



BOROUGH OF ROSELLE PARK UNION COUNTY, NEW JERSEY

STREET OPENING PERMIT APPLICATION PACKAGE

INCLUDES

**BLANK APPLICATION FORM
MUNICIPAL COMPLIANCE CONTROL FORMS
COPY OF APPLICABLE BOROUGH CODE EXCERPT**

**Revised via Ordinance No. 2716
Effective April 13, 2023**



THE BOROUGH OF ROSELLE PARK

N E W J E R S E Y

110 EAST WESTFIELD AVENUE, ROSELLE PARK, NJ 07204

WWW.ROSELLEPARK.NET

STREET OPENING PERMIT APPLICATION

A. APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Point of Contact: _____

Telephone Number: _____ E-Mail: _____

B. CONSTRUCTION CONTRACTOR / CREW INFORMATION

Name: _____

Mailing Address: _____

Telephone Number: _____

Emergency Contact Number: _____

C. TYPE OF WORK

Provide a brief description of the character and purpose of work to be conducted under the permit (i.e.: mainline upgrades, service line updates, etc...). *If you are applying for an "Emergency" Permit pursuant to Subsection 23-1.7 of Borough Code, please indicate the same:*

D. PLANS

Attached plans showing the exact location and dimension of the opening. Plans must be submitted on Tabloid/Ledger sized paper, measuring 11 inches x 17 inches.

E. LOCATION OF OPENING

Provide the street name and number of nearest adjacent property, if any (if such information does not exist, or is impractical, please provide a description of the location):

F. SIZE OF OPENING

The size of the street opening is calculated in square feet (ft²) calculated by multiplying the length of the opening by the width of the opening (measurements must match plans submitted as party of Section D, above):

_____ ft. long x _____ ft. wide = _____ ft²

G. DURATION OF WORK

Estimated Start Date: _____

Estimated Completion Date: _____

Estimated Total Duration: _____ days

H. RESTORATION REQUIREMENTS

Applicants, by affixing their signature to the foregoing application form, agree to replace, at their own cost and expense, in accordance with Borough of Roselle Park specifications and details, the opened street area to, the state and condition described in Subsection 23-1.4. Applicants further agree to comply with all other applicable Ordinances, regulations and laws of the Borough of Roselle Park relative to the work.

I. INDEMNIFICATION OF MUNICIPALITY

Applicants, by affixing their signature to the foregoing application form, agree to indemnify and save harmless the Borough of Roselle Park from any and all liability, expense, claim for damages for personal injury and property damage resulting from the use of public lands attributed to the issuance of any Street Opening Permit.

J. UNDERGROUND UTILITY LOCATION

Provide the registration number from the underground utility location service “New Jersey One Call” indicating that they have been properly notified and will locate underground facilities in the area of the proposed opening or tunneling operation:

Registration Number: _____

K. APPLICANT CERTIFICATION

I, _____, the applicant and/or the duly authorized responsible party to for applicant, certify and affirm that I have reviewed and understand the provisions of Section 23-1 of the Code of the Borough of Roselle Park and, by affixing my signature to this form, do hereby agree to comply and bind myself to its provisions.

Signature

Date

Print Name

*** * * USE BY BOROUGH CLERK'S OFFICE ONLY * * ***

APPLICATION CHECKLIST

____ Completed application received 48-hours prior to the requested timeframe for issuance (work commencement) and is therefore considered a "Normal" application;

____ If not received as required above, application considered "Unreported"; or,

____ If neither the case, application considered an "Emergency" per Subsection 23-1.7

____ Correct fees received with application (see schedule below).

____ Escrow received / maintained.

____ If applicant is a public utility, escrow balance as of the date below is \$ _____

FEE SCHEDULE		
Application Fee(s)	Normal	\$50.00
	Unreported	\$250.00
	Emergency	\$0.00

Permit Fee(s)	Less Than or Equal to 25 sq. ft.	\$175.00
	Greater Than 25 and Less than 50 sq. ft.	\$350.00
	Over 50 sq. ft.	\$7.00 per sq. ft.

Non-Utility Escrow	Opening less than or equal to 50 square feet	\$1,000.00
	Opening greater than 50 square feet	\$2,500.00
Public Utility Escrow	Public utilities shall establish and indefinitely maintain an escrow account with the Borough of Roselle Park in an amount not to exceed \$25,000 unless a single project requires the posting of a larger amount as determined by the Borough Engineer.	

