

Chapter 46

EXCAVATIONS IN STREETS

- § 46-1. Permit required.
- § 46-2. Emergency street openings.
- § 46-3. Fees and charges.
- § 46-4. Permits numbered and in triplicate; distribution.
- § 46-5. Refilling excavations.
- § 46-6. Modification of charges.
- § 46-7. Bond in lieu of deposit authorized for public utility.
- § 46-8. Violations and penalties.
- § 46-9. Inconsistent ordinances repealed.
- § 46-10. When effective.

[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 9-2-1965. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 37.
Payment of taxes prior to issuance of permit — See Ch. 59, Art. I.
Sewer connection — See Ch. 71.
Streets, sidewalks and shade trees — See Ch. 73.
Water — See Ch. 90.

§ 46-1. Permit required. [Amended 5-7-1998 by Ord. No. 12-1998]

It shall be unlawful for any person or persons, corporation or corporations to cut, break into or open any portion of any street

of the City of Gloucester City without first making application to and receiving from the City Clerk of Gloucester City a street-opening permit. It shall be unlawful for any person or persons, corporation or corporations to set or reset, cut, break into or alter any curb abutting a street of the City of Gloucester City, as required by Chapter 73, Article I, Curb and Sidewalk Construction, of this Code, without first making application to and receiving from the City Clerk of Gloucester City a curb setting permit.

§ 46-2. Emergency street openings.

At such times as the City Clerk's office is not open for business, emergency openings may be made, and a permit shall be obtained on the first business day afterwards.

§ 46-3. Fees and charges. [Amended 12-2-1982 by Ord. No. 16-1982; 3-4-1993 by Ord. No. 7-1993; 1-4-1996 by Ord. No. 1-1996; 1-2-1997 by Ord. No. 34-1996; 5-7-1998 by Ord. No. 12-1998]

- A. A street opening permit fee of \$20 shall be paid to the City Clerk at the time each application is filed. There shall be a charge of \$5 per square foot of opening to be paid to the City Clerk at the time the application for the street opening permit is filed, to reimburse the city for inspection, material and final repairs. Said street opening permit shall be good for only one excavation within one street or block. A street opening permit must be obtained for each excavation proposed and it must note the date of completion, which shall be within 30 days from the date of issue of the street opening permit or a new street opening permit will be required and an additional street opening permit fee of \$20 must be paid.
- B. A curb setting permit fee of \$5 shall be paid to the City Clerk at the time each application is filed. This permit fee would apply to properties with street frontage of 50 feet or less. Any property with a larger frontage will be

assessed a fee of \$5 for each additional 50 feet of frontage or portion thereof.

§ 46-4. Permits numbered and in triplicate; distribution.

Permits shall be numbered consecutively and made out in triplicate. The original shall be given to the applicant; the duplicate shall be furnished to the Superintendent of Streets for his information and follow-up procedure for inspection, repair and final report; and the triplicate shall be retained by the City Clerk.

§ 46-5. Refilling excavations.

All street openings shall be closed according to specifications approved by the Street Committee of Common Council, copies of which shall be on file in the office of the City Clerk.

§ 46-6. Modification of charges.

The Common Council, from time to time as costs warrant, may adjust the street closing charges by the adoption of a resolution or resolutions for that purpose.

§ 46-7. Bond in lieu of deposit authorized for public utility.

In lieu of making the payment for street closing charges as required above, any public utility, as defined by N.J.S.A. 40:2-13,¹ may file with City Council a bond to the city in the sum \$10,000, conditioned upon said utility restoring to its original condition any streets or highways in the city opened or excavated by said utility and otherwise complying with all provisions of this ordinance, and further conditioned for the payment to the city of any moneys which said city is obliged to

¹ Editor's Note: N.J.S.A. 40:2-13 was repealed by Ch. 169 of the Laws of 1960.

expend in order to restore such street or highway to its original condition. Said bond shall not be considered to be filed unless and until approved by resolution of City Council. In event that, after the proper filing of a bond by a utility as aforesaid, said utility shall fail to abide strictly by the provisions of this ordinance, City Council may, by resolution, revoke the privileges granted under its bond, return the bond to the utility and require cash payments for all future street openings made by said utility.

§ 46-8. Violations and penalties. [Amended 12-5-1974²]

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or by both fine and imprisonment.

§ 46-9. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

§ 46-10. When effective.

This ordinance shall take effect from and after its passage and publication as provided by law.

² Editor's Note: See Ch. 1, § 1-6B(1).