CHAPTER XX

STREETS AND SIDEWALKS

20-1 EXCAVATIONS IN THE PUBLIC STREETS.[1]

20-1.1 Definitions. As used in this section:

Street shall mean any road, highway, public way, public alley, easement or other right of way accepted or maintained by the Township as a public street, as well as any State or County road or highway over which the Township has acquired jurisdiction by agreement.
(1971 Code §15-1.1)

20-1.2 Permit Required.

a. No person shall make an excavation in or tunnel under any street without first obtaining a permit from the Township Engineer, and consulting the Police Department pursuant to subsection 7-8.2

b. A tunnel or excavation may be commenced without a permit where an emergency has arisen which makes it necessary to start work immediately, provided that the application for permit is made simultaneously with the commencement of the work or as soon thereafter as is practical. The permit, when issued, shall be retroactive to the date on which the work has begun.

c. No permit for the excavation of any street shall be issued between December 1 and March 1, except for emergencies at the discretion of the Township Engineer, or as provided by resolution adopted by the Township Committee. All street excavations commenced after March 1 must be completed, backfilled and restored prior to December 1.
(1971 Code §15-1.2; Ord. No. 99-11 §2; New)

20-1.3 Denial of Permit; Appeal. The Township Engineer shall refuse the issuance of any permit, if such refusal is in the interest of public safety, public

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[1] **Editor's Note:** The power to regulate excavation and construction in the public streets is contained in N.J.S.A. 40:67-1. The incidental power to perform work where a land owner has refused to do so and to recover the cost thereof is contained in N.J.S.A. 40:67-9.

See also Chapter VII, Traffic, for pre-construction meeting requirements and work regulations.

convenience or public health. In the event that any permit shall be refused, an appeal may be taken to the Township Committee. (1971 Code §15-1.3)

20-1.4 Applications for Permits. Applications for a permit shall be made to the Township Engineer and shall contain the following information:

a. Name and address of the applicant.

b. Name of the street where the opening is to be made and the street number, if any, of the abutting property.

c. The Township tax map block and lot number of the property for the benefit of which the opening is to be made.

d. Nature of the surface in which the opening is to be made.

e. Character and purpose of the work proposed.

f. Time when the work is to be commenced and completed.

g. A set of plot or site plans of the work site, in quadruplicate, indicating the following:

1. The exact location and dimensions of all openings to be made.

2. The specific installations to be made.

3. The types of proposed traffic control devices to be utilized for the projects, said devices to be in conformity with the guidelines set forth in the Manual of Uniform Traffic Control Devices, current edition.

h. The name and address of the worker or contractor who is to perform the work, as well as the names and telephone numbers of at least two (2) persons responsible on a twenty-four (24) hour call basis to handle emergency repairs for said contractor.

i. A statement from the applicant agreeing to replace at his own cost and expense within forty-eight (48) hours, the street, curb, gutter and sidewalk in the same state and condition existing at the time of commencement of the work existing.

j. A nonrefundable permit application fee, calculated in accordance with subsection 20-1.5, to defray the engineering costs of permit review, issuance, servicing, administration, and inspection.
(1971 Code §15-1.4; Ord. No. 99-11 §4)

20-1.5 Permit Fees. The following schedule of fees is hereby fixed, determined and established as being the fees to be paid to the Township of Lakewood to be drawn upon by the Municipal Engineer in conjunction with the issuance and servicing of such permits, and supervision and inspection of such openings to proper restoration.

a. Openings not greater than fifty (50) feet in length, one hundred ($100.00) dollars.

b. Openings up to one hundred (100) feet in length, one hundred twenty-five ($125.00) dollars.

c. Openings up to two hundred (200) feet in length, one hundred fifty ($150.00) dollars.

d. Openings up to four hundred (400) feet in length, two hundred ($200.00) dollars.

e. Openings over four hundred (400) feet, three hundred ($300.00) dollars, plus fifty ($0.50) cents per lineal foot in excess of four hundred (400) feet.

f. An administrative fee of twenty-five ($25.00) dollars shall be added to the permit fee amount referenced above.
(1971 Code §15-1.5; Ord. No. 99-11 §5; Ord. No. 2009-52 §1)

20-1.6 Deposits. To insure trench or excavation restoration, a refundable cash deposit shall be deposited with the Township at the time the road opening permit is filed. The deposit shall be one thousand ($1,000.00) dollars or twenty-five ($25.00) dollars per square yard, of the actual excavated trench size, whichever is greater. The amount of the deposit shall be computed by multiplying the trench length in feet by the trench width in feet, divided by nine (9), which produces square yards.

