

**ORDINANCE 2021-25**

**AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 299 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED "STREETS AND SIDEWALKS"**

**BE IT ORDAINED**, by the governing body of the Township of Little Egg Harbor,  
County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Chapter 299 of the Township Code of the Township of Little Egg Harbor entitled "Streets and Sidewalks " is hereby amended and supplemented to amend §299-2, entitled "Application for permit", Subsection B, as follows:

**§299-2 Application for permit.**

\* \* \*

- B. An application fee, which shall be nonrefundable, and a permit fee shall be paid to the Township of Little Egg Harbor before any permit is granted under this chapter. The application fee shall be \$125.00 and the permit fee shall be \$100.00 for the first 100 liner feet of opening and \$50.00 for each successive 100 liner feet of opening thereafter, or portion thereof. In no case shall a permit be issued until the fees, the guarantees required by Subsection C below, and proof of insurance required by Subsection D below have been received by the Township.

**SECTION 2.** Chapter 299 of the Township Code of the Township of Little Egg Harbor entitled "Streets and Sidewalks " is hereby amended and supplemented to amend §299-2, entitled "Application for permit", Subsection C, as follows:

**§299-2 Application for permit.**

\* \* \*

- C. In the case of openings more than 16 square feet and four feet deep, the applicant must furnish to the Township a cash or surety bond, in an amount to be calculated by the Township Engineer, to guarantee that the opening or trench made by the permittee will be closed properly. Upon

**r|m|s|h|c**

Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555

completion of the work in a satisfactory manner, the bond or cash surety will be released in return for a maintenance bond or cash guarantee that the road, street, or highway over the same will remain in good condition for at least one year after the closing by the permittee. The minimum amount of each maintenance bond shall be 25% of the amount of the cash or surety bond, but shall not be less than \$500. A utility company may, in lieu of giving a separate maintenance bond on each project, annually, once in January of each year, give the Township such a bond for \$5,000; provided that when the total linear footage of openings or trenches made by such utility company reaches 5,000 feet, such utility company may give either an additional bond or deposit cash security in an amount equivalent to \$1 per foot of length of additional openings or trenches it desires to make in that calendar year.

**SECTION 3.** Chapter 299 of the Township Code of the Township of Little Egg Harbor entitled "Streets and Sidewalks " is hereby amended and supplemented to amend §299-2, entitled "Application for permit", so as to create a new Subsection E, F and G as follows:

**§299-2 Application for permit.**

\* \* \*

- E. In the case of openings more than 16 square feet and four feet deep, the applicant must furnish to the Township escrow inspection fees so that the roadway restoration work may be inspected by the Township Engineer. The inspection escrow shall be 5% of the calculated bond amount, but not less than \$500.00.
- F. The Township Engineer shall review the application for a Road Opening Permit and make a determination of completeness within 30 days of submission. An application will be deemed complete when the information required by this Chapter, inclusive of the nonrefundable permit application fee, have been received by the Township and approved for administrative completeness by the Township Engineer. In the event an application is deemed incomplete, the permit will be considered denied. If resubmitted within 90 days, all previously paid fees will be credited. In no case shall a permit be issued without compliance with this chapter.
- G. Within 30 days of the Township Engineer's determination that the application is complete, the Township Engineer shall review submitted materials for technical compliance with these regulations and shall advise the Township Clerk, who will issue a permit, issue a permit with conditions deemed to be reasonably necessary to carry out the purposes of this chapter,(i.e. a conditional permit subject to submission of further documents specifically required by this Chapter) or decline to issue a permit consistent with the requirements of this chapter.

**r|m|s|h|c**

Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555

**SECTION 4.** Chapter 299 of the Township Code of the Township of Little Egg Harbor entitled "Streets and Sidewalks " is hereby amended and supplemented to amend §299-6, entitled "Construction operations", so as to amend Subsection B and C as follows:

**§299-6 Construction operations**

\* \* \*

B. Where 20% or more of the existing pavement surface has been destroyed or disturbed, final paving shall consist of a two-inch mill and overlay of the entire width of the pavement surface with Hot Mix Asphalt 9.5M64 Surface Course. The applicant shall submit to the Township a full survey of the area in question along with a proposed roadway grading plan confirming that there shall be no ponding of runoff following the roadway paving. The roadway paving shall be designed in accordance with NJDOT Standard Specification for Road and Bridge Construction (latest edition), the Residential Site Improvement Standards, and Township Ordinance. The applicant shall, as necessary, replace driveway aprons to meet the proposed roadway elevations at the edge of pavement.