All above requirements being met, the forgoing application is deemed administratively complete:

Signature

Date

Print Name

*** * * USE BY BOROUGH CLERK'S OFFICE ONLY * * ***

TO: **APPLICANT**

FROM: **ANDREW J. CASAIS, RMC, BOROUGH CLERK**

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 23-1 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, AND UPON MY REVIEW OF YOUR APPLICATION FOR A STREET OPENING PERMIT FOR USE WITHIN THE BOROUGH OF ROSELLE PARK, I HEREBY:

___ ***APPROVE*** your application and advise that this roadway falls within “moratorium” status pursuant to Subsection 23-1.4j and requires curb-to-curb roadway restoration to the nearest intersection.

OR

___ ***APPROVE*** your application and advise that this roadway falls within “non-moratorium” status pursuant to Subsection 23-1.4k, is an area greater than fifty (50) square feet, and requires curb-to-curb roadway restoration to the nearest intersection.

OR

___ ***APPROVE*** your application and advise that this roadway falls within “non-moratorium” status pursuant to Subsection 23-1.4k., is an area less than fifty (50) square feet, or has been deemed by the Borough Engineer to exhibit emergent or unique circumstances, and requires infrared patch/trench restoration so as to blend uniformly with adjacent, existing roadway.

OR

___ ***DENY*** your application based upon the following findings:

IN THE CASE OF AN APPROVAL – YOU ARE HIGHLY ENCOURAGED TO RE-READ THE PROVISIONS OF THE CODE OF THE BOROUGH OF ROSELLE PARK PREVIOUSLY PROVIDED TO YOU RELATED TO STREET OPENINGS, INCLUDING, BUT NOT LIMITED TO:

SUBSECTION 23-1.4 PERMIT REQUIREMENTS.

SUBSECTION 23-1.5 CONDITIONS OF PERMITS.

SUBSECTION 23-1.8 PROTECTING EXISTING STRUCTURES.

Signature

Date

Print Name

**ENABLING CODE ADOPTED BY
THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE PARK
(AS AMENDED IN ORDINANCE NO. 2716)**

23-1 STREET OPENINGS AND EXCAVATIONS.

23-1.1 Permit Required.

It shall be unlawful to excavate, dig in, tunnel or open any public street in the Borough of Roselle Park for any purpose without a permit being first secured from the Borough Clerk, and then upon compliance with the provisions of this Section. "Street," for the purpose of this Section, shall mean any road, thoroughfare, highway, public way, public alley, easement or other right-of-way accepted or maintained by the Borough as a public street, as well as any other State or County road or highway over which the Borough has acquired jurisdiction by agreement.

23-1.2 Permit Application Procedure.

Any person or entity desiring a permit for the opening of a street or tunneling therein shall make application to the Borough Clerk setting forth the following information:

- a. The name, mailing address, phone number, and email address of the applicant.
- b. The name, mailing address, phone number and emergency contact number for the crew or construction contractor who is to perform work associated with roadway opening.
- c. A brief description of the character and purpose of the work to be conducted.
- d. The plan showing the exact location and dimension of all openings.
- e. The name of the street where the opening is to be made and the street number, if any, of the nearest adjacent property.
- f. The total area planned for excavation calculated in square feet where roadway surface is subject to excavation work. Such calculation shall match opening dimensions depicted on the plan provided pursuant to Paragraph "d" of this Subsection.
- g. The date when work is to be commenced and completed.
- h. A statement that the applicant agrees to replace, at its own cost and expense, in accordance with Borough specifications and details, the openings to the state and condition described in § 23-1.4, and further agrees to comply with all other applicable Ordinances, regulations and laws relative to the work.
- i. A form agreement to indemnify and hold harmless the Borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.
- j. The registration number from the underground utility location service "New Jersey One Call" indicating that they have been properly notified and will locate underground facilities in the area of the proposed opening or tunneling operation.

- k. Such other information as the Borough Clerk in consultation with the Borough Engineer may consider pertinent.

§ 23-1.3 Authority to Grant or Deny Permit.

The Borough Clerk is hereby authorized to refuse the issuance of any permit if such refusal is in the interest of public safety, public convenience or public health. If a permit is refused by the Borough Clerk, an appeal may be taken to the governing body of the Borough. The governing body, after hearing the applicant and the Borough Clerk and such evidence as may be produced, may either direct the issuance of such permit or sustain the refusal of the Borough Clerk.

§ 23-1.4 Permit Requirements.