The deposits shall be refunded if the surface is replaced according to Township specifications, and will be forfeited in lieu of restoration in the event that the Township specifications are not met. For roads paved with Portland cement or with bituminous concrete, the deposits shall be retained for a period of one (1) year from the date of completion of the permitted construction, at which time the deposit will be refunded upon the written approval of the Township Engineer. In the event the Township Engineer does not approve the same in writing, and upon recommendation to the Township Committee, the deposit will be forfeited.
(1971 Code §15-1.6; Ord. No. 99-11 §6)

20-1.7 Bonds. No permit shall be issued until the applicant has filed a bond in an amount determined to be sufficient by the Township Committee. The Township Committee may waive the requirements of this subsection in the case of public utilities upon the presentation of satisfactory proof that it is capable of meeting any claims against it up to the amount of the bond which would otherwise be required. The bond shall be executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

a. To indemnify and hold harmless the Township 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.

b. To indemnify the Township for any expense incurred in enforcing any of the provisions of this section.

c. To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act of omission of the applicant, his agents, employees or subcontractors, done in the course of any work under the permit.

d. The bond shall also be conditioned upon the applicant's restoring surface and foundation of the street for which the permit is granted in a manner acceptable to the Department of Public Works.

One (1) bond may be accepted to cover a number of excavations by the same applicant. Bonds shall remain in force for a period to be determined by the Township Committee.
(1971 Code §15-1.7)

20-1.8 Insurance Required.

a. A permittee, prior to the commencement of excavation work hereunder, shall furnish the Municipal Manager with satisfactory evidence in writing that the permittee has in force and will maintain in force, during the performance of the excavation work and the period of the excavation permit, public liability insurance of not less than five hundred thousand ($500,000.00) dollars for any one (1) person and one million ($1,000,000.00) dollars for any one (1) accident and property damage insurance of not less than fifty thousand ($50,000.00) dollars duly issued by an insurance company authorized to do business in this State. The Township of Lakewood and its Engineer shall be named as additional insureds.

b. In cases where the character or nature of the proposed excavation work is such as to present an unusual hazard or a higher than normal risk of damage or injury, the Township Committee may require provision of increased amounts of liability and property damage insurance. Any permits which occasion such increased hazard or liability shall be referred by the Municipal Manager for the consideration by the governing body prior to the issuance of a permit.
(1971 Code §15-1.7A; Ord. No. 99-11 §8)

20-1.9 Rules and Regulations; Backfilling.

a. The methods of construction for excavation and backfill shall be in accordance with Section 207 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 1983 or latest edition, and such other provisions as are included herein and as may be added in the special conditions.

b. No road opening or excavation of a cross trench shall extend beyond the centerline of the road before being backfilled, compacted and the surface of the roadway temporarily restored.

c. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage of those facilities and to permit their relocation, if necessary. Storm drains, pipe culverts or other facilities encountered shall be protected by the permittee. If the work performed interferes with the established drainage system of any street or road, provision shall be made by the permittee to provide proper drainage during construction and restore the existing system all to the satisfaction of the Municipal Engineer.

d. No dewatering equipment, wells, points or piping shall occupy the traveled portion of roadways unless specifically approved and adequately protected to the satisfaction of the Municipal Engineer. In addition, effluent from dewatering systems shall be discharged in such a manner that erodible soils are not adversely affected. All silt and sediments being carried in the dewatering effluent must be intercepted prior to effluent discharge into any drainage system through the use of a sediment basin designed to allow retention of discharge for sufficient time to render such waters free from suspended silt and sediments. The use of screening devices in lieu of sedimentation basin must receive specific approval and be employed only for minor flows.

e. Any gravel, earth or other excavated material which is caused to roll, flow or wash upon any Township road shall be removed from the roadway within twenty-four (24) hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Township shall remove the material and the cost incurred shall be paid by the permittee or deducted from his deposit. Applicants are put on notice that due to the work schedule of the Public Works Road Department, it will be necessary to make such repairs after normal working hours. The permittee shall employ construction methods and means that will keep flying dust to the minimum to the satisfaction of the Municipal Engineer.

f. In the event of a snow or ice storm, the permittee will be required to take whatever steps the Lakewood Township Department of Public Works deems necessary to secure the traveled way for snow removal operations. At the first sign of precipitation, all work on the shoulders and traveled way shall stop and they shall be cleared of all dirt, etc., and the area backfilled so as not to interfere with municipal snow operations until the weather permits resumption of work.

