

CHAPTER XVIII

STREETS AND SIDEWALKS

18-1 EXCAVATION AND CONSTRUCTION IN PUBLIC STREETS.

18-1.1 Definitions. As used in this section:

Connection shall mean the installation of a pipe line or pipe lines to bring utilities of any kind into a property from a public street.

Improved road, Class A shall mean any road surface with a pavement such as asphalt, concrete, bituminous concrete, brick or similar pavement, and any road having a concrete base.

Improved road, Class B shall mean any road surfaced with stone or slag uniformly deposited in layers, with a total thickness of not less than four (4") inches, where the stone or slag has been compacted by the use of a power roller and bound together by the application of bituminous binder, tar or asphaltic binder.

Improved road, Class C shall mean any macadam or other road surfaced with a light coat of stone or oil, or any waterbound macadam road without treatment, and any gravel or cinder road with oil treatment.

Streets shall mean any road, street, avenue, highway, boulevard, thoroughfare, lane, alley place or other right of way publicly accepted or dedicated and used or usable by the public for travel and subject to the jurisdiction of the Borough.

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Unimproved road shall mean any cinder, dirt or gravel road without oil treatment and all other roads under the jurisdiction of the Borough.

(1969 Code § 12-1.1)

18-1.2 Permit Required. No person shall make any opening or excavations in any street under the jurisdiction of the Borough without having obtained a permit to do so in the manner provided in this section. (1969 Code § 12-1.2)

18-1.3 Application for Permit. Application for a permit under this section shall be made to the Borough Superintendent and shall contain the following information:

- a. Name and address of the applicant.
- b. Name of the street where the opening is to be made and the street number, if any, of the abutting property.
- c. The Borough tax map block and lot number of the property for the service of which the opening is to be made.
- d. Nature of the surface in which the opening is to be made.
- e. Character and purpose of the work proposed.
- f. Time when the work is to be commenced and completed.
- g. Each application shall be accompanied by a set of plans clearly showing the exact location and dimensions of all openings and the street affected for a distance of twenty-five (25') feet on either side. The plans shall bear the seal of a licensed professional architect of the State of New Jersey or, in the alternative, shall be accompanied by the affidavit of the person who drew them.

(1969 Code § 12-1.3)

18-1.4 Fees. Fees shall be paid when the application is made. The applicant shall be charged an application fee of seventy-five (\$75.00) dollars for each permit. (Ord. No. 76-4 § 2)

18-1.5 Issuance of Permit. All permits shall be issued by the Borough Superintendent. The Borough Superintendent shall determine the initial time during which the permit shall be valid. (1969 Code § 12-1.4)

18-1.6 Contents of Permit; Filing. Each permit shall state the identity and address of the applicant, the name of the street and the location where the opening is to be made, the dimensions of the opening and the period during which the permit shall be valid. The original of each permit shall remain on file with the Superintendent. (1969 Code § 12-1.5)

18-1.7 Modification of Permit Conditions. In any special case the Borough Council may by resolution impose special conditions to which the issuance of the permit will be subject, or the Borough Council may decide by resolution that any provision of this section shall not apply or shall be altered. (1969 Code § 12-1.10)

18-1.8 Bonds. No permit shall be issued until the applicant shall have filed a bond in an amount determined by the Borough Council to be sufficient. The bond shall be executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be upon the following conditions:

- a. To indemnify and hold harmless the Borough of Surf City from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.

- b. The bond shall also be conditioned upon the applicant's restoring the surface and foundation of the street for which the permit is granted in a manner acceptable to the Borough Engineer, and shall remain in force for one (1) year from the date that the Borough Engineer approves the work as properly completed.

One (1) bond may be accepted to cover a number of excavations by the same applicant. In the event that the applicant exhibits satisfactory proof that he is insured against any of the occurrences specified in this subsection, then the existence of such insurance coverage shall be taken into consideration in determining the amount of the bond.

(1969 Code § 12-1.7)

18-1.9 Rules and Regulations. All permits issued under this section shall be subject to the following rules and regulations:

- a. All excavations shall be kept properly barricaded at all times and during the hours of darkness shall be provided with proper warning lights. This regulation shall not excuse the permittee from taking any other reasonably necessary precaution for the protection of persons or property.
- b. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. The applicant shall provide traffic control the extent of which is to be determined by the Municipal Engineer. No street shall be closed to traffic, unless permission has been specifically granted by the Mayor and/or Borough Council. The Police Department shall be informed of all such street closings, at least twenty-four (24) hours in advance.
- c. The Superintendent may, upon application by the permittee, extend the time limit during which the permit shall be valid.

