permit must be restored as per the Municipal Engineer's standards. All regular sidewalks, when being restored or replaced as part of a road opening permit, must also be restored as per the Municipal Engineer's standards. The acceptance of all work done under the aforesaid specifications shall be under the supervision of the Municipal Engineer.
- G. Any crosswalks on the impacted street must be re-striped and brick-inlaid crosswalks must be restored, if applicable.
- H. If an individual property owner of a building less than 10 units is seeking permission to excavate a street to make emergency repairs or necessary service upgrades to his/her property, the property owner need only restore the trench in accordance with the Municipal Engineer's standards.

I. If an individual property owner is seeking to construct a new building, and its construction will require the opening of a street, then the property owner needs to arrange for the restoration of the street as per the Municipal Engineer's standards and as specified in the Site Plan approval.

J. All street patch repairs/trench restoration must use the infrared paving method as per the most recent standards promulgated by the Municipal Engineer. The backfilling and patching operations of any such excavating project must be supervised by a City inspector to ensure compliance with the Municipal Engineer's standards.

§296-43. No Change.

§296-44. Restoration of the public right-of-way.

§ 296-44. Restoration of the public right-of-way.

A. Restoration. In any case in which the sidewalk, street, or other public right-of-way is or is caused to be Excavated, the Owner and permittee shall restore or cause to be restored such excavation in the manner prescribed by the orders, regulations, and Standard Plans and Specifications of the ~~Department~~ Division. At a minimum, trench restoration shall include resurfacing to a constant width equal to the widest part of the excavation on each block, plus one additional foot in width on each side of the excavation, in accordance with the ~~Department's Division's~~ Standard and Guidelines.

B. Backfill, replacement of pavement base, and finished pavement. Activities concerning backfilling, replacement of pavement base, and finished pavement shall be performed in a manner specified by the orders, regulations and Standard Plans and Specifications of the ~~Department~~ Division. In addition, these activities shall be subject to the following requirements:

- (1) Backfill. Each excavation shall be backfilled and compacted within seventy-two (72) hours from the time the construction related to the excavation is completed. The backfilling operations must be supervised by a City inspector to ensure compliance with the Municipal Engineer's standards.
- (2) Replacement of pavement base. Replacement of the pavement base shall be completed within seventy-two (72) hours from the time excavation is backfilled. Replacement of the pavement base must be supervised by a City inspector to ensure compliance with the Municipal Engineer's standards.
- (3) Finished pavement. Finished pavement restoration shall be completed within seventy-two (72) hours of replacement of the pavement base. Finishing operations must be supervised by a City inspector to ensure compliance with the Municipal Engineer's.
- (4) Streets with paved with cobblestones or brick pavers must be returned to their condition prior to excavation. If at all possible, the original cobblestones or bricks should be set aside to be re-used post-excavation. The following is a list of streets paved in cobblestones and yellow bricks:

COBBLESTONE PAVED STREETS:

- Holland Street

- Manning Avenue
- High Street
- 17th Street/Lackawanna Terminal Viaduct
- Provost Street
- Audrey Zapp Drive

YELLOW-BRICK PAVED STREETS:

- Fairmont Terrace
- Apollo Court
- Duncan Court
- Virginia Terrace

- C. Modification to requirements. Upon written request from the permittee, the Director may grant written approval for modifications to the requirements of Subsection (2).
- D. Incomplete excavation; completion by the Department Division. In any case where an excavation is not completed or restored in the time and manner specified in the permit, this Chapter, or the orders, regulations, and Standard Plans and Specifications of the Department Division, the Director shall order the Owner or permittee to complete the excavation as directed within twenty-four (24) hours. If the Owner or the permittee should fail, neglect, or refuse to comply with the order, the Director may complete or cause to be completed such excavation in such manner as the Director deems expedient and appropriate. The Owner or permittee shall compensate the Department Division for any costs associated with the administration and construction required to restore the excavation, including but not limited to any costs related to consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the Department Division or other agencies, authorities, boards, commissions, or departments of the City that were made necessary by said excavation. -The Director's determination as to the cost of any work done or repairs made shall be final. In addition, the Owner, his Agent or permittee may be subject to those enforcement actions set forth in Subarticle 5.
- E. Subject to the limitation set forth in Subarticle 5, §296-45, completion of an excavation or restoration by the Department Division in accordance with Subsection (D) above shall not relieve the Owner or permittee from liability for future pavement at the excavating site.

SUBARTICLE V

Post-excavation repair, maintenance, and pavement

§296-45. - Repair and maintenance obligation of permittee.

Each Owner and permittee that excavates or causes to be made an excavation in the public right-of-way shall be responsible to maintain, repair, or reconstruct the site of the excavation so as to maintain a condition acceptable to the Director for a period of one (1) year after its restoration.

