

Introduced: 9/8/2020
Public Hearing: 10/13/2020
Adoption: 10/13/2020

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 09-2020**

AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON COUNTY, NEW JERSEY AMENDING AND MODIFYING TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, CHAPTER 12.12, EXCAVATIONS, SECTION 12.12.050, FEES, OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF TEWKSBURY

WHEREAS, the Township of Tewksbury (the “Township”) regulates, via the issuance of permits, the opening, excavation, alteration and closing of Township streets; and

WHEREAS, various utilities desire to open and excavate Township streets for purposes of extending utility service to Township residents; and

WHEREAS, the Township requires applicants for street opening permits to make a cash deposit to the Township in the amount of Twenty-Five Dollars (\$25.00), plus ten percent (10.0%) of the estimated cost of the proposed street opening and closing, which deposit shall pay the cost of engineering, inspection, legal services, unrepaired damages, or other legitimate costs to the Township; and

WHEREAS, in addition to the required cash deposit of Twenty-Five Dollars (\$25.00) per street opening, the Township Committee finds and declares that it is in the best interests of public health and welfare to permit applicants that propose to conduct five (5) or more openings on Township streets in a calendar year to submit a bond in lieu of cash deposit, which bond shall be in an amount equal to ten percent (10.0%) of the estimated cost of all proposed street openings and closings in that calendar year; and

WHEREAS, all bonds submitted by applicants in lieu of cash deposits shall remain effective for a maintenance period of eighteen (18) months following the last street opening performed by the applicant.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Title 12, Streets, Sidewalks and Public Places, Chapter 12.12, Excavations, Section 12.12.050, Fees of the Code of Ordinances of the Township of Tewksbury is hereby amended as follows:

12.12.050 – Fees.

- A. Application Fee. Prior to commencing construction, the applicant shall submit the permit application form to the Township Clerk, along with an application fee of Twenty-Five Dollars (\$25.00) for each street opening.
- B. Cash Deposit. In addition to the application fee, the applicant shall deposit with the Township Clerk an additional sum equal to ten percent (10.0%) of the estimated cost of the street opening and closing as filed under Section 12.12.040(E) of this Chapter. The moneys so deposited shall be held in escrow and used to pay the cost of engineering, inspection, legal services, unrepaired damages, or other legitimate costs to the township ascribable to the project. Within two (2) months following the expiration of the eighteen (18) month maintenance period specific in Section 12.12.090(E) of this Chapter, all unexpended moneys remaining in escrow shall be returned to the applicant, except for an administrative fee in the amount of Ten Dollars (\$10.00), which shall be retained by the Township.
- C. Bond in Lieu of Cash Deposit. In addition to the application fee, any application that proposes to conduct five (5) or more openings of Township streets in a calendar year may submit a bond in lieu of the required cash deposit. Each bond shall be accompanied by an administrative fee in the amount of Ten Dollars (\$10.00) per street opening applied for. All bonds submitted under this Section shall be in an amount equal to ten percent (10.0%) of the total estimated cost of all street openings and closings covered under the permit as filed under Section 12.12.040(E) of this Chapter, and shall remain in effect for a term not shorter than eighteen (18) months following the last street opening or closing covered under the applicant's permit. If any street opening covered under the applicant's permit is not properly closed or completed in accordance with the standards of the Township within the time specified on the permit, the obligor and surety for the applicant's bond shall be liable thereon to the Township for the reasonable cost of the street closing not completed or corrected and, upon authorization by the governing body, the Township Attorney shall take the necessary steps to obtain such cost from the obligor and surety. Should the applicant fail to close or correct any street opening in accordance with Township standards, the Township may, in its sole discretion either prior to or after receipt of payment by the surety, complete such closing or correction.

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SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on September 8, 2020 and adopted on October 13, 2020.

Jennifer Ader
Acting Township Clerk