- d. No work shall be done in such a manner as to interfere with any water main or sewer line or any connection with either of the same from any building unless that is the purpose of the excavation or permission has been obtained in advance from the body operating that line. No work shall be carried on in such a manner as to result in destruction or damaging of any property of the Borough unless this is necessary for completion of the work and permission has been obtained in advance from the Borough Council.
- e. All excavations shall be completely backfilled by the permittee and as much as possible of the material excavated shall be replaced. Such material shall be compacted by flushing, tamping or other suitable means in a manner prescribed by the Department of Streets and Roads. Where the Borough Engineer determines that the excavated material is unsuitable for backfill, the permittee shall backfill the excavation with sand, soft coal, cinders or other suitable material which shall be placed in layers not exceeding three (3") inches in depth and thoroughly compacted in the manner prescribed by the Borough Engineer. Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. If the Borough Engineer determines that any backfilled excavation has settled or caved in, he shall so notify the permittee, who shall promptly continue backfilling until the Department of Streets and Roads determines that settlement is complete.
- f. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete. Such concrete shall be composed of one (1) part cement to six (6) parts of coarse aggregate material not inferior to cinders.
- g. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable State laws and regulations. Any rock or other substance within five (5') feet of any water main,

sewer line or other facility which may be damaged by blasting shall be removed without blasting.

- h. If any work is not completed within the time specified in the permit or any extension thereof, or is not performed in accordance with the foregoing regulations and such other regulations as may be promulgated by the Borough Council by resolution, then the Borough may complete the work in a proper manner and restore the surface of the street. The cost of so doing shall be charged to the permittee and may be recovered by an action in any court of competent jurisdiction.
(1969 Code § 12-1.8; Ord. No. 94-8 § 1)

18-1.10 Restoration of Surface by Permittee. In all cases the permittee is to restore the surface of the street, and the following rules, regulations and requirements shall apply:

- a. No permittee shall commence the restoration of any street foundation or surface until the Borough Engineer has deemed that settlement of the subsurface is complete and the area properly prepared for restoration.
- b. All foundations shall be restored to a width of twelve (12") inches wider than the width of the excavation and to a length of six (6") inches longer than the length of the excavation.
- c. The street surface shall be restored to a width of twelve (12") inches wider than the width of the restored foundation and to a length of six (6") inches longer than the length of the restored foundation.
- d. When any foundation is restored by the use of cement concrete, the same shall consist of a mixture by volume of one (1) part of Portland cement, three (3) parts of sand and five (5) parts of gravel or stone.
- e. All foundations and surfaces of Class A and Class B improved roads shall be restored with the same type of

material and to the same depths as existed prior to the making of the excavation.

- f. The foundations and surfaces of Class C improved roads or unimproved roads shall be made with materials and in a manner as shall be directed in each particular case by the Borough Engineer.
(1969 Code § 12-1.9)

18-2 STREET NUMBERS.

18-2.1 House Numbers Established. The several parcels of land and real estate fronting on the streets of the Borough shall be numbered and each parcel shall be known and designated by the number indicated on the plan showing the key for house numbering on the assessment maps of the Borough, which maps are hereby established as the proper numbers of such parcels of real estate respectively. (1969 Code § 12-2.1)

18-2.2 Placing of Numbers. The owner of each and every dwelling house, store or other building which now fronts upon any of the public streets of the Borough, on which the proper number is not now placed, shall cause the proper number of such dwelling house, store or other building to be placed in figures in a substantial manner in some conspicuous place on the front part of such dwelling house, store or other building, so as to be plainly visible from the sidewalk. (1969 Code § 12-2.2)

18-2.3 New Structures. The owner of every dwelling house, store or other building that may hereafter be erected within the limits of the Borough shall, within thirty (30) days after the completion thereof or within thirty (30) days after the occupancy thereof shall begin, whichever event will sooner take place, cause the proper numbers of such dwelling house, store or other building, to be placed in figures in a substantial manner in some conspicuous place on the front part of the

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dwelling house, store or other building, so as to be plainly visible from the sidewalk. (1969 Code § 12-2.3)

18-2.4 Official Map. To enable the owner of any parcel of real estate to be numbered and to ascertain the correct number, it shall be the duty of the Board of Assessors, upon application made to them, to allow the applicant to inspect the official map, which map shall at all proper times be open to the inspection of the public at the office of the Board of Assessors. (1969 Code § 12-2.4)

18-3 OBSTRUCTION OF STREETS AND SIDEWALKS.

