

BOROUGH OF WEST LONG BRANCH
Application for Street Excavation
965 Broadway, West Long Branch, NJ 07764



Carolina Santos, Acting Borough Clerk

(732) 229-1756 Ext. 100

csantos@westlongbranch.org



Date of Application: _____	
Proposed Date of Excavation: _____	
Application is hereby made by: _____ (hereafter known as the "Permittee").	
Address of Applicant: _____	
Telephone Number: _____	E-mail Address: _____
To excavate a trench _____ ft. wide by _____ ft. long for the purpose of installing: _____	
To service property located at: _____ House No. _____	
Contractor completing work: _____ Name of Contact: _____	
Phone Number: _____	E-mail Address: _____ Emergency Number: _____
Contractor's Address: _____	

Length of Opening: _____ Width: _____ Depth: _____ Square Yards: _____

Type of Service to be Distributed: _____

Work will begin on: _____ Completed on: _____

Remarks:

Enclosed, please find a certified check in the amount of \$_____ (See attached fee schedule)

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*For Official Use Only, to be completed by Borough Officials*

Permit # \_\_\_\_\_

☐ You are hereby granted permission to make an excavation on a Borough Street at the location set forth herein, in accordance with the Code of the Borough of West Long Branch, Chapter 15-4 entitled "Excavation and Construction in Public Streets" and agree to comply with all conditions therein, subject to the following special conditions (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ You are hereby denied permission to make an excavation for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Public Works

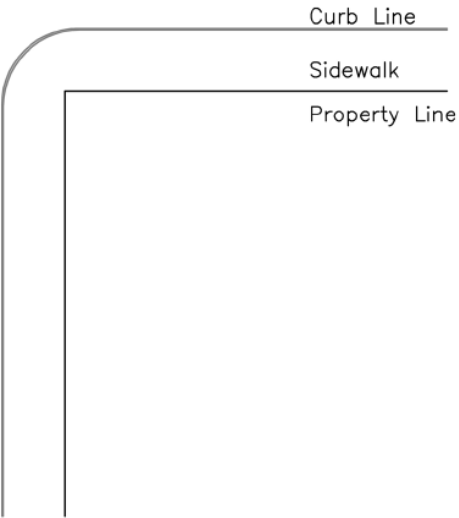
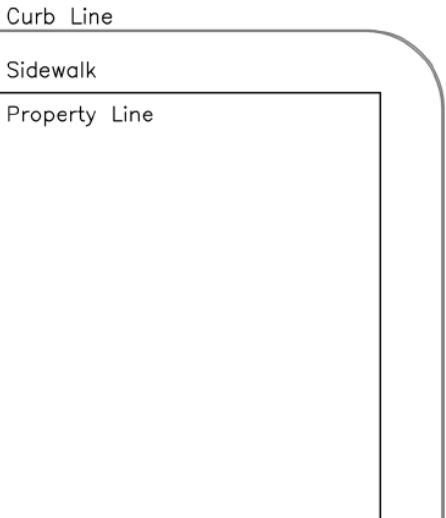
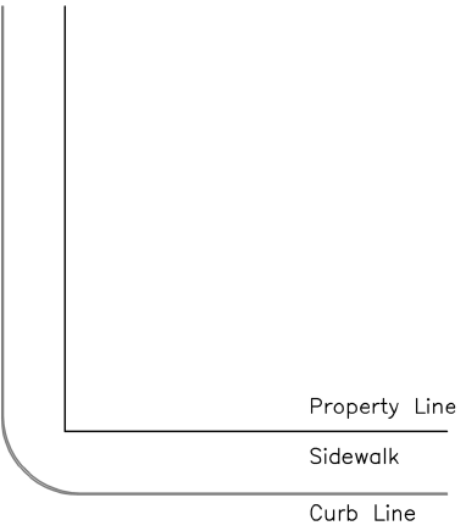
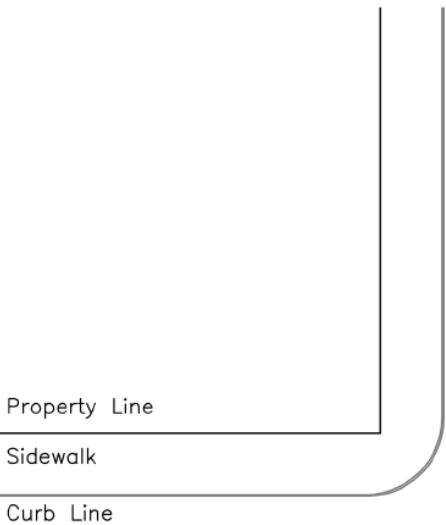
\_\_\_\_\_  
Date

