



APPLICATION FOR STREET OPENING: FAIR HAVEN, NJ 07704

DATE: _____

APPLICANT: _____

CONTACT NAME: _____

ADDRESS: _____

TELEPHONE: _____

STREET OPENING LOCATION: _____

BLOCK _____ LOT: _____

EXCAVATION FOR PURPOSE OF: _____

SIZE/SQUARE FOOTAGE: _____

PROPOSED START DATE: _____

PROPOSED COMPLETION DATE: _____

WORK TO BE PERFORMED BY: _____

UTILITY MARKOUT REQUEST NUMBER: _____

TASK NUMBER: _____

VERBAL AGREEMENT: _____

BY: _____

PHONE: _____

VERBAL PERMIT NO.: _____

APPLICATION FEE: \$250.00

INSPECTION FEE: \$300.00

\$550.00 (one check may be submitted for these fees)

PLUS CASH REPAIR DEPOSIT due with application: please see attached

APPLICATION APPROVED:

APPLICATION DENIED:

BOROUGH AUTHORIZATION: _____

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2023-04**

§ 15-1.7 Cash Repair Deposit.

a. The application for an excavation permit to perform excavation work under this section shall be accompanied by a cash repair deposit unless a performance guaranty is accepted in lieu thereof pursuant to subsection 15-1.8. Such cash repair deposit shall take the form of cash or certified check, payable to the Borough of Fair Haven, and shall be received by the Borough Clerk prior to the issuance of any permit. Any cash repair deposit made hereunder shall serve as security for the inspection, repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work performed in accordance with the excavation permit. Upon the permittee's completion of the work covered by such permit, in conformity with this section as determined by the Borough, 1/2 of the remaining cash repair deposit shall be promptly refunded by the Borough to the permittee and the balance shall be refunded by the Borough to the permittee upon the expiration of two years from the date of final approval of the work upon the Borough's determination that the permittee has performed the work in conformity with this section.

b. The amount of the cash deposit to be collected by the Borough Clerk shall be:

1. ~~Areas that are not within the traveled way or shoulders:~~

~~(a) — Openings not exceeding 10 square feet — \$2.50 per square foot or part thereof.~~

~~(b) — Openings exceeding 10 square feet — \$2.50 each for the first 10 square feet, and \$2 for each square foot, or part thereof in excess of 10 square feet.~~

For road opening permits of 200 square feet or less, the applicant must furnish to the Borough a cash deposit to guarantee that the opening made by the applicant will be properly restored as required by Subsection 15-1.25. The cash deposit amount shall be \$20 per square foot, calculated based upon the area required to be restored. A minimum cash deposit of \$500 shall be required.

2. ~~Areas within the traveled way or shoulders:~~

~~(a) — Openings not exceeding 100 square feet — \$3 per square foot or part thereof.~~

~~(b) — Openings over 100 square feet — \$3 each for the first 100 square feet, and \$2.50 for each square foot or part thereof in excess of 100 square feet.~~

In the case of openings more than 200 square feet, or non-excavated activities such as installation of curbs, utility poles, or other disturbances of public improvements, the applicant must furnish to the Borough a cash deposit or surety bond to guarantee that the work by the applicant will be properly restored as required by Subsection 15-1.25. The amount of the cash deposit or surety bond shall be calculated by the Borough Engineer and/or the Superintendent of the Department of Public Works consistent with the same procedure outlined in N.J.S.A. 40:55D-1 et seq. for posting of performance bonds based upon the area required to be restored.

3. In the case of excavation or removal or alteration of the public improvements such as drainage, sidewalks, driveways, driveway aprons, etc., the Borough Engineer shall determine in each case the amount of the cash repair deposit in sum total sufficient to allow the Borough to perform all required repairs and restoration. Said amount shall be estimated to include gross Borough costs, including fees, temporary maintenance costs, permanent restoration costs, engineering costs, etc.

4. Cash repair deposits may be waived in the case of installation or repair of sidewalk by the owner or by a person acting for the owner of real property and may be waived in the case of installation of new public improvements by a subdivider or site developer in accordance with the approved plans and without cost to the Borough; provided, however, that such waiver will

not be granted if, in the opinion of the Borough, a cash repair deposit is necessary to assure protection of existing improvements or to guarantee against damages during construction.

SECTION 5. Subsection 15-1.8 entitled “Surety” of Section 15-1 entitled “Street, Sidewalk, Curb, Driveway and Gutter Excavation” of Chapter 15 entitled “Streets and Sidewalks” of the Revised General Ordinances of the Borough of Fair Haven is supplemented and amended as follows (~~stricken~~ text deleted; underlined text added):

§ 15-1.8 Surety.

- a. If an individual cash repair deposit required by subsection 15-1.7 exceeds ~~\$1,000~~\$2,500 or if the aggregate of the cash repair deposits which any applicant expects to be required to provide within a period of one year exceeds ~~\$5,000~~\$10,000 or if the applicant is a public utility regulated by the Federal government and/or the State of New Jersey, then the Borough Council may allow the provisions of all or, at the Borough Council's discretion, a portion of the required cash repair deposits in the form of a surety bond. If a surety bond is to be provided in accordance with the requirement of this subsection, the applicant shall deposit it with the Borough Clerk in accordance with paragraph b of this subsection, made payable to the Borough of Fair Haven.
- b. The required bond must be:
 1. With good sufficient surety.
 2. By a surety company authorized to transact business in the State of New Jersey.
 3. Satisfactory to the Borough Attorney in form and substance.
 4. Conditioned upon the permittee's compliance with this section and to secure and hold the Borough and its officers harmless against any and all claims, judgments or other costs arising from the excavations and other work covered by the excavation permit or for which the Borough, the Borough Council or any Borough Officer may be made liable by reason of any accident or injury to person or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and shall be further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition all openings and excavations made in streets to the satisfaction of the Borough.

The amount of the performance bond to be submitted to the Borough Clerk shall be a minimum of double the amount of the cash repair deposit required pursuant to subsection 15-1.7. In the event that the Borough Engineer or Superintendent of Public Works or his designee determines that the cost of proper restoration of the excavation work will exceed the amount of the calculation, the additional bond for the particular job in question may be required by the Department of Public Works in a sum determined by the Borough Engineer.

- c. In lieu of a performance bond per job, any utility regulated by the Board of Regulatory Commissioners, or any contractor expecting to request multiple permits per year, may post a blanket performance guarantee in the minimum sum of ~~\$10,000~~\$25,000 with the Borough on an annual basis. In the event the Borough Engineer or Superintendent of Public Works or his designee determines that the cost of proper restoration of the area disturbed and pavement surface will exceed the amount of the blanket bond, an additional bond for that particular job, in an amount to be determined by the Borough Engineer, shall be posted by the permittee prior to the issuance of any permit(s).