18-3.1 Obstruction Prohibited. No person shall place in any street or sidewalk in the Borough any article which would tend to obstruct the free passage of pedestrians and vehicles along the streets or sidewalks. The following are examples of items which tend to obstruct the free passage of pedestrians and vehicles, but this enumeration is intended to be typical only and shall not be construed to be exclusive: merchandise, signs, showcases, crates and barrels, and other materials or equipment used in connection with the operation of a trade or business. (1969 Code § 4-8.1)

18-3.2 Exceptions. This section shall not apply to the following:

- a. Obstructions caused by the loading or unloading of merchandise or equipment to and from vehicles, provided this is done in a manner which reduces the obstruction to the absolute minimum which is necessary or unavoidable.
- b. Receptacles for garbage, ashes or refuse lawfully placed on a sidewalk for collection.
- c. Materials placed on a street or sidewalk in accordance with permission granted by any other provision of this

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- d. Obstructions caused by the loading or unloading of sand, gravel, stone, bricks or other materials utilized in the construction of curbs, sidewalks, driveways or other landscaping work with the following restrictions:
 - 1. Materials may be placed at the curbline extending no further into the street than eight (8') feet from the curb.
 - 2. Placement of cones, flags, signs, barricades or other warning devices in accordance with the requirements of the Surf City Police Department.
 - 3. Notice of work causing materials to be placed in the street must be provided to the Surf City Police Department twenty-four (24) hours in advance of the commencement of the work, except in the case of an emergency.
 - 4. All materials shall be removed from the street by dusk of the day in which they were placed. No materials shall remain in the street overnight unless approval is obtained from the Chief of Police or his designee.
 - 5. All street surfaces must be swept upon completion of the work and any damage to the street surface shall be restored in accordance with the specifications of the Borough Superintendent.
- (1969 Code § 4-8.2; Ord. No. 04-09 § I)

18-4 MAINTENANCE AND REPAIR OF SIDEWALKS.

18-4.1 Duties of Owners and Tenants. The owner, tenant or person in possession of any lands abutting a sidewalk area shall keep and maintain such sidewalk area at his own

cost and expense, in good condition and state of repair and not permit such sidewalk to fall into a state of disrepair or to become overgrown with weeds, debris, or other matter so as to cause an obstruction of this area. (Ord. No. 77-8 § 2)

18-4.2 Notice to Repair. After an investigation of any complaint relative to a violation of this section, or upon his own motion, the Construction Official shall make a written report of the conditions complained of to the Borough Council at their next regular meeting. If the land in question about which the complaint was made is found to be in such condition that a violation of subsection 18-4.1 hereof exists on the land, the Borough Council shall direct the Clerk to notify the owner, tenant, or person in possession of the lands complained of, in writing, either personally or by registered or certified mail, return receipt requested, to take such steps as shall effectively remove such violation from the land, within ten (10) days after receipt of the notice. The Construction Official shall reinspect the lands in question after the ten (10) day period expires and report, in writing to the Borough Council at its next regular meeting whether the condition complained of has been abated or remedied. (Ord. No. 77-8 § 3)

18-4.3 Cost of Repair. If the owner, tenant or person in possession of the lands in question fails to abate the condition complained of within ten (10) days after receipt of notice, the Construction Official, or other officer or department head chosen by the Borough Council, shall cause the condition complained of to be abated and shall certify the cost to the Borough Council, which shall examine the certification and, if it is correct, cause the cost as shown thereon to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the lands; shall bear interest at the same rate as taxes; and shall be collected and enforced by the same officer and in the same manner as taxes. (Ord. No. 77-8 § 4)

18-5 CURBS, SIDEWALKS AND DRIVEWAYS.