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***Detailed drawing of work must be completed on this page prior to submission of application.***  
***Once all signatures have been obtained, this form will become your permit.***

## Chapter 15. Streets and Sanitation

### § 15-4. EXCAVATION AND CONSTRUCTION IN PUBLIC STREETS.

#### § 15-4.1. Permit Required.

[Ord. #462, S 1; Ord. #498, S 1]

No person shall cut, dig, drill, make any hole, trench or other excavation on any road, street, alley, highway, sidewalk or any other public way within the Borough of West Long Branch for the purpose of laying any pipes or mains of any description; or for the purpose of repairing or connecting any pipe or conduit pipe with any water or gas main, or for laying any sewer, or connecting with any telephone or telegraph wires under the surface of any street, or for any other purpose, without first having obtained a permit.

In the event of an emergency where repairs must be made immediately, and the person charged with the responsibility for making the repairs would be unduly delayed in seeking a permit, then, and in that event, the excavation may be made after contacting the office of the Director of Public Works, and the person having made the excavation shall forthwith apply for a permit and comply with all the provisions of this section.

#### § 15-4.2. Application for Permit.

[Ord. #462, S 2; Ord. #498, S 2]

Application for a permit shall be made to the Borough Clerk on forms provided by him. The information required for a permit shall include, but not be limited to, the following:

- a. The name of the street where the opening is to be made;
- b. The house number, if any, and the West Long Branch Tax Map block, lot and section number of the property;
- c. The purpose for which the opening is to be used;
- d. The nature of the surface in which the opening is to be made;
- e. The dimensions of the opening;
- f. The time when the work is to be commenced and completed.
- g. Any other information which may be required on the application form.

#### § 15-4.3. Issuance of Permit.

[Ord. #462, S 3; Ord. #498, S 3]

Upon the filing of a valid application for permit, together with the license fee, deposit or completion bond as required by this section, the Borough shall issue a permit which shall specify when said work is to be completed. The Borough shall retain the amount so deposited until the applicant shall have completed the work of filling in, leveling, grading and restoring any road, alley, street, highway, sidewalk or any other public way so excavated.

If the applicant proposes the closing of a street, prior notice shall be given to the Police Department, and comment shall be received from the Police Department prior to the issuance of any such permit.

The applicant shall comply with all terms of the permit and the conditions on the application form. The Borough reserves its right to require any information which is not required on the application form itself, but which the Director of Public Works, or the Borough Engineer, feel is necessary in order to properly evaluate the application.

The issuing authority for any permit shall be the Director of Public Works.

#### § 15-4.4. Permit Fee and Deposit.

[Ord. #462, S 4; Ord. #498, S 4; Ord. No. O-2015-2 §§ 2-4]

Each application for an excavation permit shall be accompanied by the following:

a. Permit Fee.

A permit fee in the amount of \$250, plus \$100 for each additional opening over one opening, shall be charged and paid with the initial permit application. This fee shall be in addition to any other charges related to proposed construction or work. No permit will be issued until all fees, deposits and bonding have been completed or paid.

[Ord. No. O-2015-2 § 2]

b. A deposit or bond in lieu thereof as follows:

1. Two hundred dollars for any excavation not exceeding 100 square feet on a road surface improved with concrete or asphalt and an additional sum of \$2 for every square foot in excess of 100 square feet. Of this sum, a minimum of \$200 shall be posted in cash with the Borough Clerk, and the balance may be posted in either cash or approved bond.
2. Each applicant, prior to the receipt of a permit, shall provide the Borough with an acceptable corporate surety bond to guarantee faithful performance of the work authorized by a permit granted pursuant to this section. The amount of the bond shall be 100% of the estimated cost of the work to be done by the permittee. The term of the bond shall begin upon the date of posting thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Director of Public Works, which certificate shall not be given until one year has elapsed from the date of the final inspection. If the permittee anticipates requesting more than one permit per year as required by this section, he may furnish one continuing surety bond to guarantee faithful performance in such amount as the engineer deems necessary, providing the applicant has obtained the prior consent of the governing body. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year.
3. Whenever the Borough Engineer, or the Director of Public Works, shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Engineer, or the Director of Public Works, to be reasonably necessary for the completion of such work.
4. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the Borough for the cost of doing the work as set forth in the notice,

c. Emergency Excavation on Weekends, Holidays or After Hours.

Should an emergency excavation occur on a weekend or after normal business hours, or on a Borough-recognized holiday, the permit holder will be charged an additional fee to cover the Borough's inspector's accrued cost for each inspection, which will be charged at the rate of \$80 per hour for each occurrence, with a minimum charge of \$200.

