

Contractor _____ Phone _____

Paving Contractor _____ Phone _____

TOWNSHIP OF MIDDLE
33 Mechanic Street - Cape May Court House, NJ 08210

APPLICATION FOR ROAD OPENING PERMIT

NO. _____
DATE _____

Application is made by _____

Full Address _____

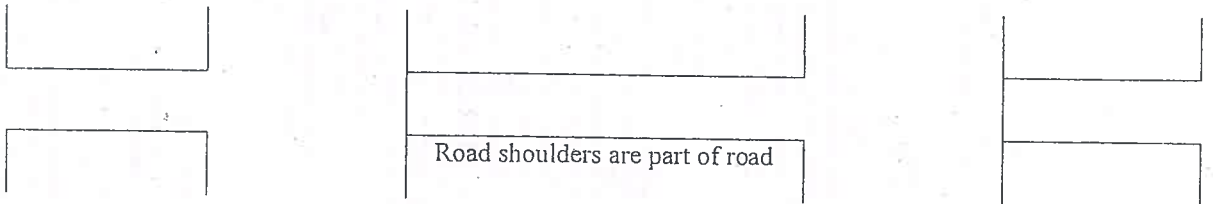
For Permission to Open _____ (Road, Street, etc.)
(as shown on diagram below)

For the Municipality 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 ordinance governing road and street openings in the Township of Middle, 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: _____
(Township Road Superintendent)

Signed _____
(Applicant)

DO NOT WRITE BELOW THIS LINE

ROAD OPENING PERMIT

DATE _____

Permit Fee Paid \$ _____

Amount of bond received \$ _____

Inspector's Fee \$ _____

Final Restoration Fee \$ _____

Permit No. _____ Municipality _____ Road _____

Name of Applicant _____

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

Prior to commencing work, applicant must submit a Certificate of Insurance.

Inspection Approved By:

(Township Road Superintendent)

Bond Released _____

Resolution No. _____

ARTICLE III. Street Excavations [Adopted 7-21-1988 by Ord. No. 627-681]

§ 215-12. Definitions

For purposes of this article, the following terms, phrases, words and their derivations shall have the meanings herein:

APPLICATION - Any permit making written application to the Township of Middle for an excavation permit, including an **EXCAVATION** - The excavation, opening or any other work performed under a permit and required to be performed under this article.

PERMITTEE - Any person who has been granted and has in full force and effect a permit issued hereunder.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC WORKS SUPERINTENDENT - As used in this article, shall be deemed to include the Administrative Director of Public Works. [Added 8-5-2002 by Ord. No. 1110-02]

STREET - Any street, highway, alley, avenue or any other public way or public ground in the Township of Middle under the control of the Township of Middle.

§ 215-13. Permit required.

A. It shall be unlawful, except in an emergency as set forth in Subsection B, for any person to engage in any of the following activities unless such person shall first have obtained a permit issued from the Township Committee of the Township of Middle as herein provided:

(1) To dig up, excavate, tunnel, undermine or in any manner interfere with or disturb the surface of any street.

(2) To dig up, excavate, tunnel, undermine or in any manner interfere with or disturb the surface of any street for any purpose.

(3) 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.

(4) To perform any other operation on any street which in any manner interferes with or disturbs the surface of such street.

B. In the event that any street, main, conduit or other utility installation in or under any street, alley or public way, shall 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 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 Public Works Superintendent and shall be completed as soon as practicable after receipt of the permit. [Amended 4-5-1990 by Ord. No. 720-90]

§ 215-14. Application procedure.

A. A written application for the issuance of an excavation permit shall be submitted to the Township Clerk. 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 Public Works Superintendent. [Amended 4-5-1990 by Ord. No. 720-90]

B. The permittee has the additional responsibility of obtaining a separate permit in accordance with N.J.S.A. 2A:170-69.4 through 2A:170-69.6 when the proposed excavation is located within 500 feet of a gas pipeline, and all permits issued by the Township are subject to the issuance of said separate permit. The 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, the applicant is obligated to comply with any statutes or regulations pertaining thereto.

§ 215-15. Issuance of permit.

A. Upon application and payment of the fees and deposits for which provision is hereinafter made, the Public Works Superintendent, in his discretion, may issue a permit to excavate or open the surface of any Township road. [Amended 4-5-1990 by Ord. No. 720-90]

B. For any extensive opening (those larger than 100 linear feet or more than 50% of the pavement width), a resolution must be passed by the Township Committee before any permit can be granted and before any work is commenced. The Township Committee may, in its discretion, pass a blanket resolution good for one year applying utility subsidiaries and municipalities of their contractors permission to make numerous unscheduled extensive openings on Township roads throughout the year, provided that proper applications forms are filed in the Township Clerk's office before commencing work.

