

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD AMENDING TOWNSHIP
CODE CHAPTER 13, SECTION 3 ENTITLED "REGULATING STREET
AND RIGHT-OF-WAY OPENINGS"**

WHEREAS, the Township Council of the Township of Deptford in the County of Gloucester, State of New Jersey desires that that Chapter 13, Section 3 of the Code of the Township of Deptford be amended;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester, State of New Jersey as follows:

Section 1. Deptford Township Code §13-3.5 is hereby amended to read as follows:

§13-3.5(a) - The application fee shall be \$100.00 per opening.

§13-3.5(b) - The applicant must post a performance guaranty bond in the amount of \$3,000.00 per opening for excavations totaling 100 square yards or less. For trench areas greater than 100 square yards, the guaranty amount shall be calculated at \$50.00/square yard. Failure to notify the Township Engineer twenty-four hours prior to any opening will result in forfeiture of performance guaranty bond.

§13-3.5(c) - The escrow inspection fee to be paid upon filing an application for utility openings permit for the improved roads shall be based on the following:

1) \$300.00 for trench areas totaling 100 square yards or less.

2) An amount equal to 5% of the performance guaranty as determined by paragraph b. above for trench areas greater than 100 square yards.

§13-3.5(d) - Where trenching is to take place outside the cartway but within the R.O.W., fees and bonding requirements will be as in paragraphs a., b. and c. above.

§13-3.5(e) - When the number of opening exceeds four, or the trenching is associated with a utility main replacement, the following shall apply:

1) A pre-construction meeting will be mandatory with the Township. No work shall occur, nor will the permit be considered valid, until such meeting is held.

2) Roadway restoration for the individual trenches shall be combined into a single roadway repair. This single repair shall encompass all individual openings on the same side of the street. The restoration shall be performed from the curb line (or gutter line) to the centerline of the roadway and to the satisfaction of the Township.

§13-3.5(f) - A utility company may request a master permit for a main replacement or phone, electric, communications line installation or replacement project. A master permit will consist of a single Street

Opening Permit issued per project. This permit shall be limited to no more than three individual streets. The minimum fees shall be based on the following:

1) The application fee shall be \$10,000.00.

2) The performance guaranty shall be calculated at \$20/square yard with roadway restoration areas determined as per Section 13-3.5(e)(2). Failure to notify the Township Engineer twenty-four hours prior to any opening will result in forfeiture of performance guaranty bond.

3) The escrow inspection fee initial deposit shall be \$10,000.00. When the balance of the escrow falls below \$5,000.00, another deposit of \$5,000.00 shall be required.

§13-3.5(g) - Where tunneling or trenchless technology is utilized in lieu of the open cut method, a bond will be posted as required in paragraph b. above, with the provision that the trench width will be based upon the open cut method. All fees will be as required in paragraphs a., b. and c. above.

§13-3.5(h) - When the open cut method is utilized, all excavations are to be backfilled with flowable fill.

§13-3.5(i) - No fee shall be charged for a permit to construct a curb on any street unless such construction will result in damage to the street surface. In such an event, an escrow fee shall be determined by the Inspections and Approval Officer in such amount as shall be required to pay the cost of repairing the surface of such street by Deptford Township should the permittee fail in his responsibility to repair the road surface as required. Curbing broken or removed during the installation of utilities covered under a utility opening permit shall be repaired or replaced by the permittee. The cost of the repair shall be borne by the permittee. Should the permittee fail to repair curbing broken by his activities, Deptford Township shall repair curb and assess the permittee for all costs incurred.

§13-3.5(j) - In the event that the Inspection and Approval Officer determines that any excavation for which a permit has been issued is of greater dimensions than those stated in the permit, or if the Inspection and Approval Officer determines that any street surface has been damaged in connection with the construction of curbs and such damage has not been repaired, then and in either case the Inspection and Approval Officer shall notify the applicant, who shall pay any additional fee and post any additional bond as required forthwith and before continuing any further work in connection with such excavation or construction.

§13-3.5(k) - In all cases where the forgoing bonds are posted, the permittee shall restore the surface of the street upon the completion of the work by the permittee in accordance with the provisions of this section. Upon verification of completion of the restoration of the street surface by the Inspection and Approval Officer, and a six-month maintenance period, the bond fees shall be released to the permittee. Any unused escrow fees shall be returned to the permittee.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.


Section 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions

of this ordinance. The governing body of the Township of Deptford declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:

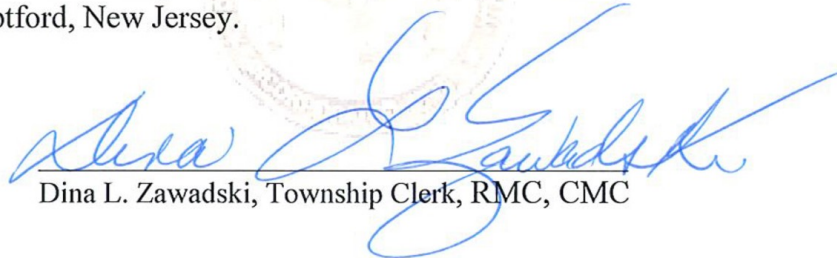
Township of Deptford


 Dina L. Zawadski, Township Clerk, RMC, CMC


 Paul Medany, Mayor

CERTIFICATION

The foregoing Ordinance was introduced at a Work Session Meeting of Township Council of the Township of Deptford held on the 22nd day of February, 2021 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 15th day of March, 2021 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


 Dina L. Zawadski, Township Clerk, RMC, CMC

RECORD OF VOTE – Introduction O.4.21					RECORD OF VOTE – Adoption O.4.21				
Council Member	Yes	No	Abstain	Absent	Council Member	Yes	No	Abstain	Absent
Medany	✓				Medany	✓			
Hufnell	✓				Hufnell	✓			
Barnshaw	✓				Barnshaw	✓			
Belling	✓				Belling	✓			
Lamb	✓				Lamb	✓			
Love	✓				Love	✓			
Schocklin	✓				Schocklin	✓			