[Ord. No. O-2015-2 § 4]

## § 15-4.5. Liability Insurance.

[Ord. #462, S 5; Ord. #498, S 5]

Each applicant, prior to receipt of a permit, shall provide the Borough with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the engineer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall be in an amount not less than \$100,000 for each person and \$300,000 for each accident and for property damages in an amount not less than \$50,000, with an aggregate of \$100,000, for all accidents. Public utilities and authorities may be relieved of the obligation of submitting such certificates if they are insured in accordance with the requirements of this section.

## § 15-4.6. Openings in New Streets.

[Ord. #462, S 6; Ord. #498, S 6; Ord. No. O-2015-2 §§ 5, 6, 7]

a. Five-Year Restriction.

1. Whenever the Borough of West Long Branch adopts any resolution providing for the paving or repaving of any municipal road, the Borough shall make reasonable efforts to serve written notice thereof to each owner of any

sewer, main, conduit, or other utility in or under said road and to the owner and tenants of any real property abutting the said affected municipal road.

2. Such notice shall notify such owner that no permit shall be issued for openings, cut or excavations in the said municipal road for a period of five years after the date of enactment of such resolution without consent of the Borough. Such notice shall also notify such owner that application for permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the permit may be completed not later than 60 days from the date of enactment of such resolution. If services of the notice cannot be made by mail or personally, notice may be given by attaching a copy thereof to the premises and by further posting signs at both ends of the proposed construction or reconstruction.
3. The Borough may also publish notice of proposed paving or repaving of any municipal road in one or more newspapers circulating in the area where the work is proposed to be done that any excavation must be completed not later than 60 days from the date of the enactment of the municipal resolution authorizing the paving or repaving. Within the said 60 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to obtaining the required permit and to the provisions of this subsection, as may be necessary to install or repair sewers, mains, conduits, or other utility installations.
4. In the event any owner of real property abutting said municipal road shall fail within said 60 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 utility service lines or service connections to the property lines, any and all rights of such owner or successors in interest to make openings, cuts or excavations in said municipal road shall be forfeited for a period of five years from the date of enactment of said resolution. During the said five-year period, no excavation permit shall be issued to open, cut or excavate in said municipal road unless the Borough determines that an emergency exists which makes it absolutely essential that the excavation permit be issued or that the said proposed work can be completed, with such conditions as the Borough Engineer may require, without undue impairment of the paving or repaving completed.  
[Ord. No. O-2015-2 § 5]

b. Reserved.

[Reserved by Ord. No. O-2015-2 § 5]

- c. If, by special action of the Borough, a permit is issued to open any paved and improved street surface less than five years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be on a sliding scale and shall be equal to 2% of the cost of restoring the opening for each unelapsed month or fraction thereof of the five year restricted period, but in no event shall the penalty be less than \$250.

d. Attractive Nuisance.

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and to be hazardous to their safety or health.

[Ord. No. O-2015-2 § 7]

e. Cleanup.

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Department of Public Works and Police Department. From time to time, as may be ordered by the Department of Public Works or Police Department, and, in any event, immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any land resulting from said work, and upon failure to do so with 24 hours after having been notified to do so by the Borough, said work may be done by the Borough and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the cash repair deposit and/or surety bond provided hereunder. If the funds posted by the permittee are insufficient to pay for the cleanup, removal of refuse and unused materials, then the permittee shall be liable for said additional costs.

[Ord. No. O-2015-2 § 7]

f. Restoration of the Surface.

1. Restoration Procedure.

- (a) Once the excavation work area has been properly saw cut and the backfill tamped and compacted, the permittee shall install no less than six (6") inches of hot mix asphalt (HMA) material base course to the trench surface. If the distance from the edge of the excavation work area to the existing curb is less than two (2') feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of hot mix asphalt (HMA) material base course in the entire area.

- (b) The partially restored pavement shall be allowed to settle for no less than 90 days and no more than 180 days. If at any time during the settlement period the trench becomes unacceptable as determined by the Director of Public Works or Traffic Safety Officer, the permittee shall be notified of the condition requiring repair, and such repair shall be performed by the permittee within 24 hours of such notification by the Director of Public Works or Traffic Safety Officer. If the repair is not made in the time specified, the Borough may make the repair, and any cost thereof will be charged against the permittee's cash repair deposit and/or maintenance bond. At the end of the period of time of settlement required by the Department of Public Works, an inspection shall be performed by the Department.
- (c) At the time set forth in paragraph (b) above, the permittee shall be required to mill the excavation work area surface as specified and install no less than two inches of hot mix asphalt (HMA) material surface course. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces and a hot-poured, rubber asphalt joint sealer (per section 914 of NJDOT Standard Specifications for Roads and Bridges 2007). As an alternative to the provisions in this subsection, but only if the Director of Public Works deems it acceptable, the permittee may utilize infrared treatment as the final restoration of the pavement.
- (d) Unless authorized by the Department of Public Works, all excavations shall require milling and restoration of the excavation work area extending from curb to curb. If the excavation work area will be within 200 feet or more of a previous excavation made within one year (by the same permittee along the same side of the road), the permittee shall be required to mill and restore between the outermost excavation from curb to curb.

