

Contractor _____ Phone _____
Paving Contractor _____ Phone _____

**BOARD OF CHOSEN FREEHOLDERS
4 MOORE ROAD
CAPE MAY COURT HOUSE, NJ 08210-1601**

APPLICATION FOR ROAD OPENING PERMIT

No. _____

Date _____

Application is made by _____

Of (Full address) _____

For permission to open _____ County Road No. _____
(as shown on diagram below)

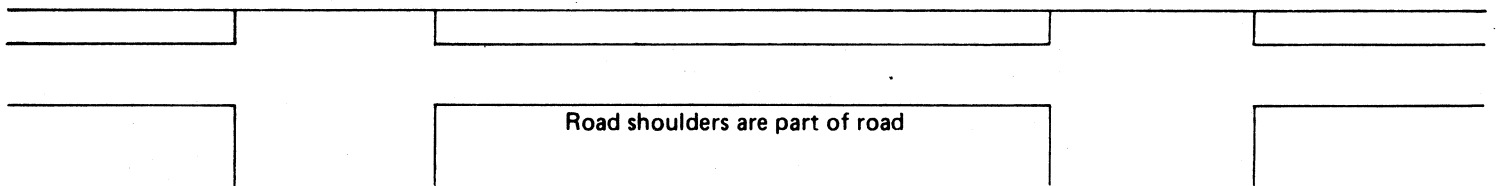
In the Municipality of _____

For the purpose of _____

Total area of opening _____ Width _____ Length _____ Depth _____

Work will be started on _____ Completed on _____

Remarks: _____



The applicant agrees to comply with the regulations contained in the resolution governing road and street openings in the County of Cape May, attached hereto, as well as all laws, ordinances and resolutions relating to said work and the acceptance of the permit shall be deemed an agreement to abide by all of its terms and conditions.

Approved: _____
County Engineer

Signed: _____
Applicant

ROAD OPENING PERMIT

Date _____

Permit Fee Paid \$ _____

Amount of Bond Received \$ _____

Inspector's Fee \$ _____

Final Restoration Fee \$ _____

Permit No. _____ Municipality _____ County Road No. _____

Name of Applicant _____

You are hereby granted permission to make opening in County Road and perform work and install facilities therein, in accordance with the plan and regulations attached.

Prior to commencing work, applicant must submit a Certificate of Insurance as stated in Resolution #9465-82, Section 8, Item 1.

Signed: _____
County Road Supervisor

1.

BOARD OF CHOSEN FREEHOLDERS

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION No. 9465-82

RESOLUTION ESTABLISHING PERMIT REGULATIONS FOR OPENING OR EXCAVATING COUNTY ROADS IN THE COUNTY OF CAPE MAY, NEW JERSEY

BE IT RESOLVED, By the Board of Chosen Freeholders of the County of Cape May, New Jersey as follows:

SECTION 1: DEFINITIONS

For purposes of this resolution, the following terms, phrases, words and their derivations shall have the meaning given herein:

- (1) "Applicant" is any person making written application to the County Board of Chosen Freeholders for an excavation permit hereunder.
- (2) "Excavation" is the excavation, opening, or any other work performed under a permit and required to be performed under this ordinance.
- (3) "Permittee" is any person who has been granted and has in full force and effect a permit issued hereunder.
- (4) "Person" is any person, firm, partnership, association, corporation, municipality, company or organization of any kind.
- (5) "Street" is any street, highway, alley, avenue, or any other public way or public ground in the County of Cape May and under control of the County of Cape May.

SECTION 2: PERMIT REQUIRED

- (1) It shall be unlawful, except in an emergency as set forth in Subsection 2, for any person to engage in any of the following activities unless such person shall have first obtained a permit therefore from the Board of Chosen Freeholders as herein provided,
 - (a) To dig up, excavate, tunnel, undermine or in any manner break up any street.
 - (b) To make or cause to be made any excavation in or under the surface of any street for any purpose.
 - (c) To place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street.
 - (d) To perform any other operation on any street which in any manner interferes with or disturbs the surface of such street.
- (2) In the event that any street main, conduit or other utility installation in or under any street, alley or public way shall burst, break or otherwise be in such condition as seriously to endanger persons or property, the owner of such sewer main, conduit or other installation shall immediately remedy such trouble and shall immediately take all such necessary steps to make said location safe and secure. Such owner shall not, however, begin making permanent repairs to such street, or alley until he shall have secured a permit as hereinafter provided. Such permit shall be applied for within three (3) working days after such break or serious trouble shall have developed and the necessary permanent repairs to the street, alley or sidewalk shall be made as directed by the County Road Supervisor and shall be completed as soon as practicable after receipt of the permit.