g. Right-of-way or property monuments an/or markers, traffic control devices and other Township maintained devices on the right-of-way shall not be removed or disturbed unless permission to do so is first obtained in writing from the Municipal Engineer. Permission shall be granted only upon the condition that the permittee shall pay all expenses incident to the replacement of such monumentation and/or devices.

h. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete composed of one part cement to ten parts (1:10) sand.

i. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable State laws and regulations.
(1971 Code §15-1.8; Ord. No. 99-11 §9)

20-1.10 Restoration of Surface Paving and Subsurface Foundation.

a. Within grassed areas, all trench openings and damaged areas shall be backfilled for the top four (4) inches with topsoil as defined in Section 806 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 1983 or latest edition. Then, both the trench and area disturbed by excavated material and construction operations shall be seeded with Fertilizing and Seeding, Type A as specified in Section 909 of the same specifications.

b. Within the limits of gravel roadways, driveways and parking areas all trench openings shall be backfilled and compacted as heretofore noted. The top eight (8) inches shall be backfilled with eight (8) inches of compacted Soil Aggregate Designation I-5 (Formerly Type 2 Class A or B road gravel) as defined in Section 901 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 1983 or latest edition.

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c. Within the limits of bituminous concrete or bituminous treated roadways all trench openings shall be backfilled and compacted as required in Section 207 of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 1983 or latest edition. The upper eleven (11) inches of the trench shall receive a temporary repair of six (6) inches of compacted Soil Aggregate Designation I-5 (Formerly Type 2 Class B road gravel) as defined in Section 301 of the above-listed specifications, topped with five (5) inches of bituminous stabilized base course, (Mix I-2) as defined in Section 304 of the above-listed specifications.

The temporary pavement shall remain in place until any residual settlement takes place, which time shall not exceed four (4) months. During this time, the permittee shall assure maintenance of the pavement surface level. Manholes, valve boxes or other physical utility obstructions, shall have feathered approaches not to exceed a five (5%) percent slope where necessary and pavement lining shall be restored by the permittee for adequate traffic control.

Where twenty (20%) percent or more of the existing pavement surface has been destroyed or disturbed, final paving shall consist of a one and one-half (1 1/2) inch overlay of the entire pavement surface with Bituminous Concrete Type FA-BC (Mix I-5) as defined in Section 404 of the above-listed specifications.

Where less than twenty (20%) percent of the existing pavement surface has been destroyed or disturbed, final paving shall be as follows: The existing pavement shall be saw-cut back to a clean straight line approximately twelve (12) inches away from each side of the existing disturbed pavement and any material within one (1) inch of the proposed surface shall be removed and any depressions filled. One and one-half (1 1/2)

inch of Bituminous Concrete Type FA-BC (Mix I-5) as defined above shall then be placed in the prepared area.

d. Within the limits of Portland cement concrete roadways, all trench openings shall be backfilled and compacted as previously required, a satisfactory foundation prepared, the reinforcement restored and the concrete pavement equal in thickness to that in place in the roadway replaced with concrete as defined in Section 405 of the above-listed specifications.

e. Road openings and/or trenches involving unusual or special conditions including attachment to bridges shall be restored in accordance with and pursuant to the direction of the Municipal Engineer.

f. In the event that temporary paving, patching, final paving, or any other aspect of the restoration process is not completed to the satisfaction of the Municipal Engineer, the Township shall complete the restoration and the cost incurred shall be paid by the permittee or deducted from his deposit.
(1971 Code §15-1.9; Ord. No. 99-11 §10)

20-1.11 Permit Conditions and Regulations.

a. *Transferability.* Every permit shall apply only to the person to whom it is issued and shall not be transferable.

b. *Commencement of Work.* Work under a permit shall commence within forty-five (45) 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 Township Engineer.

c. *Possession of Permit.* A copy of the permit, together with a copy of the plan endorsed with the approval of the Township Engineer, must be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized employee or to any Police Officer of the Township.

d. *Revocation of Permit.* The Township 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. Performing work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provision of the revision to constitute a nuisance.

