



## **BOROUGH OF LAWNSIDE**

### **ORDINANCE NO. 07-2022**

#### **An Ordinance of the Borough of Lawnside to Amend Code Book Chapter 124 Streets and Sidewalks of the Borough of Lawnside**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Lawnside, County of Camden, and State of New Jersey that Code Book Section 124 Streets and Sidewalks is hereby amended as follows:

**§ 124-12. Permit required to obstruct or encroach upon.**

No person shall place or maintain any encroachment, obstruction or encumbrance in, over or upon any street, avenue, highway, road or lane of the Borough of Lawnside, nor shall any such person use or attempt to use, for any private purpose, any part of any street, avenue, highway, road or lane, unless such person shall have applied for and received the permit herein authorized by the Borough Engineer.

**§ 124-13. Permit required to open or excavate.**

No person shall hereafter disturb the surface of or make any opening or excavation of any kind in any street, avenue, road or public highway under the jurisdiction of the Borough of Lawnside without first having obtained the permit herein authorized from the Borough Clerk.

**§ 124-14. Application for permit; fee and deposit. [Amended 11-3-1976 by Ord. No. 9-1976; 8-3-1983 by Ord. No. 8-1983; 9-1-1999 by Ord. No. 04-FY2000]**

Applications for permits shall be presented to the Borough Clerk in writing, setting forth the portion of the street, avenue, highway, road or lane to be used, encumbered or obstructed as aforesaid and the purpose or use to which the same shall be put and the period of time during which it shall be maintained, the size of the excavation, the date when the excavation is to be made and the probable time required and the nature of the pavement or surface to be broken, which application shall also set forth the name of the person requiring the same and shall be accompanied by a sketch showing the details thereof. At the time any such application shall be made, there shall be paid to the Borough Clerk a fee of \$350 plus a construction fee. Of the \$350 \$100 shall be the fee for the issuance of such permit and \$250 the fee for inspection of backfilled openings.

The construction fee shall be \$2 per linear foot of curb plus \$0.50 per square foot of sidewalk and driveway apron.

An additional deposit of \$1,000 is required as escrow, all payments shall be paid to the Borough of Lawnside, Finance Clerk either in cash or by certified check drawn to the order of the Borough of Lawnside.

**§ 124-15. Bond required in certain cases. [Amended 11-3-1976 by Ord. No. 9-1976; 8-3-1983 by Ord. No. 8-1983]**

Any person having occasion to make a number of excavations or openings in the streets, roads or highways of the Borough of Lawnside shall execute and file a bond in the penal sum of \$20,000 in favor of the Borough of Lawnside and in such form as shall be satisfactory to the Borough of Lawnside Borough Council, conditional

for the relaying and resurfacing of all such streets, roads or public highways in a manner satisfactory to the Borough Engineer of the Borough of Lawnside and in accordance with the provisions of this Article. Upon the filing and approval by the Borough Council of any such bond, the deposit referred to in the preceding section shall not be required to accompany each application for a permit, but the permit fee of \$350 hereinabove fixed shall accompany each such application and be paid as herein provided, except that in the case of any person who maintains a permanent skilled and experienced paving department, regularly engaged in repaving work, meeting the requirements and inspection standards of the Borough Engineer of the Borough of Lawnside and the Highway Department of the County of Camden and the State of New Jersey, that portion of the fee designated as an inspection fee shall be waived.

**§ 124-16. Resurfacing; inspection; refund of deposit or completion by borough. [Amended 8-3-1983 by Ord. No. 8-1983]**

After the making of any such opening or excavation, the street or road pavement or surface shall be re-laid by the permittee under the supervision of the Borough Engineer of the Borough of Lawnside, and upon completion of said work, the Borough Engineer shall make an inspection of the same and shall certify to the Borough Clerk that the work has been completed in a satisfactory manner. The Clerk shall then refund to the permittee the deposit paid at the time the application for said opening or excavation was made. In the event that the pavement or surface of the street, road or highway shall not have been completed to the satisfaction of the Borough Engineer of the Borough of Lawnside, the Borough Engineer shall proceed to complete the said work and relay the pavement or surface in a manner satisfactory to the Engineer. Upon completion thereof the Borough Engineer shall certify to the Borough Clerk the costs of so doing, and in that event the Borough Clerk shall deduct from said deposit the costs so certified and shall refund to the permittee only the difference between the amount of the original deposit and the costs incurred by the Borough Engineer so aforesaid. In the event that the costs so certified exceed the original deposit, the Borough Clerk shall serve upon the permittee by certified and ordinary mail at the address set forth in the permit application a written notice and demand for immediate payment of the excess costs so incurred. In the event that the permittee fails to remit the aforesaid excess costs within 14 days of the mailing of the notice and demand for payment, the Borough Council may adopt a resolution to certify said excess costs as a lien against the real estate benefited by the excavation or improvement after notice to affected property owners and a hearing, or it may recover said excess costs, together with costs of litigation, from the permittee in any court of competent jurisdiction.

**§ 124-16.1. Resurfacing procedure. [Added 11-3-1999 by Ord. No. 07-FY2000]**

- A. All cuts in pavement surface shall be saw-cut, with no cut closer than four feet from seam, curb or edge, the entire section up to four feet shall be replaced.
- B. Backfill under pavement to be compacted in accordance with the Borough of Lawnside's standards.
- C. New clean backfill material under pavement area to be used when excavated material is unsuitable for reuse.
- D. All paving where areas are excavated is to be replaced equal in kind, or better, or at the discretion of the Lawnside Department of Public Works.
- E. Openings in the roadside area must be graded, top soiled and seeded. Backfill to be new clean material when excavated material is unsuitable for reuse.
- F. All final work shall be approved by the Inspector of the Lawnside Department of Public Works/Borough Engineer.



**§ 124-17. Violations and penalties. [Amended 11-3-1976 by Ord. No. 9-1976]**

Any person violating any provision of this Article shall, upon conviction thereof before the Municipal Court of the Borough of Lawnside or such other Judge having jurisdiction pursuant to law, be subject to a fine not exceeding \$500 or imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the Judge before whom such person shall be convicted. Each and every day that such violation shall continue shall be a further and separate offense under the terms of this Article, subject to the penalties herein prescribed

**INTRODUCTION:**

**MAY 4, 2022**

**SECOND READING & PUBLIC HEARING:**

**JUNE 1, 2022**

**FINAL ADOPTION:**

**JUNE 1, 2022**

**BOROUGH OF LAWNSIDE:**



**MARSHAREE A. WRIGHT  
ACTING BOROUGH CLERK**



**MARY ANN WARDLOW  
MAYOR**

**ATTEST and AFFIX SEAL** \_\_\_\_\_

**CERTIFICATION OF CLERK**

The foregoing Ordinance was duly adopted at a meeting of the Mayor and Council of the Borough of Lawnside, County of Camden, State of New Jersey, held on the 1<sup>ST</sup> day of June, 2022 via ZOOM Pursuant to Executive Order Number 103 dated March 9, 2020, Governor Murphy declared a Public Health Emergency in New Jersey. On March 20, 2020 P.L. 2020 Chapter 11 amended the Open Public Meetings Act to allow local public bodies to conduct Remote Public Meetings by use of electronic communications technology during a period declared as a Public Health Emergency or a State of Emergency.



**Acting Municipal Clerk, Marsharee A. Wright**