SECTION 3: APPLICATION PROCEDURE

- (1) A written application for the issuance of an excavation permit shall be submitted to the Clerk of the Board of Chosen Freeholders. The application shall state the name and address of the applicant, the location and dimensions of the excavation, the purpose of the excavation, the estimated dates of commencement, completion and restoration of the excavation, and such other data as may reasonably be required by the Road Supervisor.
- (2) Permittee has the additional responsibility of obtaining a separate permit in accordance with N.J.S.A. 2:170-69.4 - 2A:170-69.6 when the proposed excavation is located within 200 feet of a gas pipe line, and all permits issued by the Board of Chosen Freeholders are subject to the issuance of said separate permit. Applicant is further responsible for contacting all other local utilities to determine whether any property or facilities of the utilities are located in the vicinity of the proposed excavation site and, if so, applicant is obligated to comply with any statutes or regulations pertaining thereto.

SECTION 4: PERMIT ISSUANCE

- (1) Upon application and payment of the fees and deposits for which provision is hereinafter made, the Road Supervisor, in his discretion, may issue a permit to excavate or open the surface of any County Road.
- (2) For any extensive opening (those longer than 100 lineal feet or more than 50% of the pavement width), a resolution must be passed by the Board of Chosen Freeholders before any permit can be granted and before any work is commenced. The Freeholder Board may in its discretion, pass a blanket resolution good for one (1) year, giving utility authorities and municipalities or their contractors permission to make numerous unspecified extensive openings on County Roads throughout the year, provided proper application forms are filed in the Clerk of the Board's Office before commencing work.
- (3) Small openings (those less than 100 lineal feet or less than 50% of the pavement) are approved by the Clerk of the Board and subjected to the approval of the County Road Supervisor before the granting of a permit.
- (4) No permit shall be issued for any road which has been constructed or reconstructed for a period of five (5) years after the completion of said construction or reconstruction except in an emergency situation.
- (5) No permit shall be issued for any road which has been overlaid with bituminous concrete for a period of three years (3) after the completion of said overlay except in an emergency situation.
- (6) The County Freeholder Board may by resolution waive the five (5) year and three (3) year restrictions mentioned previously.
- (7) The Cape May County Road Department may at its discretion, in the case of the County Roads which carry exceptionally heavy volumes of traffic, forbid any opening or tearing up or excavation such road except in the event of an emergency situation.

SECTION 5: TIME LIMITATIONS

- (1) Permits shall become null and void unless work is commenced within forty-five (45) days of the issuance of said permit, unless an extension of time is granted in writing by the Road Supervisor.

- (2) The applicant shall give a twenty-four (24) hours notice to the County Road Supervisor or his duly authorized representative, prior to making any road openings, except in cases of emergency as provided in Section 2(2). No opening shall be commenced on a Saturday, Sunday or a Holiday unless in cases of emergency. If done, inspection must be paid for by the applicant at a rate set by the County.

SECTION 6: FEES AND BOND REQUIREMENTS

- (1) A permit fee shall be charged by the Clerk of the Board for the issuance of a permit which shall be in addition to all other fees for permits or charges relative to the proposed construction work. The permit fee shall be in an amount varying with the size of the road opening.

(a)	Size of Trench Opening	Fee
	First 5 square yards	\$20.00
	Each additional 5 square yards	\$2.50
(b)	Curb and Gutter Installation Permits	Fee
	0 - 100 feet	\$20.00
	100 - 500 feet	\$50.00
	Over 500 feet	\$75.00 + \$10.00 for every 1,000 feet thereafter
(c)	Direct Burial Cable:	Fee
	Up to 1,500 feet	\$50.00
	Over 1,500 feet	\$75.00 + \$10.00 for every 1,000 feet thereafter

The fees apply to cables a maximum width of 6" in shoulder. For cables of greater widths, trench fees apply.