Where a longitudinal trench is installed on one side of a roadway and is less than 20% of the existing pavement width, and longer than 50 feet in length, final paving shall consist of a two-inch mill and overlay of that half of the roadway from the edge of pavement to the roadway centerline with Hot Mix Asphalt 9.5M64 Surface Course.

Where a road opening limit is within two feet of the existing roadway edge, the final pavement restoration shall include replacement of the full pavement section (6" D.G.A., 3" HMA 19M64 and 2" HMA 9.5M64) from the edge of the trench to the edge of the roadway as part of the final trench pavement restoration.

C. All pavement openings for which any permit is granted shall be replaced by the permittee by a temporary pavement of 5 inches of HMA 19M64 base course immediately after filling, flush with the adjacent pavement. Permanent pavement is to be restored by the permittee no less than 30 days nor more than 60 days after opening is made, unless this time is extended by the Township Engineer, depending on the road and weather conditions. Once work is complete except for permanent paving, the Applicant shall maintain the trench/opening and re-grade the sub-grade or fill in with additional asphalt as required until final paving is installed.

**rmshc**

Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555

**SECTION 5.** Chapter 299 of the Township Code of the Township of Little Egg Harbor entitled "Streets and Sidewalks " is hereby amended and supplemented to amend §299-7, entitled "Placement of excavated materials and backfilling", so as to amend Subsection G in its entirety as follows:

**§299-7 Placement of excavated materials and backfilling**

\* \* \*

G. After the backfilling of the opening or trench has been completed as above specified, the restoration of the pavement shall be governed by the following applicable rules:

1. In the case of an opening or trench in the earth shoulder, the permittee shall restore the top four inches of the trench or opening with material capable of supporting the growth of grass and shall fertilize and seed the surface with grass seed.
2. In the case of a gravel pavement, the permittee shall fill in the top eight inches of the excavated trench or opening with compacted soil aggregate Type I-5.
3. In the case of a penetration macadam road that consists of broken stone of various sizes, the permittee may salvage the broken stone and replace it in the top of the trench similar to the original pavement and cover it with two inches of hot-mixed bituminous concrete.
4. In the case of a gravel-based bituminous concrete road, the permittee shall restore the surface with six inches of compacted soil aggregate Type I-5, covered with three inches of HMA 19M64 Base Course and two inches of HMA 9.5M64 surface course.
5. In the case of a bituminous-treated gravel road, the permittee shall restore the surface with six inches of compacted soil aggregate Type I-5, covered with three inches of HMA 19M64 Base Course and two inches of HMA 9.5M64 surface course.
6. In the case of portland cement concrete surfaces, steel mesh reinforcement or deformed steel rod reinforcement (rebar) shall be provided in the spacing gauge or diameter and placement as set

**r|m|s|h|c**

Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555

forth by the New Jersey Department of Transportation Specifications, 1983 Edition, or as amended. All concrete thickness, classifications and compressive strength shall be in conformance with the current New Jersey Department of Transportation standards. Admixtures or curing compounds shall be added only upon approval of the Township Engineer.

7. In the case of any special condition, the permittee shall restore the trench or opening as directed by the Township Engineer. If the Township is required to restore the pavement, the final charges, based on the schedule of costs, shall be billed to the permittee upon the completion of the work by the Township.
8. The Applicant shall be responsible to replace any traffic markings in accordance with current NJDOT specifications and in accordance with the current MUTCD. Temporary pavement markings shall be required as part of temporary pavement installation in accordance with current NJDOT specifications.

**SECTION 6.** This ordinance shall take effect after second reading and publication as required by law.

**SECTION 7.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 8.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**r|m|s|h|c**

Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the **8<sup>th</sup>** day of **November, 2021**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **9<sup>th</sup>** day of **December, 2021**, at 7:00 p.m., in the Little Egg Harbor Municipal Building located at 665 Radio Road, in Little Egg Harbor Township, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



---

**KELLY LETTERA, RMC**  
Township Clerk  
Township of Little Egg Harbor

---

**JOHN KEHM, MAYOR**

**November 8, 2021**

**Motion to Introduce: Scibetta**                      **Second: Gormley**

Stevens: yes; Crea: yes; Gormley: yes; Scibetta: yes; Kehm: yes

**December 9, 2021**

**Motion to Adopt: Crea**                                      **Second: Stevens**

Stevens: yes; Crea: yes; Gormley: absent; Scibetta: yes; Kehm: yes

**r|m|s|h|c**

Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.  
ATTORNEYS AT LAW

98 East Water Street  
Toms River, NJ 08753

o: 732.363.0777  
f: 732.905.6555