§296-46. - Subsurface or pavement failures.

In the event that subsurface material or pavement over or immediately adjacent to any excavation should become depressed, broken, or fail in anyway at any time after the excavation has been

completed, the Director shall exercise his or her best judgment to determine the person(s) responsible, if any, for the failure in the subsurface or surface of the public right-of-way and shall designate such person as the responsible party. The Director shall notify said person(s) of the condition, its location, and the required remedy. Such person(s) shall repair or restore, or cause to be repaired or restored, such condition to the satisfaction of the Director within seventy-two (72) hours of the notification. The Director may, in his or her discretion, extend the time for the responsible party to repair or restore the affected public right-of-way.

§296-47. - Repair by the department.

- A. In the event that any person(s) fails, neglects, or refuses to repair any condition pursuant to the Director's notice as set forth in Subarticle 5, § 296-46, the Director may repair or restore, or cause to be repaired or restored, such condition in such manner as the Director deems expedient and appropriate. The person(s) identified by the Director as the responsible party shall compensate the ~~Department~~ Division for any costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the City that were made necessary by reason of the repair or restoration undertaken by the ~~Department~~ Division. The cost of such work also may be deducted from the permittees Deposit pursuant to Subarticle 3, § 296-38. The Director's determination as to the cost of the repair or restoration performed shall be final. In addition, the responsible party may be subject to those enforcement actions set forth in this subarticle.
- B. Repair or restoration by the ~~Department~~ Division in accordance with this Section shall not relieve the person(s) from liability for future pavement failures at the site of the repair or restoration.

§296-48. - Emergency remediation by the department division.

- A. If, in the judgment of the Director, the site of an excavation is considered hazardous or if it constitutes a public nuisance, public emergency, or other imminent threat to the public health, safety, or welfare that requires immediate action, the Director may order the condition remedied by a written, electronic, or facsimile communication to the person(s) responsible, if any, for remedying the condition and shall designate such person as the responsible party.
- B. If the responsible party is inaccessible or fails, neglects, or refuses to take immediate action to remedy the condition as specified in said communication, the Director may remedy the condition or cause the condition to be remedied in such manner as the Director deems expedient and appropriate. The person(s) identified by the Director as the responsible party shall compensate the ~~Department~~ Division for any reasonable costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the ~~Department~~ Division or other agencies, boards, commissions, or departments of the City that were made necessary by reason of the emergency remediation undertaken by the ~~Department~~ Division. The cost of such work also may be deducted from the permittee's Deposit pursuant to Subarticle 4, §296-44, or Subarticle 5, §296-47. The Director's determination as to the cost of any remediation performed shall be final. In addition, the responsible party may be subject to those enforcement actions set forth in Subarticle 5, §296-49, §296-50 and §296-51.
- C. Remediation by the ~~Department~~ Division in accordance with this Section shall not relieve the person(s) from liability for future pavement failures at the site of the remediation.

§296-49. - Violation of chapter.

- A. The Corporation Counsel may in his or her discretion institute an action for injunctive relief to restrain any non-compliance with this chapter and/or to cause the correction or abatement of any violation of this chapter and seek civil penalties and assessments as provided for in (2) hereunder and reasonable attorney's fees for the prosecution of each violation.
- B. Any person who violates the provisions of this chapter may be liable for civil penalties, not to exceed five hundred (\$500.00) dollars for each day such violation is committed or permitted to continue. Such penalty shall be assessed and recovered in an action brought in the Municipal Court of the City of Jersey City or any other court of competent jurisdiction.

§296-50. - Penalties and fees.

- A. The Director shall have the authority to enforce this Chapter against violation thereof. Upon the Director's determination that a person has violated any provision of this Chapter, the Standard Plans and Specification, notices, orders, or regulations of the Department Division; any term, condition, or limitation of any permit or is subject to any outstanding fees, deposits, or other charges, the Director shall serve notice on said person to abate the violation. Any person whom the Director determines to be responsible for violating this Chapter may be subject to any or all of the enforcement mechanisms specified within Subarticle 5.
- B. Violations by Municipal Excavators are not subject to the penalties and fines specified in this Section. However, the Director is empowered to abate the violations of the Municipal Excavator, deduct the costs of abatement from the Municipal Excavator's deposit, and take other appropriate action against such Excavator that is within the Director's authority.
- C. Among other violations, citations may be issued for the following specific violations:
 - (1) Excavation without a valid permit;
 - (2) Excavation without proof of the permit issuance on site;
 - (3) Excavation without proper notice in accordance with Subarticle 4, § 296-40 and N.J.A.C. 14:2-1.1 through 6.5;
 - (4) Excavation without proper public notice;
 - (5) Excavation that violates the City of Jersey City Traffic Code;
 - (6) Excavation that violates the regulations concerning excavation sites (Subarticle 4, Sections C and D), which include, but are not limited to, protection of the excavation, housekeeping and removal of excavated material, and hazardous material;
 - (7) Excavation that does not meet the 72-hour requirements for restoration concerning backfill, replacement of pavement base, and finished pavement (Subarticle 4, § 296-44); or

- (8) Excavation that exceeds the scope of the permit, including, but not limited to, obstructing the path of automobile or pedestrian travel in excess of the permitted area.