- (2) Performance Bond
 - (a) No Permit shall be issued hereunder prior to the submission of a performance bond in the amount of \$15.00 per square yard of excavation. This performance bond shall serve to guarantee that the road openings will be properly closed and that the road, street or highway will be satisfactorily reconstructed.
 - (b) In the alternative, a certified check in the same amount shall be provided with the application.
- (3) Maintenance Bond
 - (a) No performance bond shall be released prior to the submission of a maintenance bond in the amount of \$10.00 per square yard of excavation. This maintenance bond will serve to guarantee that the road as reconstructed will remain in good condition for two (2) years after the final acceptance.
 - (b) In the alternative, a certified check in the same amount shall be provided with the application.
 - (c) A maintenance bond will not be required if the final restoration is done by the County as specified in Section 11:5(b).
- (4) A utility company or municipality may, in lieu of giving a separate bond for each project, annually, in January of each year, post a performance bond or a corporate bond in an amount sufficient to encompass the estimated work to be performed by said company during the calendar year; provided, however, that when the openings of trenches exceed the amount of the bond posted, additional bonds and/or cash security will be required.

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- (5) A utility company or authority or a municipality may also name the County as a co-holder of their performance and maintenance bonds, provided they are of greater or equal value in projects done by an outside contractor.
 - (6) All checks and bonds under this resolution shall be submitted to the Clerk of the Board and shall be made payable to "Treasurer of Cape May County". Cash will not be accepted, however, a voucher may be accepted from a municipality. The County of Cape May will hold performance bonds until final inspection, and maintenance bonds two (2) years after final acceptance.
 - (7) Openings over 30 feet of continuous installation shall require an inspection fee to be paid by the permittee to the Clerk of the Board at a pro-rated fee of \$15.00 per hour.
 - (8) On large scale projects performed by a utility company or authority or a municipality, having their own inspector, the County Board of Chosen Freeholders, in its discretion, may waive the County inspection fee if so requested by the permittee.

SECTION 7: HOLD HARMLESS CLAUSE

The applicant upon securing said permit agrees that the County of Cape May will be saved harmless from any and all claims of any nature arising out of the construction of road and street opening work covered by said permit, and further that the County of Cape May in issuing said permit shall not assume liability in connection therewith. In the event of any suit or claim against the County by reason of the negligency or default of the permittee, upon the County's giving written notice to the permittee of such suit or claim, any final judgment against the County requiring it to pay for such damage shall be conclusive upon the permittee, and the permittee shall be liable for the County's costs in connection with such suit.

SECTION 8: INSURANCE REQUIREMENTS

- (1) Prior to performing any work under the permit, the permittee shall deliver to the Clerk of the Board a Certificate of Insurance in the sum of not less than \$1,000,000.00 combined single limit (liability). Where applicable, the permittee shall demonstrate that the explosion, collapse and underground exclusion has been removed from its insurance policy. The insurance carrier will not cancel said insurance without giving the County of Cape May at least ten (10) days notice thereof in writing. The insurance policy must remain in effect until the County inspector signs the Certificate of Satisfactory Completion.
- (2) On projects done by outside contracts where a utility company or authority or a municipality is requiring a certificate of insurance greater than or equal to the County's requirements, the contractor's policy must name the County as a beneficiary.

SECTION 9: TRAFFIC

- (1) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as practicable shall be maintained at all times, so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. The Permittee shall keep all road and street openings guarded at all times and shall have lights, barriers and adequate safety devices as described in the Manual on Uniform Traffic Control Devices maintained throughout the performance of the work and no greater part of any road shall be opened than that specified in the permit.

- (2) No County Road shall be closed to traffic without the prior consent of the County Road Supervisor. In the event that a road is closed, uniformed police may be required to act as traffic directors and the proper traffic control devices shall be erected and maintained in accordance with standards described in the latest edition of the Manual on Uniform Traffic Control Devices, as published by the Federal Highway Administration. The permittee desiring to close a road to traffic shall notify the Police Department or other proper authority of the municipality in which the opening is to be made.
- (3) Where flagmen are deemed necessary by the County Road Supervisor, they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In the instances in which this would not be feasible, the County Road Supervisor will designate detours. The County shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee, but in case there are not existing highways, the permittee shall construct all detours at its own expense and in conformity with the specifications of the County Road Supervisor.
- (4) The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fire plugs. Passageways leading to fire escapes or fire fighting equipment shall be kept free of piles of material or other obstructions.