The procedure for revoking a permit shall be the same as that set forth in this revision for the revocation of licenses, except that the initial hearing shall be before the

Township Committee, and the Township Committee may provide in the decision that the revocation shall not become effective if the permittee corrects the violation within a specified period of time.

e. *Protection for Traveling Public.*

1. The applicant shall keep all trenches and/or street openings properly guarded through the use of breakaway barricades, flashing lights, signs and reflectorized drums consistent with the Manual on Uniform Traffic Control Devices. Except as may be specifically permitted under special conditions herein, the applicant shall maintain one (1) lane of traffic in each direction except in the immediate vicinity of the excavation and then only during working hours. In the vicinity of the excavation, one (1) lane shall be kept open and alternated in the direction of traffic through use of uniformed traffic directors. While the excavation operation is in progress, uniformed traffic directors shall be provided at all times. Also, a 48" x 48" W20-1F "Road Construction Ahead" sign and a 48" x 48" W20-7A(S) "Flagman Ahead" sign shall be installed in each direction one thousand (1,000) feet and five hundred (500) feet respectively in advance of operations. At the close of each day's operation, the applicant shall return the roadway to operation of one (1) lane of traffic in each direction. No excavation within and/or immediately adjacent to roadways available to traffic shall remain open overnight.

2. Where specifically covered in the special conditions, a road may be temporarily closed. Any anticipated closing of Township roads due to construction must be approved by the Township Engineer with detailed plans and plans for emergency vehicle access submitted to him for review and approval a minimum of two (2) weeks in advance of any anticipated closing. Any anticipated closing of County or State roads which would affect traffic on Township roads must be reviewed and approved by the Township Engineer a minimum of two (2) weeks before any anticipated traffic pattern change. The Township reserves the right to alter the applicant's construction schedules in the coordination of traffic flow through an area where multiple openings are to take place.

3. All construction signing and protection devices must be in accordance with the Manual on Uniform Traffic Control Devices. For openings less than fifty (50) feet in length, a minimum of twenty-four (24) hours and for larger openings a minimum of forty-eight (48) hours notice shall be given to the Township Engineer in advance of the start of any road opening so that an on-site review of such signs and protection devices can be made by Township inspection personnel.

4. Construction equipment shall not be positioned or stored on any street after working hours unless approved by the Traffic and Safety Divisions of the Lakewood Police Department.

5. When a contractor is obligated to supply uniformed Police Officers on the job site, as a condition of his permit, all arrangements shall be made through the

Traffic and Safety Division of the Lakewood Police Department who shall assign the Officers forty-eight (48) hours in advance of the commencement of work on the project.

f. *Indemnity.* In accepting a permit, the permittee shall be deemed to have agreed to indemnify and save harmless the Township from and against any and all loss, costs or damages incurred by reason of any damage to any property, injury to any person or any loss of life resulting from any negligence of the permittee, its agents or servants in performing the work covered by the permit. The Township of Lakewood and its Engineer shall be named as additional insureds.

g. *Applicability.* The provisions of this section shall not be applicable to any excavation work under the direction of competent Township Officials, by employees of the Township or by any contractor of the Township or agency or department of the Township performing work and in behalf of the Township necessitating openings or excavations in streets, nor shall the provisions of subsection 20-1.5, subsection 20-1.6 and subsection 20-1.7 apply to any excavation work performed adjacent to or within public rights of way by subdividers or site developers in accordance with approved subdivision or site plans, provided that such subdividers or site developers have posted cash guarantees and surety in accordance with the applicable ordinance requirements.

h. The applicant shall give the required twenty-four (24) or forty-eight (48) hour notice as applicable to the Township Engineer prior to making any road openings, except in cases of emergency. No project shall commence on a Saturday, Sunday or holiday and no work which will interfere with traffic, or restrict the width of pavement available for traffic, shall be performed on those days. Further, work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless the permittee obtains written permission from the Township Engineer to do work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event that work authorized by the permit is to be performed in traffic-congested areas.

i. All trench openings must be backfilled and compacted immediately and the trench shall have been restored to at least temporary pavement requirements daily. Final paving shall be completed within four (4) months.
(1971 Code §15-1.10; Ord. No. 99-11 §11)

20-1.12 Power to Make Additional Rules and Regulations. The Township Committee may make any rules and regulations, by resolution, which it considers necessary for the administration and enforcement of this section, but no regulation shall be inconsistent with, alter or amend 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 each permittee at the time of the issuance of the permit. (1971 Code §15-1.11)

20-1.13 Liability of Township. This section shall not be construed as imposing upon the Township or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Township or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work. (1971 Code §15-1.12)

20-1.14 Violations and Penalties. Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine not exceeding one thousand ($1,000.00) dollars or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during which a violation occurs or continues. (1971 Code §15-1.13; Ord. No. 99-11 §14)

20-1.15 Excavations in Recently Improved Streets.