C. Small openings (those less than 100 linear feet or less than 50% of the pavement) are approved by the Township Clerk and subjected to the approval of the Public Works Superintendent before the granting of a permit. [Amended 4-5-1990 by Ord. No. 720-90]

D. No permit shall be issued for any road which has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except in an emergency situation.

E. No permit shall be issued for any road which has been overlaid with bituminous concrete for a period of three years after the completion of said overlay except in an emergency situation.

F. The Township Committee may, by resolution, waive the five-year and three-year restrictions mentioned previously.

G. The Public Works Superintendent may, at his discretion, in the case of Township roads which carry exceptionally heavy volumes of traffic, forbid any opening or tearing up or excavating of such road except in the event of an emergency situation. [Amended 4-5-1990 by Ord. No. 720-90]

§ 215-16. Time limit for commencement of work; notice of opening.

A. Permits shall become null and void unless work is commenced within 45 days of the issuance of said permit, unless an extension of time is granted, in writing, by the Public Works Superintendent or his duly authorized representative.

B. The applicant shall give a twenty-four-hour notice to the Public Works Superintendent of his duly authorized representative prior to making any road openings except in cases of emergency as provided in § 215-13. No opening shall be commenced on a Saturday, Sunday or holiday unless in cases of emergency. If done, inspection must be paid for by the applicant at a rate set by the Township.

§ 215-17. Fees; bond requirements.

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

(1) Trench fees:

Size of Trench Opening (square feet)	Fee
First 5	\$50.00
Each additional 5	\$ 3.00
Each additional 5	Number of feet
0 to 100	\$20.00
100 to 500	\$50.00
Over 500	\$75.00 plus \$10.00 per every 1,000 feet thereafter

(2) Direct burial cable

Number of Feet	Fee
Up to 1,500	\$50.00
Over 1,500	\$75.00 plus \$10.00 for every 1,000 feet thereafter

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

B. Performance bond.

(1) No permit shall be issued hereunder prior to the submission of a performance bond in the amount of \$5,000. 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. [Amended 8-16-2004 by Ord. No. 1171-04]

(2) In the alternative, a certified check in the same amount shall be provided with the application.

C. Maintenance bond.

(1) No performance bond shall be released prior to the submission of a maintenance bond in the amount of \$10 per square yard of excavation. This maintenance bond will serve to guarantee that the road, as reconstructed, will remain in good condition for two years after the final acceptance.

(2) In the alternative, a certified check in the same amount shall be provided with the application.

D. A maintenance bond will not be required if the final restoration is done by the Township as specified in § 215-23(2).

E. 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 cost of opening of trenches exceeds the amount of the bond posted, additional bonds and/or a municipality may also name the Township as coholder of its performance and maintenance bond, provided that they are of general or equal value in proportion to the work done by an outside contractor.

F. All checks and bonds under this article shall be submitted to the Township Clerk and shall be made payable to the Township of Middle. Cash will not be accepted. The Township of Middle will hold performance bonds until final inspection and maintenance bonds for two years after final acceptance.

G. Openings over 50 feet of continuous installation shall require an inspection fee to be paid by the permittee to the Township Clerk at a prorated fee of \$15 per hour.

H. On large-scale projects performed by a utility company or authority or a municipality, having its own inspector, the Township Committee of the Township of Middle, in its discretion, may waive the Township inspection fee, if so requested by the permittee.

§ 215-18. Save-harmless agreement; liability for costs of suit.

The applicant, upon securing said permit, agrees that the Township of Middle 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 Township of Middle, in issuing said permit, shall not assume liability in connection therewith. In the event of any suit or claim against the Township of Middle by reason of the negligence or default of the permittee, upon the Township's giving written notice to the permittee of such suit or claim, any final judgment against the Township requiring it to pay for such damage shall be conclusive in favor of the permittee, and the permittee shall be liable for the Township's costs in connection with such suit.

§ 215-19. Insurance requirements.

A. Prior to performing any work under the permit, the permittee shall deliver to the Township Clerk a certificate of insurance in the sum of not less than \$1,000,000 (exclusive of self-insurance) from a carrier licensed in this State. The insurance policy must contain the following provisions:

(1) The insurance shall cover the Township of Middle for the entire period of the permit.

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