SECTION 10: SAFETY PROTECTIONS

The following measures shall be taken to insure the safety and protection of the traveling public:

- (1) Any portions of work area not closed to traffic must be temporarily patched with cold patch minimum 2" thick and properly maintained, until final paving is installed.
- (2) The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible.
- (3) The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular crossings shall be constructed and maintained of steel plates or of plank, timbers and blocking of adequate size to accommodate vehicular traffic safely. Timber decking shall be not less than 4" thick; and shall be securely fastened. Pedestrian crossings if of timber shall consist of planking 3" thick, 12" wide and of adequate length, together with necessary blocking. The walk shall not be less than 3' in width and shall be provided with a railing as required by the Road Supervisor.
- (4) The permittee must call the New Jersey Utility Opening Service at (800) 272-1000 and obtain clearances before beginning excavation.
- (5) It is urged that all utilities be constructed with a minimum of three (3) feet of cover, to provide protection for the utilities in the event that future County Road reconstruction, repair or modifications necessitate excavation, undercutting, or installation of facilities in the area where the utility is located. This location will in no way relieve the utility owner of the responsibility of relocating said utility at said utility owner's expense in case of conflict with future construction, reconstruction or modification of County related facilities.

SECTION 11: EXCAVATION AND RESTORATION OF ROAD SPECIFICATIONS

- (1) All work shall be governed by the New Jersey State Department of Transportation 1961 Standard Specifications for Road and Bridge Construction with all amendments and supplements except as supplemented herein.
- (2) For All Openings:
 - (a) The paved roadway surfaces shall be cut vertically with a sharp tool on a straight line before excavating.
 - (b) The material excavated from the trench opening shall not be replaced as backfill unless specifically permitted by the County Road Supervisor or his authorized agent.
 - (c) Clean granular backfill shall be furnished from outside sources and deposited in layers and compacted in such a manner and by such matters as to achieve 95% standard proctor density throughout the entire backfill. Whenever the County Road Supervisor shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill. The thickness of each layer shall be dependent upon the type of compactor employed and at no time shall exceed 12".
 - (d) The uncompleted length of road opening allowed under a permit at any one time shall not exceed fifty (50) lineal feet, unless approved by the County Road Supervisor.
 - (e) In newly constructed, reconstructed or overlaid asphalt pavements, before placing the base course, the opening shall be cut back six (6) inches beyond the perimeter of the trench opening and a tack coat applied to all joints. The tack coat shall be Asphaltic Oil Grade RC-O or Emulsified Asphalt, Grade 25-2, or equal.
 - (f) Where existing manholes are located in the shoulder area, a minimum of 2 inches of Asphalt FABC-1, Mix 5, shall be placed on all disturbed areas on all sides of the manhole castings on eight inches of road gravel. The width of the FABC-1, Mix 5 shall conform to the dimensions of the existing shoulder.
- (3) For openings in old asphalt, oiled gravel, newly constructed, reconstructed or overlaid roads, clean granular backfill shall be added as described in Sec. 11:2c. Six (6) inches of Road Gravel, Type 2, Class B, shall then be added to a level six inches below the level of the adjacent paved surfaces. The openings shall be cut back six inches beyond the perimeter of the trench opening. The base course shall be compacted Bituminous Stabilized Base, Stone Mix, Mix No. 1 Material, 4 inches thick. A two inch compacted depth of bituminous cold patch material shall be placed on the base material.
- (4) All openings must be backfilled immediately and final pavement restored between thirty (30) and ninety (90) days.
- (5) The permittee has two alternatives for final restoration as follows:
 - (a) The permittee may perform the final restoration by removing the two inch patch and replacing it with FABC-1, Mix 5 and rolled in place to obtain a smooth pavement surface. All joints between the new and existing pavements shall be sealed with a tack coat.
 - (b) The permittee may elect to have the County Road Department construct the permanent repair of the trench opening. The County Road Department shall perform the work at \$20.00 per square yard, payable in advance. The repair work shall be in conformance to the technical specifications listed in this document. The County Road Department may elect not to

make the permanent repair. In such cases, the applicant will be required to have the permanent repair made.