a. Whenever the Township Committee enacts any ordinance or resolution providing for the paving or repaving of any street, the Municipal Manager shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under the street. The notice shall notify such persons that no excavation permit shall be issued for opening, cuts or excavations in the street for a period of three (3) years after the date of enactment of such ordinance or resolution. The notice shall notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than forty-five (45) days from the date of enactment of such ordinance or resolution. The Municipal Manager shall promptly mail copies of such notice to the occupants of all houses, buildings or other structures abutting the street for their information, and to all property owners whose property abuts the street. The Municipal Manager must also mail such notices to the State agencies and departments or other persons that may desire to perform excavation work in the street.

b. Within forty-five (45) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this section, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting the street shall fail within the forty-five (45) days to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make such openings, cuts or excavations in the street shall be forfeited for a period of three (3) years from the date of enactment of the ordinances or resolution.

c. Every Township department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in the street is directed to take appropriate measures to perform such excavation work within the forty-five (45) day

period as to avoid the necessity for making any openings, cuts or excavations in the new pavement in the Township street during said three (3) year period.
(Ord. No. 99-11 §15)

20-1.16 Required Street Improvements; Exception.

a. Whenever building permits are issued for new construction involving heretofore undeveloped land or land cleared by demolition or the renovation to an existing structure that results in an increase of at least one thousand (1,000) square feet of floor area on properties abutting a street, the owner/developer shall be required to construct municipal improvements along the entire frontage of his property abutting the street. Construction of said improvements shall require the acquisition of street opening permit(s) in accordance with this chapter. No certificates of occupancy shall be issued without recommendation by the Municipal Engineer that the developer has complied with the requirements of this section.

b. An exemption from the requirements of this section may be granted by the Township Engineer. Said exemptions shall be based upon, but not limited to a review of the current condition of the existing street improvements to which the property abuts.
(Ord. No. 2001-68)

20-2 SIDEWALK CONSTRUCTION AND REMOVAL.

20-2.1 Permit Required. It shall be unlawful for any person to construct or remove, or cause to be constructed or removed, any sidewalk, driveway apron, curb or gutter or any part thereof within any public right-of-way in the Township without first having obtained a permit to do so from the Township Engineer. Property owners shall be responsible for maintaining sidewalks, driveway aprons, and concrete curbs. In the event that the Township should repair any sidewalk, driveway apron, concrete curb, or gutter, the Township shall be reimbursed by the owner. (1971 Code §15-2.1; Ord. No. 2001-68)

20-2.2 Application Information. Application for a permit under this section shall be made to the Township Clerk by the owner of the premises or his agent upon forms provided by the Township and shall contain the following information:

a. The name and address of the applicant.

b. The name and address of the person who is to perform the proposed work, and the name and address of the owner of the property on which the work is to be performed, if other than the applicant.

c. The location, by street number or otherwise, of the premises where the work is to be done.

d. The estimated cost of the proposed work.

e. A line and grade plan showing the proposed work, including its exact location with respect to a street intersection or some other fixed and prominent object, as well as its width and relationship to the grade of the street and the adjacent property and, in the case of a driveway apron, its slope or pitch.

f. Any other information that the Director of Public Works deems necessary in order to determine whether the work will comply with this chapter.
(1971 Code §15-2.2)

20-2.3 Specifications.

a. Materials, measuring, mixing, preparation of the foundation, forms, joints, depositing of concrete, finishing, curing and protection are to be in accordance with the current New Jersey State Highway Department Standard Specifications for Road and Bridge Construction or the latest revision thereof. A copy of the specifications is to be on file with the Township Clerk.

b. All sidewalk, driveway apron, curb, gutter, or other right-of-way improvements shall be constructed in accordance with standard construction detail established by the Municipal Engineer. Copies of said detail sheets may be purchased from the Municipal Engineer's Office.

c. The contractors shall be required to confer with the Township Engineer before starting any work, and further shall not be permitted to pour any concrete until the Township Engineer has checked and approved the forms for alignment and grade.

d. For the installation of curb or sidewalk in the Township, forms shall be of wood or metal, straight, free from warp, of sufficient strength, to resist springing during construction and of a height equal to the full depth of the finished curb or sidewalk. Wood forms shall be two (2) inch surfaced plank, it being understood that dressed lumber of one and five-eighths (1 5/8) inch width is herein permitted (where sharpness of curvature does not permit the use of two (2) inch material, plywood or fibre board of lesser thickness may be used with the permission of the Township Engineer) or as provided in the particular specifications for the job in question.
(1971 Code §15-2.3; Ord. No. 2001-68)