All permits issued under this Section shall require the applicant to comply with the following:

- a. All excavations shall be kept properly barricaded at all times and, during the hours of darkness, shall be provided with the proper warning lights. The applicant shall provide such signs, controls, barricades, warning lights, and personnel necessary for safe operation and compliance with applicable federal and state laws at its own cost and expense.
- b. All excavations or tunneling shall be sheeted, shored, or braced in accordance with applicable safety codes and Occupational Safety and Health Administration ("OSHA") standards.
- c. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Roselle Park Police Department. The Police Department shall be notified of all street closings at least forty-eight (48) hours in advance, except where the work is of an emergent nature, when notice shall be given to the Police Departments at the time work commences.
- d. All refuse and material shall be removed within twenty-four (24) hours and in accordance with applicable laws and regulations for disposal.
- e. All excavations shall be completely backfilled with a controlled low-strength material (CLSM), more commonly referred to as "soil cement," to a level six (6) inches below the adjacent roadway surface. A temporary patch must immediately be installed until such time as the final topcoat can be applied. After installation of soil cement, the applicant shall create a final topcoat consisting of a four (4) inch compacted thickness of bituminous stabilized base course, and a two-inch compacted thickness of bituminous surface course, that, when filled, shall result in an opening that is flush with the existing contour of the road. If conditions exist that do not allow for the installation of bituminous material as required, a temporary patch must immediately be installed until such time as the final topcoat can be applied. Permanent patches must have all edges sealed. CLSM shall have a twenty-eight-day minimum compressive strength of 1,200 psi.
- f. The street surface shall be restored to the satisfaction of the Borough Engineer. All street patch repairs and/or trench restoration must use the infrared paving method pursuant to the most

recent standards promulgated by the Borough Engineer so as to blend uniformly with the adjacent existing roadway.

- g. If blasting is required in the course of any excavation, it shall be done in strict compliance with all applicable federal and State laws and regulations.
- h. Final restoration of any street foundation or surface shall not commence until the Borough Engineer or their designated representative has determined that settlement of the subsurface is complete and the area properly prepared for restoration.
- i. All materials, equipment, and work shall be in accordance with Borough regulations, specifications, and details as may be required and directed by the Borough Engineer. Such materials, equipment and work shall likewise conform with the latest specifications promulgated by the New Jersey Department of Transportation for bridge and roadway construction.
- j. Requirements for “moratorium” roads:
 - 1. After the Borough has paved or repaved any street, no permit pursuant to this Section shall be issued for openings, cuts, or excavations in said street for a period of ten (10) years from the date of such paving, subject to the exceptions described herein.
 - 2. The Borough Clerk shall keep a list of all such streets subject to this ten-year moratorium, which may be inspected in the Office of the Borough Clerk.
 - 3. Prior to the start of any such paving or repaving work, the Borough shall host a Pre-Construction Meeting where utility companies shall be invited to attend and be advised of said work so any in-progress or contemplated excavations may be completed before paving is started.
 - 4. During such ten (10) year period, an applicant must restore the street opening so as to include pavement restoration (milling and repaving) for the full width (curb-to-curb) of the roadway to a distance equal to the full length of the excavation to the nearest intersection. Notwithstanding these requirements, the Borough Engineer may, in his/her sole discretion, waive the requirements of this Paragraph under the following circumstances:
 - (a) Where necessary or practical, as determined by the Borough Engineer. For example, if there is an excavation on a small dead-end street within the Borough the Town Engineer may use his/her discretion in determining the overall distance of the restoration.
 - (b) If, in the judgment of the Borough Engineer, an emergency exists that makes it absolutely essential that the road be opened for purposes of a utility repair or replacement. This shall include emergency repairs residential lateral lines.
 - (c) When the owner(s) of an owner-occupied single-family residential property who actually resides in that property applies for a construction permit to convert from oil heat to gas heat.

5. In any circumstance in which the Borough Engineer waives the curb-to-curb requirements of this Paragraph, the Borough Engineer shall require that the street opening be patched and restored via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway.
- k. Requirements for “non-moratorium” roads:
 1. For all streets that have not been paved within the last ten (10) years, the applicant must patch and restore the street opening via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway. If the street opening to be trenched is greater than or equal to a length of fifty (50) linear feet, upon completion of same, the applicant shall restore (milling and repaving) the entire street surface from edge to edge (curb-to-curb), for the full length of the excavation to the nearest intersection or as directed by the Borough Engineer.
 - l. All sidewalks, when being restored or replaced as part of the operations hereunder, must also be restored pursuant to the standards of this Chapter and as otherwise directed the Borough Engineer.

§ 23-1.5 Conditions of Permits.