- a. Hereafter, no poured concrete curbs and sidewalks or driveways shall be constructed or replaced in the Borough except pursuant to a permit issued by the Construction Official based upon an application, and such application shall include information showing compliance with the following requirements:
 1. In the case of streets one hundred (100') feet in width, there shall be a twenty (20') foot wide curb and sidewalk area on each side, with a radius of twenty (20') feet at intersection.
 2. In the case of streets eighty (80') feet in width, there shall be a sixteen (16') foot wide curb and sidewalk area on each side, with a radius of sixteen (16') feet at intersection.
 3. In the case of streets seventy (70') feet in width, there shall be a fourteen (14') foot wide curb and sidewalk area on each side, with a radius of fourteen (14') feet at intersection.
 4. In the case of streets sixty (60') feet in width, there shall be a twelve (12') foot wide curb and sidewalk area on each side, with a radius of twelve (12') feet at intersection.
 5. In the case of streets fifty (50') feet in width, there shall be a ten (10') foot wide curb and sidewalk area on each side, with a radius of ten (10') feet at intersection.
 6. In the case of streets forty (40') feet in width, there shall be a five (5') foot wide curb and sidewalk area on each side, with a radius of five (5') feet at intersection.

7. In the case of streets thirty-six (36') feet in width, there shall be a three and one-half (3 1/2') foot wide curb and sidewalk area on each side with a radius of three and one-half (3 1/2') feet at intersection.
8. In the case of streets less than thirty-six (36') feet in width, the sideline of the street, also referred to as the right-of-way line, shall be the curb line.
9. Provisions shall be made for dropped curbs at all driveway openings, and shall not exceed forty (40%) percent of the total curb length of each property, except on all County Roads where County law applies.

Driveway may be one (1) continuous opening or may be separated into two (2) driveway openings by a curb. Should two (2) separate driveways be utilized, each driveway opening must be a minimum of ten (10') feet in length.

- b. In all cases, the alignment and the grade shall be established by the Borough Engineer, and when necessary in cooperation with the Ocean County Engineer.
- c. Curbs shall be six inches by sixteen (6" x 16") inches, sidewalks four (4') feet wide with nominal thickness of four (4") inches and joints every six (6) lineal feet. Minimum sidewalk width and elevation shall be maintained at driveways.
- d. Permanently installed curbs shall be required on all new construction, construction at or exceeding fifty (50%) percent of the assessed value of the improvement of the home or at the time of exchange of ownership of said property. This paragraph shall not apply to municipal streets where no on-street parking is permitted or provided. This paragraph shall not apply to any properties where permits have been applied for prior to

the effective date of this paragraph. All curbs shall be constructed in accordance with the following provisions:

Editor's Note: Ordinance No. 04-09, a portion of which is codified herein as paragraph d., was adopted October 13, 2004.

1. A permit shall be secured from the Zoning Official and alignment and grade shall be established by the Borough.
2. All road surfaces shall be restored upon completion of curb construction.
3. A performance guarantee may be posted with the Borough for curbs required at the time of exchange of ownership evidencing that all required curbs will be constructed within ninety (90) days of the date of exchange. The Borough shall establish the amount of the performance guarantee which shall be a minimum of twice the cost to actually install said curb based on prevailing rates. The performance guarantee shall be held until all required curbs have been constructed in accordance with Borough regulations. The performance guarantee may be utilized by the Borough to provide for curb construction should the property owner fail to install curbing within the required time. Should the cost to install the curbs be in excess of the bond being held, the property owner shall be responsible to cover any cost deficit. A waiver from the requirement for the posting of a performance guarantee may be granted upon submission of a waiver request to the Zoning Officer in the event that the structure(s) on the property exchanged are to be demolished within ninety (90) days from the date of transfer or exchange of ownership. The transferee or new owner of record shall provide for the installation of curbs and no Certificate of Occupancy shall be

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issued until such time as curbs have been installed in accordance with the requirements of this section.

4. The Zoning Officer shall inspect all completed curb construction. All property owners shall be responsible to construct and repair curbs in accordance with the current regulations of the Borough.
- e. This section shall not apply to businesses operating in the business zone of the Borough of Surf City whereby there exists a concrete or macadam driveway which connects to the existing street. Said area of connection must be maintained by the property owner so as to ensure the integrity of the street, which, at a minimum shall not crumble, break apart and remains pot-hole free.

(Ord. No. 74-7; Ord. No. 04-09 § II; Ord. No. 2005-06 § I; Ord. No. 2005-07 § I; Ord. No. 2011-06; Ord. No. 2013-08 § 2)

18-6 PUBLIC STREET LIGHTS.

By way of this section, it is hereby defined that the purpose of public street lights, paid for with taxpayer's money, is to light only the public right-of-way and public property. (Ord. No. 94-6 § 1)