20-2.4 Notice Required. The applicant shall notify the Township Engineer at least seventy-two (72) hours prior to the construction of improvements in accordance with the street-opening ordinance so that the adequate inspection and testing can be arranged. (1971 Code §15-2.4; Ord. No. 2001-68)

20-2.5 Exceptions. This section shall not apply to:

a. The initial installation of sidewalks, driveway aprons, curbs or gutters in a major subdivision where the work is covered by performance guarantees required by the Planning Board.

b. The repair or replacement of less than eight (8) lineal feet of an existing sidewalk.
(1971 Code §15-2.5)

20-2.6 Order for Improvement by Township.

a. The Township Committee may by resolution order the construction of sidewalks and curbs in any streets within the Township. The Municipal Manager may, by written notice filed with the Township Clerk, order the repair of any existing sidewalk or curb not in good repair.

b. When the resolution above mentioned is adopted, the cost of the construction of new curbs or sidewalks shall be paid by the owner or owners of the real estate abutting said curb or sidewalk on which the improvement is made except that the Township shall pay the entire cost of curb and sidewalk lying in the angles of intersections of streets, and the Township shall pay two (2%) percent of the cost of other

curb and sidewalk construction. Primary engineering costs shall be paid by the Township.

c. A property owner requesting the Township to furnish grades on a public street which has been accepted for maintenance, shall deposit a check for twenty-five ($.25) cents per foot of curb or sidewalk, or a minimum of twenty-five ($25.00) dollars with the Township Clerk when the request for curb or sidewalk grades is made. Construction of the proposed sidewalk or curb shall be completed within thirty (30) days of the stake out furnished by the Township Engineer, or the full deposit shall be forfeited by the applicant. Upon satisfactory completion of the construction of the curb and sidewalk certified by the Township Engineer to the Township Clerk, the deposit shall be refunded,

d. Following the adoption of a resolution providing for the construction of sidewalk or curb, and prior to the making of the improvement, or the awarding of a contract therefor, the Township Clerk shall give notice to the owner or owners of all real estate affected. The notice shall contain a description of the property affected sufficient to identify it, a description of the improvement, a statement that the Township will contract for the improvement, and a statement that ninety-eight (98%) percent of the cost is to be borne by the owner or owners of such real estate. The notice shall be served as provided in N.J.S.A. 40:65-3 to 40:65-5.
(1971 Code §15-2.6)

20-3 NUMBERING OF HOUSES AND BUILDINGS.

20-3.1 Numbering Required. All dwelling houses, stores or other buildings erected within the Township shall be numbered in conformity with the street numbers on the tax and assessment maps of the Township filed in the Office of the Director of Inspections of the Township, and in the files of the Tax Assessor. (1971 Code §15-3.1)

20-3.2 Notification. The owner of any dwelling house, store or other building incorrectly or improperly or insufficiently numbered, shall be notified in writing by the Municipal Manager or his appointed designee, or such other person so designated by the Township Committee to change or replace such incorrect or improper number or to affix a number where one is lacking within ten (10) days after date of such notice. (1971 Code §15-3.2)

20-3.3 Subdivisions. Upon any subdivision or resubdivision of the land in the Township resulting in lots other than those numbered on the tax and assessment maps on the records, the Municipal Manager or his appointed designee, shall within thirty (30) days after final approval thereof, assign a number to each lot resulting from the subdivision or resubdivision which shall be in proper numerical sequence in relation to

the number assigned to other lots fronting on the same street and the Municipal Manager or his appointed designee shall record same upon the map and notify the owner of the property of the numbers so assigned. (1971 Code §15-3.3)

20-3.4 Display of Number. The number so assigned to each building shall be displayed by the owner or occupant on the front of the building or in the front yard of the lot on which the same stands and shall be of a size not less than three (3) inches in height and so located as to be clearly visible to persons passing by the premises on the abutting street. (1971 Code §15-3.4)

20-3.5 Certificate of Occupancy. No Certificate of Occupancy shall be issued for occupancy of any building hereafter erected or enlarged unless the provisions of the foregoing subsection shall have been complied with. (1971 Code §15-3.5)

20-3.6 Application for Number. Upon application by the owner of any property in the Township to the appropriate municipal department head, said municipal official shall furnish such owner with the correct number of such property. (1971 Code §15-3.6)

20-3.7 Compliance. The occupant or owner of any building who shall not comply with the provisions of subsection 20-3.4 within sixty (60) days after notice of the number assigned to such buildings shall, upon conviction thereof, be fined not more than fifty ($50.00) dollars at the discretion of the Judge of the Municipal Court. (1971 Code §15-3.7)

20-3.8 Method of Assigning House and Other Property Identification Numbers. The Municipal Manager shall designate an appropriate employee who shall assign numbers according to the following standards:

a. In the area bounded by Main Street, Lakewood Avenue, Somerset Street and County Line Road:

1. Odd numbers on the north and east sides of the street.

2. Even numbers on the south and west sides of the street.

3. Streets south of Carey Street and east of Princeton Avenue will have the directional designation east, as in "East Seventh Street".