[Amended 3-6-2019 by Ord. No. O-19-3]

- (1) The pavement restoration shall extend 10 feet past the limits of the trench excavation in each direction.
- (2) If the excavation extends beyond a curblin of any intersecting street, the restoration shall extend through the entire intersection to the opposite curblin.
- (e) The permittee shall be required to satisfactorily replace any facilities, including, but not limited to, curb, pavement, sidewalk, line striping, etc., that are affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to Borough standards.
- (f) With Department of Public Works approval, the center line of road milling and restoration may be offset by the distance necessary to avoid disturbing the existing line striping or markers.

## 2. Maintenance Procedures.

- (a) When the final pavement restoration is approved, as required in paragraph 1 above, the Department of Public Works shall notify the Borough Clerk, in writing, that he/she may release the cash repair deposit or performance guarantee posted by the permittee at the onset of the project, subject to the retainage requested hereinbelow. Such release shall be subject to the permittee agreeing to maintain the restored excavation work area for a period of two years from the date of final approval of the work and posting a maintenance bond to guarantee the same. The permittee shall also agree to satisfactorily repair any adjacent structures, including, but not limited to, curb, pavement and sidewalk, that are damaged as a result of any excavation work area settlement during this period of time. In furtherance of these agreements, the Borough Clerk shall retain as a cash retainage 50% of the cash repair deposit and/or performance guaranty during the two-year maintenance period.
- (b) If an inspection reveals that the restored excavation work area becomes unacceptable, the Department of Public Works shall notify the permittee that he must repair the area in accordance with the aforementioned procedure within 30 days from the date of notification or sooner if safety on public conveyances is involved. If the permittee fails to repair the trench within this time, the Department of Public Works shall notify the Borough Clerk, and he/she shall allow the Borough to utilize the permittee's cash retainage and maintenance bond to pay for the cost of repairing the excavation work area. If the restoration costs exceed the maintenance bond, the permittee shall be liable for said additional costs.
- (c) Upon termination of the two-year maintenance period, any remaining portion of said maintenance bond that has not been expended shall be returned to the permittee without interest.
- (d) 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 existing pavement shall be tamped into place, properly graded and topped with a minimum of two (2") inches of bituminous patch material which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of 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 travelling condition until such time as permanent restorations are made. If, in the judgment of the Director of Public Works, 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 or any other reason, he may direct the permittee to lay a temporary pavement of steel plate or other suitable material designated by him over such cut or excavation, to remain until such time as the repair of the original pavement may be properly made.

- (e) Acceptance or approval of any excavation work by the Department of Public Works 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 24 months from the completion of the excavation work. The presence of a representative of the Department of Public Works or the Borough Engineer during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.

3. Borough's Right to Restore Surfaces or Eliminate Violations.

- (a) If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit or shall fail to adhere to other requirements of this section, the Borough shall have the right to do all work necessary to restore the street, to eliminate violations and to complete the excavation work. The permittee shall be liable for the actual cost thereof and 25% of such cost in addition, for general overhead and administrative expenses. The Borough shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply, in payment of the amount due it, any funds of the permittee deposited as herein provided; and the Borough shall also be entitled to enforce its rights under any surety bond provided pursuant to this article. The Borough will normally give the permittee 24 hours notice of its intent to act, under the terms of this subsection, to eliminate violations of this article or to restore the surface, except that in the case of immediate danger to public health or safety, certified to by the appropriate officials, no such notice shall be required.
- (b) It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for one year after restoring it to its original condition.
- (c) The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place and backfilled during that single working day. Trenches shall be braced and sheathed according to OSHA standards for construction work.

4. Prompt Completion of Work.

The permittee shall prosecute with due diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, as soon as practicable and, in any event, not later than the date specified in the excavation permit therefor.

5. Urgent Work.

If traffic conditions, the safety or convenience of the travelling public or the public interest require that the excavation work be performed as emergency work, the Department of Public Works shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day, to the end that such excavation work may be completed as soon as possible.

[Ord. No. O-2015-2 § 7]