- (6) For all openings in concrete pavement surfaces, the trench backfill shall be compacted to a level 2 inches below the top of the adjacent paved surface. A 2" compacted depth of temporary bituminous cold patch material shall then be placed, compacted level with the existing pavement and maintained by the permittee to pavement level by adding occasional cold patch for a period of thirty (30) days or more until final settlement has occurred. After final settlement, a pavement course of Class "B" Concrete, 8 inches in depth shall be constructed level with the existing pavement surface.
- (7) Where openings are made in oil and stone shoulders, disturbing more than 25% of shoulder, the entire shoulder width shall be replaced with a minimum of 6 inches Road Gravel, Type 2, Class B and subjected to a bituminous surface treatment. The bituminous surface treatment shall consist of an application of prime coat at the rate of 0.25 to 0.45 gallons per square yard. A sand cover of 15 pounds per square yard and a seal coat at the rate of 0.2 to 0.3 gallons per square yard. Upon application of the seal coat, a cover material of standard size No. 8 Broken Stone shall be applied at the rate of 25 pounds per square yard and rolled.
- (8) All openings in roadside areas shall be backfilled and leveled with clean granular material to within 4 inches of the adjacent grade. After proper settlement, 4 inches of topsoil shall be placed and the area fertilized and seeded. Mulching shall also be placed when directed by the County Road Supervisor. Should proper growth not be achieved, the area will be reseeded as necessary.
- (9) Road openings and/or trenches involving unusual or special conditions shall be restored in accordance with and pursuant to the direction of the County Road Supervisor.
- (10) Any opening or restoration procedure which is not in conformance to the technical specifications listed in this document must be approved by the County Engineer.
- (11) Upon completion of work, applicant will request a final inspection by the County Road Supervisor. If work is completed in a satisfactory manner, a certificate of satisfactory completion will be sent to the Clerk of the Board. Upon receipt of this certificate and upon delivery of maintenance guarantee to the Clerk of the Board, the performance guarantee will be returned.
- (12) In any case where the contractor has not complied with these regulations to the satisfaction of the County Road Supervisor, the Road Supervisor, without notice, may cause the work to be done and the cost shall be charged against the Bonding Company.
- (13) Where openings are made in roadway, disturbing more than 25% of roadway, the entire roadway width shall be overlaid with a 2" and variable thickness of FABC-1, Mix 6 Pavement applied to the entire length of the disturbed area and rolled in-place to obtain a smooth pavement surface.
- (14) The Freeholder Board may, in its discretion, waive the paving of the entire roadway in cases where less than 50% of roadway is disturbed.
- (15) All traffic control devices, i.e. signs, stripes, etc., removed by the permittee during the opening shall be noted to the County Engineer and shall be replaced during the restoration. Arrangements for replacement by the permittee or by the County Road Department shall be made independent of the alternative chosen in Item (5).

SECTION 12: INSPECTION

- (1) If more than three individual holes are required within a 20 foot length, a single trench must be used rather than the individual holes. In no case will more than three individual holes be permitted.
- (2) The County Road Department shall periodically inspect all road openings and the repair and resurfacing thereof for the purpose of determining compliance with any conditions imposed on the issuance of the permit and the specifications. The County Road Department may, upon the recommendation of its inspector:
 - (a) Order a temporary stop to any road opening.
 - (b) Order that the applicant perform or correct specified work in accordance with the directions of the County Road Supervisor.
 - (c) Order a stop to any work and revoke permit, in which event the County Road Department shall complete, or cause to be completed, the work and declare the applicant's cash deposit forfeit, or notify the applicant's surety of an intent to file claim on the bond.
 - (d) Correct any work after notification to the applicant and the neglect or the refusal of the applicant to make corrections as indicated, and upon doing so declare the applicant's cash bond forfeit, or notify the applicant's surety of an intent to file a claim on the bond.
 - (e) Take any other action deemed reasonable under the circumstances.

SECTION 13: FINES AND PENALTIES

The penalty prescribed for any violation of this resolution or any section thereof shall be a fine not exceeding \$200.00 or imprisonment in the County Jail not exceeding ninety (90) days or both. Each day shall be considered a separate offense.

SECTION 14: SAVING CLAUSE

Should any section, clause, sentence, phrase or provision of this resolution be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this resolution.

SECTION 15: INCONSISTENT RESOLUTIONS REPEALED

All prior resolutions or parts of resolutions inconsistent with this resolution be and the same are hereby repealed to the extent of such inconsistencies.

SECTION 16: ANNUAL REVIEW

This resolution is subject to review annually starting January 1, 1984.

Offered by JACK BITTNER Seconded by W. E. STURM, JR.

STATE OF NEW JERSEY }
 } ss.
COUNTY OF CAPE MAY }

I, Kathryn A. Willis, Clerk of the Board of Chosen Freeholders of the County of Cape May, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 27th day of July 1982.