4. Streets south of Carey Street and west of Princeton Avenue will not have any directional designation, as in "Eleventh Street".

5. For numbered streets south of Tenth Street, numbers shall begin at Princeton Avenue and progress in ascending order as they move in a westerly direction further from Princeton Avenue and progress in an ascending order as they move in an easterly direction, with each block having a hundreds units designation.

6. For streets north of Carey and Fourteenth Streets, numbers shall begin at the easternmost point and ascend in a westerly direction.

7. Numbers for Tenth and Twelfth Streets shall begin at Squankum Road and ascend in a westerly direction.

8. Eleventh and Thirteenth Street numbers shall begin at Princeton Avenue and progress in ascending order as they move in a westerly direction and in a descending order as they move in an easterly direction.

9. County Line Road and Kennedy Boulevard shall have a directional designation of east on the east side of State Highway Route 9 and shall have a directional designation of west on the west side of said highway.

10. Avenue numbers shall begin at the southern end and progress in ascending order as the numbers move further north.

b. Areas of the Township not bounded within the area designated in paragraph a. above:

1. Odd numbers on the north and east sides of the street.

2. Even numbers on the south and west sides of the street.

3. Numbers shall begin at the southern or easternmost end of the street and progress in ascending order as the numbers progress in a northerly or westerly direction, respectively.

c. All new and/or continuation of avenues, streets and roads in the Township will:

1. Begin with the first block number range 1-99, then the next block number range 100-199, then the next block number range 200-299 and so on.

2. With the exception of paragraph a,3. above, new streets will not have directional designators.

3. Apartment and/or office building structures will have a single address, and these units will be identified with a numerical number only, i.e. the first floor: 100-199, the second floor: 200-299 and so on. In apartment buildings, units will be designated as "apartments"; in office buildings, units will be designated "suites". Alpha characters will not be used in part or in whole.

4. To the extent possible, strip mall stores will have individual address numbers without the use of suite and/or unit identifiers.

5. To the extent possible, townhouse and/or condominiums will have individual address numbers without the use of unit identifiers.

6. The Township will notify and seek the cooperation of the local postal authority in regards to addressing.
(1971 Code §15-3.8)

20-4 STREET LIGHTING.

20-4.1 Authorization to Extend to Certain Roads and Streets.

a. *Authorization to Extend to Certain Roads and Streets.* N.J.S.A. 40:67-23.1 enables the Governing Body of a municipality to make, amend, repeal and enforce ordinances to provide for the lighting of any roads or streets upon which the travel is sufficient, in the opinion of the Governing Body, to warrant such expenditures, even though such roads or streets shall not have been taken over by the Municipal Governing Body or dedicated and accepted as public highways; and

b. *Power of Governing Body to Require Improvements and Dedication.* The law allows municipalities at their own option to require the roads and streets to be suitably improved in accordance with any requirements established pursuant to the "Official Map and Building Permit Act (1953)," N.J.S.A. 40:55-1.30 et seq. and dedicated to the municipality, within two (2) years of the effective date of any ordinance adopted providing for the lighting of the road or street.
(1971 Code §15-4.1)

20-4.2 Procedures.

a. *Application for Street Lighting.* Such request shall be submitted in writing to the Clerk of the Township Committee, signed by all of the owners of such roads. If the roads are owned by a corporation or association the request shall be in the form of a proper resolution of such entity incorporating the request and duly certified as having been properly passed and containing the proper corporate seal.

b. *Necessary Reports.* Upon receipt of the request by the Township Committee, it shall be forwarded to the Chairman of Street Lighting (if in existence), Engineer, Treasurer, Attorney and Traffic and Safety Departments for their study and written recommendation.

The report from the Treasurer shall contain an estimate as to the actual cost of providing street lighting by the Township.

The engineering and attorney reports shall advise the Township Committee of any engineering or legal problems. All of the above reports shall be submitted to the Township Clerk within thirty (30) days of the referral by the Township Committee.