- a. A permit shall apply only to the person or entity to whom it is issued and shall not be transferable.
- b. A permit shall be granted on a per opening basis, where openings are contiguous in nature. Separate openings shall require separate permits regardless of their proximity to one another. Each street within a project area shall require a separate permit.
- c. Work under a permit shall commence and conclude within ninety (90) days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate, unless extended in writing by the Borough Engineer.
- d. A copy of the permit shall be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized representative or police officer of the Borough.
- e. The Borough Engineer or Borough Clerk may revoke a permit for any of the following reasons:
 1. Violation of any provision of this section or any other applicable rules, regulations, law or ordinance.
 2. Violation of any condition of the permit issued.
 3. Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or a nuisance.

- f. In special cases, the governing body of the Borough may, by Resolution, impose special conditions to which the issuance of a permit may be subject, or may decide that any provision of this section shall not be applicable or may be modified.
- g. The Borough Clerk and Borough Engineer may make any rules and regulations which they consider necessary for the administration and enforcement of this section, but no regulation shall be inconsistent with, alter or amend the intent of any provision of this section or impose any requirement which is in addition to those expressly or by implication imposed by this section. Copies of all current regulations shall be furnished to each permittee at the time of the issuance of the permit.

§ 23-1.6 Fees to Accompany Application.

- a. Prior to issuance of any permit pursuant to this Section, the applicant shall file an application for said permit at least forty-eight (48) hours prior to the requested times of issuance and shall pay for said permit in accordance with the following schedule:

Application Fee(s)	Normal	\$50
	Unreported	\$250
	Emergency	\$0
Permit Fee(s)	Less than or equal to 25 square feet	\$175
	Greater than 25 and less than or equal to 50 square feet	\$350
	Over 50 square feet	\$7 per square foot
Non-Utility Escrow	Opening less than or equal to 50 square feet	\$1,000
	Opening greater than 50 square feet	\$2,500
Public Utility Escrow	Public utilities shall establish and indefinitely maintain an escrow account with the Borough of Roselle Park in an amount not to exceed \$25,000 unless a single project requires the posting of a larger amount as determined by the Borough Engineer.	

- b. All application and permit fees are nonrefundable, and said application and permit, once issued, are valid for a period of ninety (90) days, assuming compliance with the provisions of this section.
- c. All fees and escrow shall be waived for work done by the Roselle Park School District, County of Union and State of New Jersey. These entities shall be required to file an application and receive a permit prior to any work being done. Nothing in this Section shall be construed as requiring the issuance of a permit for the performance of any work done by the Borough or under a contract with the Borough.
- d. Escrow shall be used to support costs associated with spot inspections by the Borough Engineer of permitted street openings and excavations. These inspections shall be made by the Borough Engineer to verify site safety, work progress, and overall compliance with the provisions of this Section. In the event a permittee fails to restore or maintain work covered by a permit within twenty-four (24) hours of notification by the Borough Engineer, escrow shall likewise

be utilized by the Borough to restore and maintain the area compromised by street opening and excavation work.

Escrows shall be monitored and maintained to ensure a reasonable balance remains available to support inspections by the Borough Engineer. Escrows shall be replenished by permittees as may be determined from time to time as may be necessary.

- e. One year after permanent restoration is completed, the Borough Engineer shall re-inspect the area. If the restoration is satisfactory, the escrow balance shall be refunded. However, if additional restoration is required, the Borough Engineer shall notify the applicant of the additional work to be performed and will re-inspect the restoration area again one (1) month after the corrective action. A refund shall then be made if restoration is satisfactory.

§ 23-1.7 Definition of Emergency.

For the purpose of this section, an emergency shall be defined as an event or occurrence in which a sewer main, conduit or utility in or under any road breaks, bursts, becomes blocked, or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual. The person, company or utility owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining a permit herein described, shall immediately take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such a facility shall apply for a permit not later than the end of the next succeeding day during which Borough offices are open for business, and shall not proceed with permanent repairs without first obtaining a permit.

§ 23-1.8 Protecting Existing Structures.

It shall be the duty of a permittee under this Section to give notice of the proposed street opening to any companies or organizations whose pipes, conduits, wires, or other structures are laid in the portion of the street to be opened not less than twenty-four (24) hours before commencing such opening. The permittee shall, at his own expense, carefully support, maintain in operation and protect from injury such pipes, conduits, wires, or other structures. If any damage is caused to such structures the permittee shall restore same, at his own expense, to as good a condition as they were before the beginning of the work.

§ 23-1.9 Violations and Penalties.

Any person or entity who violates any provision of this section shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Those empowered to enforce the provisions of this Section shall be any officer of the Roselle Park Police Department, any officer of the Roselle Park Department of Code Enforcement, the Borough Clerk, or the Borough Engineer.