

**Borough of Mount Arlington
419 Howard Boulevard
Mount Arlington, NJ 07856**

Borough Clerk's Office
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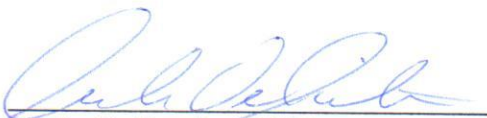
The following Ordinance was passed on second reading at the Council Meeting of the Borough of Mount Arlington on March 4, 2014.

Ordinance #01-14

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE
OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 86,
EXCAVATIONS, REGARDING SECTION 86-1, PERMITS FOR EXCAVATIONS; AND
CHAPTER A210 OF THE BOROUGH CODE, ENTITLED "FEES" TO UPDATE THE FEES
FOR EXCAVATIONS**

TAKE NOTICE that the above entitled Ordinance was introduced and passed at a regular meeting of the Borough Council of the Borough of Mount Arlington held on February 4, 2014; and after being duly advertised was further considered for final passage at a Council Meeting held on March 4, 2014 at which time, after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Borough of Mount Arlington according to law.

ADOPTED: March 4, 2014


Linda DeSantis, RMC
Borough Clerk

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 86, EXCAVATIONS, REGARDING SECTION §86-1, PERMITS FOR EXCAVATIONS; AND CHAPTER A210 OF THE BOROUGH CODE, ENTITLED "FEES" TO UPDATE THE FEES FOR EXCAVATIONS

WHEREAS, the Borough Engineer advised that the Borough Excavation Permitting Fee Structure is inconsistent with other municipalities; and recommends that the Borough Code be updated; and

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 86, Excavations, regarding section §86-1, Permits for Excavations; and Chapter A210 of the Borough Code, entitled "Fees" to update the fees for Excavations.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 86, Excavations, regarding section §86-1, Permits for Excavations, Fee is hereby amended and supplemented to read in its entirety as follows:

§ 86-1. Permits for excavations.

A. Permit required. No person shall make any excavation, opening or tunnel in or on or under, any right-of-way (R.O.W.) of the borough without having first obtained a permit as hereinafter set forth or without complying with the provisions of this chapter, or in violation of or variance from the terms of any permit. [Amended 3-27-2006 by Ord. No. 08-06]

B. Application. Application for a permit shall be made in writing and filed in triplicate with the Construction Office and shall describe the exact location of the intended excavation, opening or tunnel, the size, the purpose therefor, the person doing the actual work, the name of the person for whom the work is being done and the period of time within which the work shall be performed. The application shall also contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. [Amended 3-27-2006 by Ord. No. 08-06]

C. Issuance of permit. Upon receipt of the application, the Construction Office shall forward a copy to the Borough Engineer. The Borough Engineer shall then prepare a written estimate setting forth the amount required to restore the R.O.W. to its original conditions after it has been excavated, opened or tunneled in accordance with the application and thereupon shall forward a copy of the estimate to the Construction Office. The Construction Office, upon preparation of the estimate shall issue the permit, provided that the applicant has paid an application fee; escrow fee to the Borough to cover administration costs and engineering inspections; and has filed a performance guaranty with the Borough. If the escrow fee is depleted prior to completion of the work, the applicant shall pay additional escrow money as necessary to cover administration costs and engineering inspections.¹ [Amended 3-27-2006 by Ord. No. 08-06]
¹Reserved.

D. **Application Fee:** The fee for a permit shall be one hundred dollars (\$100) for any excavation, unrelated to project size.

Escrow Fees:

Review and Approval:

\$500 Deposit to be submitted with application, with provisions that additional deposits may be necessary should review and approval fees exceed \$500. Any excess fees will be refunded.

Construction Inspection and Closeout:

Prior to issuance of a permit escrow balance shall be replenished to a minimum of \$500 or consistent with the New Jersey Municipal Land Use Law (MLUL), NJSA 40:55D-53h, an amount equal to 5% of the estimated value of the proposed work. Costs shall be estimated utilizing current fee schedule adopted by resolution of the Mayor and Council. Any excess fees will be refunded.

Performance Bond:

Consistent with the New Jersey MLUL, NJSA 40:55D-53a(1) (MLUL) bonding equal to 120% of the estimated value of the proposed work shall be provided. Costs shall be estimated utilizing current fee schedule adopted by resolution of the Mayor and Council.

Relocation/Replacement of Public Utilities:

Recommend that applicants requesting to relocate public utilities be required to provide an escrow deposit equal to 120% of the estimated value of utilities to be relocated, which the Borough will utilize to contract for or perform the relocation of said improvements themselves. Applicants should also be responsible to provide additional escrow deposits should construction costs exceed those estimated. Costs shall be estimated utilizing current fee schedule adopted by resolution of the Mayor and Council.

Recommended fee schedule values:

Curb Replacement	\$20 per linear foot
Sidewalk Replacement	\$50 per square yard
Asphalt Restoration	\$30 per square yard
Lawn Restoration	\$8 per square yard
Relocation of Storm Pipe	\$75 per linear foot
Relocation of Storm Structure	\$3000 each
Relocation of Water Main	\$125 per linear foot
Relocation of Fire Hydrant	\$5000 each
Relocation of Sanitary Sewer Main	\$75 per linear foot
Relocation of Sanitary Structure	\$5000 each

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter A210 of the Borough Code, entitled "Fees" to update the fees for Excavations provided in Section §86-1D is hereby amended and supplemented to read in its entirety as follows:

Chapter 86, Excavations

§ 86-1D

Application Fee: The fee for a permit shall be one hundred dollars (\$100) for any excavation, unrelated to project size.

Escrow Fees:

Review and Approval:

\$500 Deposit to be submitted with application, with provisions that additional deposits may be necessary should review and approval fees exceed \$500. Any excess fees will be refunded.

Construction Inspection and Closeout:

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Relocation of Sanitary Structure	\$5000 each

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on February 4, 2014 and will be further considered after a Public Hearing held on March 4, 2014 at the Municipal Building at 7:00 P.M.

INTRODUCED:
PUBLISHED:
ATTEST:

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Linda DeSantis, RMC, Borough Clerk

Arthur Ondish, Mayor