The Township Committee, after receipt of the reports, shall determine whether the travel on such roads or streets is sufficient to warrant the expenditures of providing street lighting.

c. *Ordinance Required.* If the Township Committee is in favor of granting the request, it shall enact an ordinance pursuant to N.J.S.A. 40:67-23.1, which ordinance shall indicate whether or not the Township intends to exercise its option of requiring the streets and roads to be suitably improved and dedicated within two (2) years.
(1971 Code §15-4.2)

20-4.3 Definitions. As used in this section:

Street or *Road* shall mean any strip of land appropriated for and used for general travel whether by an individual, a corporation or the public and indicated on a recorded map, plot plan or site plan which is, in the opinion of the Township Committee, used to such an extent that public lighting is considered justifiable.

Reasonable amount of lighting shall mean in determining that which is to be considered a reasonable amount of lighting for any given street, road or other area, the Division of Traffic and Safety of the Lakewood Police Department shall, before street lighting is approved for any additional streets or roads other than those presently being lighted at the time of passage of this section, make a study and report of pedestrian and vehicle travel with emphasis to any particular dark spots or hazardous areas that may need special lighting attention. Additionally, there shall be obtained from the utility company furnishing the light to the area of the Township under study a report or recommendation by such utility as to the amount and positioning of lighting of those areas including the recommendation as to the lumens necessary to and the type of lighting recommended for safe, sufficient and adequate lighting of the area.
(1971 Code §15-4.3)

20-4.4 Decision of Township Committee. Based upon the reports cited in subsection 20-4.2 and the Township Committee's own observation and knowledge, the Township Committee shall decide where and under what circumstances lighting of roads and streets shall be done throughout the community. (1971 Code §15-4.4)

20-4.5 Withdrawal of Request. The applicant for street lighting shall at any time prior to final passage of the ordinance providing for the lighting have a right to withdraw such request by letter through the Township Clerk to the Township Committee, or, subsequent to final passage of the ordinance, at any time request that his development or street be exempt from the provisions of such ordinance and cancel his consent to furnishing by the municipality of street lighting on any of such streets or roads. (1971 Code §15-4.5)

20-5 REMOVAL OF SNOW AND ICE.

20-5.1 Removal Required.

a. Every owner or occupant of any house or other building, any owner or occupant of any multiple family dwelling, store, apartment, or commercial or industrial building, and any owner of a vacant lot shall remove snow or ice from the sidewalks in front of or adjacent to such buildings or lot within twelve (12) hours after the snow ceases to fall or ice is formed. The hours from 11:00 p.m. and 7:00 a.m. shall be excluded in computing the twelve (12) hours during which snow must be removed.

b. The owners of apartment projects having more than one (1) apartment house on the same parcel of land shall secure the removal of snow and ice from the streets and sidewalks of the apartment project within the same time as set forth in paragraph a. above.

c. If snow or ice is of such a thin coat or is so adhered to the sidewalk that it cannot be reasonably removed with shovels or standard snow removal equipment, it shall be covered with fine sand, salt or other material suitable to prevent slipping. (1971 Code §4-7.1)

20-5.2 Removal by Township. If any owner or occupant fails to remove the snow or ice, the Public Works Director shall cause it to be removed. The cost paid and incurred by the Public Works Director for removing snow and ice from any sidewalk shall be certified by him to the Township Committee which shall examine the certificate and cause the cost as shown to be charged against the lands abutting the sidewalk. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become part of the taxes next to be assessed and levied upon the lands and shall be collected and enforced according to law. The above shall be in addition to any other penalty for violation of this provision. (1971 Code §4-7.2)

20-6 OBSTRUCTION OF STREETS AND SIDEWALKS.

20-6.1 Prohibited. No person shall obstruct or endanger, or place or permit anything to obstruct or endanger, the free passage or proper use of the public of any street, highway, sidewalk, crosswalk, bridge or entrance to any public hall or building, except as may be necessary while loading or unloading any goods, merchandise, materials or persons, or except as may be otherwise permitted by this section. (1971 Code §4-8.1)

20-6.2 Building Materials in Street. No person shall place or deposit any building materials in or upon any street of the Township and allow or permit the same to remain for more than twenty-four (24) hours without a written permit for that purpose.

A permit shall be obtained from the Township Clerk and for each permit issued the applicant shall pay a fee of one ($1.00) dollar. The permit shall state the date of issuance, the person to whom granted, be signed by the Township Clerk, and shall provide that no more than one-third of (1/3) the street shall be occupied by such obstruction. All permits shall terminate twenty (20) days after the date of issuance. (1971 Code §4-8.2)