D. The non-payment of fines or citation imposed to this Section, or the continued existence of a condition in violation of this Section, shall be grounds for the Director to deny a permit to the responsible person until such fines or citations have been paid and the condition corrected.

§296-51. - Suspension of action on applications.

A person who is in willful noncompliance with this Chapter shall not apply for nor be issued a subsequent permit to excavate in the public right-of-way unless the Director, by written authorization, grants a waiver to this prohibition.

B. The following amendments to Chapter 160 (Fees and Charges) are hereby adopted:

FEES AND CHARGES

JJ. Chapter 296, Streets and Sidewalks.

Fees shall be as follows:

A. Through II. No Change.

JJ. Chapter 296, Streets and Sidewalks.

- (1) No Change.
- (2) No Change.
- (3) Fees and deposits for excavations in public rights-of-way:
 - (a) ~~Deposit for excavations pursuant to §296-33 shall be \$25.00 per square foot of the area to be excavated but not less than \$1,000.00 nor more than \$25,000.00.~~ Fees for water service line to each house connection \$150.00
Fee for sewer service line to each house connection \$200.00
Fee for both water and sewer lines to each house connections \$300.00
 - (b) Administrative fee of \$50.00 for each ~~{bleek}~~ application in which an excavation is proposed.
 - (c) Inspection fee of \$50 for excavations up to 25 square feet and ~~[\$1.75]~~ \$2.00 per square foot for each additional square foot thereafter.
 - (d) Such additional fees as may be required by §296-36.
 - (e) Administration fee for a Traffic permit is \$50.00, which will be exempt as part of the street opening permit.
 - (f) Any and all permit fees for autonomous agencies seeking to excavate a City street shall be waived.
- (4) No Change.
- (5) No Change.
- (6) No Change.

- C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- E. This ordinance shall take effect in the manner as prescribed by law.
- F. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.


NOTE: All new material is underlined; words in ~~{brackets}~~ are omitted.
For purposes of advertising only, new matter is indicated by **boldface**
and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____


Business AdministratorCertification Required ☐Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE AMENDING: (1) CHAPTER 296 (STREETS AND SIDEWALKS), ARTICLE VII (EXCAVATIONS), TO AMEND THE STANDARDS FOR STREET EXCAVATIONS AND (3) CHAPTER 160 (FEES AND CHARGES) SECTION JJ TO INCREASE THE FEES TO EXCAVATE STREETS

Initiator

Department/Division	Candice Osborne	
Name/Title	Councilwoman, Ward E	
Phone/email	cosborne@jcnj.org	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This ordinance aims to protect capital investments (paid for via tax payers) made on road infrastructure and to maintain historic integrity of cobblestone roads. Specifically the ordinance requires that anyone who opens a road:

- Inability to open up any road that has been repaved in the last 5 years, except for emergency purposes
- Required to repave, block to block, any road that has been repaved in the last 10 years unless the person requesting to open the road is:
 - An individual property owner with less than 10 units
- For all situations where a full repaving is not required, then contractor must adhere to a new and improved engineering standard (infrared method) when patching the road.
- Contractor must ensure engineering oversight of the backfill process.
- Contractors must secure a \$25,000 bond
- Fully restore cobblestone streets and any pedestrian crossing

I certify that all the facts presented herein are accurate.



January 12, 2014

Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 15.003

TITLE: 3.C JAN 14 2015 4.C

JAN 28 2015

Ordinance amending the Jersey City Municipal Code,
Chapter 296 (Streets and Sidewalks), Article VII
(Excavations), to amend the standards for street
excavations and Chapter 160 (Fees and Charges), Section
JJ to increase the fees to excavate streets.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 14 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 28 2015 9-0											
Councilperson <u>OSBORNE</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALZER
LAVERN WASHINGTON
MATT SCHAPIRO
TRAYSON BURG
JOE VALENTE
ROBERT VERDIBELLO
STEPHANIE DANIELS
MARIA NIEVES
JEREMY JACOBSEN
STEVEN SANDERS

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 28 2015 8-0-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	ABSTAIN			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 14 2015

Adopted on second and final reading after hearing on JAN 28 2015

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on JAN 28 2015

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JAN 28 2015

APPROVED:

Steven M. Fulop, Mayor

Date JAN 29 2015

Date to Mayor JAN 29 2015