

ORDINANCE 2024-11C

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 12.08, WHICH PERTAINS TO EXCAVATIONS

STATEMENT OF PURPOSE

The purpose of this ordinance is to amend Chapter 12.09 to adopt regulations relating to excavations and road openings.

SECTION I

§12.08.090 is added as follows.

§12.08.090 Road Opening Moratorium

- A. On newly paved streets, there shall be a 5-year restriction on the issuance of road opening and excavation permits. Exceptions shall be granted for utility emergencies, utility openings that impact the safety and welfare of property owners (e.g. generators), or if the applicant is able to prove undue hardship. Undue hardship shall be approved at the discretion of the Borough Engineer or by resolution of the Mayor and Council.
- B. The Borough Engineer shall keep a list of all such streets subject to the 5-year moratorium.
- C. Prior to the start of any street paving or repaving work, the Borough Engineer shall notify each utility company of said work so any in-progress or contemplated excavations may be completed before paving is started. Such notice shall state that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of 5 years from the date of such paving. The notice shall also provide that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly so that any work may be completed not later than 90 days from the date of such notification.
- D. During such 5-year period, the applicant must restore the street opening. Such restoration must include pavement restoration (milling and repaving) for the full width of the roadway to a distance of 100 feet around the area of the opening. Notwithstanding these requirements, the Borough Engineer may, in his/her sole discretion, waive the requirements of this subsection under the following circumstances.
 - 1. Where necessary, as determined by the Borough Engineer. For example, if such a distance will unreasonably interfere with an existing utility, the Borough Engineer may use his/her discretion in determining the overall distance of the restoration.
 - 2. If, in the judgment of the Borough Engineer, an emergency exists that makes it essential that the road be opened for purposes of a utility repair or replacement.
 - 3. In any circumstance in which the Borough Engineer waives the curb-to-curb and/or 100-foot requirements above, the Borough Engineer shall require that the street opening be patched and restored via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway.
 - 4. A 24-month maintenance warranty and guaranty shall be required after permanent pavement restoration has been satisfactorily completed. Should settlement of the restored pavement area occur within a 2-year period from the date of permanent pavement restoration, the contractor shall be required to mill and/or excavate and repair the area to the satisfaction of the Borough Engineer consistent with the provisions of this article or as directed by the Borough Engineer.

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase,

clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

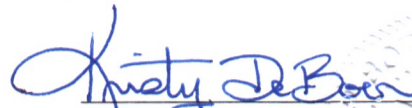
Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

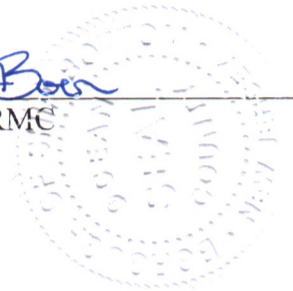
NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, March 26, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on April 23, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.



Kristy DeBoer, RMC
Municipal Clerk



CERTIFICATION

I, KRISTY DEBOER, RMC, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-11C was duly adopted by the Mayor and Council at the meeting held on Tuesday, April 23, 2024, at 6:30 p.m.

Kristy DeBoer, RMC
Municipal Clerk