

19-007 G

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER II ADMINISTRATION, CHAPTER III POLICE REGULATIONS, CHAPTER VII TRAFFIC, CHAPTER IX SEWER AND WATER, CHAPTER X PARKS AND RECREATION, AND CHAPTER XIII STREETS AND SANITATION ORDINANCES

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter II (Administration), Chapter III (Police Regulations), Chapter VII (Traffic), Chapter IX (Sewer and Water), Chapter X (Parks and Recreation), and Chapter XIII (Streets and Sanitation) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend Chapter II (Administration) Section 12.35 to amend terminology and Section 21.2 to amend Historic Preservation Commission member terms, Chapter III (Police Regulations) Section 14.6 to amend penalty costs for false alarms and Section 16.3 to amend garbage and recycling pickup time Chapter VII (Traffic) Section 11 to amend speed limit rules and Schedules regarding parking, one way streets and speed limits, Chapter IX (Sewer and Water) to add Section 4 regarding portable toilets and toilet systems, Chapter X (Parks and Recreation) Section 1.1 to list an additional property for Recreation and Conservation purposes, and Chapter XIII (Streets and Sanitation) Section 2.7 to amend permitting fees and Section 2.16 to add notation.

Chapter II (Administration), Chapter III (Police Regulations), Chapter VII (Traffic), Chapter IX (Sewer and Water), Chapter X (Parks and Recreation), and Chapter XIII (Streets and Sanitation) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is struck through and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1.

That Chapter II, Administration, shall be amended to as follows:

CHAPTER II ADMINISTRATION

2-1 CHAPTER TITLE through POLICE DEPARTMENT.

No Change.

2-12 FIRE DEPARTMENT.

2-12.1 Fire District Established through 2-12.34 Exemptions from Fees.

No Change.

2-12.35 Length of Service Awards Programs (LOSAP) for Volunteer Firefighters.

As recognized by the State of New Jersey under the "Emergency Services Volunteer Length of Service Award Program Act" the Borough established a Length of Service Award Program effective August 19, 2004 for all eligible volunteer firefighters in the Rumson Fire Department consisting of the Oceanic Hook & Ladder Co. No. 1, Inc. and the Rumson Fire Company.

In accordance with N.J.S.A. 40A:14-183 et seq. the Borough of Rumson established the Length of Service Awards Program (LOSAP) to provide for the following:

a. Fixed annual contributions to be made by the Borough annually to a tax deferred income account for each volunteer member who the Borough determines meets the annual eligibility criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Borough of Rumson pursuant to the Act; and that such plan shall be

administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this Ordinance.

b. Annual contributions for each eligible member whom the Borough had determined has performed and accrued seventy-five (75) points of service in the particular calendar year pursuant to the Borough of Rumson Point System. The Governing Body of the Borough reserves the right to amend the Point System and Schedule.

c. The annual contribution amount for each year of future service for each eligible volunteer member shall be one thousand one hundred fifty (\$1,150.00) dollars. The estimated annual cost of this program shall be based on sixty (60) members for a total cost of sixty-nine thousand (\$69,000.00) dollars. Beginning in 2018, the annual contribution shall adjust based on the ~~Federal Social Security~~ Consumer Price Index Adjusted State of New Jersey published cost of living increase for the given year. These increases shall be cumulative going forward.

d. Each active volunteer member shall accrue and be credited with points, to be totaled on an annual basis per calendar year, for volunteer services provided as per the Borough of Rumson LOSAP Point System Schedules set forth herein as part of this Ordinance. The Rumson Fire Department (two (2) Companies) shall at the conclusion of each calendar year provide a list and recommendation as to the members achieving the required seventy-five (75) points of service and the basis for that recommendation. The Governing Body will thereafter make the determinations to the members on the list as to compliance with the eligibility requirement for each calendar year.

2-12.36 Cadet or Explorer Firefighters through 2-12.37 Violations and Penalties.

No Change.

2-13 APPROVAL OF CLAIMS through 2-20 BOARD OF RECREATION COMMISSIONERS.

No Change.

2-21 HISTORIC PRESERVATION COMMISSION.

2-21.1 Established.

There is hereby established in and for the Borough of Rumson an Historic Preservation Commission, which shall be advisory and instructional in nature.

2-21.2 Members; Term.

The Historic Preservation Commission shall consist of six (6) regular members and two (2) alternate members appointed by the Mayor with the advice and consent of the Borough Council. All members shall be appointed to three (3) year terms, but the initial appointments shall commence on June 3, 2004 and terminate on December 31, 2006. Thereafter, all appointments shall be for full three (3) year terms. Beginning in 2020, terms shall be three (3) year terms staggered with two (2) members per year expiring. As such 2020 shall have the following appointments:

Two (1) one year appointments

Two (2) two year appointments

Two (3) three year appointments

2-21.3 Rules of the Commission; Election to Chairperson through 2-21.4 Commission Responsibilities.

No Change.

2-22 CRIMINAL HISTORY BACKGROUND CHECKS FOR BOROUGH EMPLOYEES AND EMERGENCY SERVICE VOLUNTEERS through 2-26 BOROUGH ENGINEER.

No Change.

SECTION 2.

That Chapter III Police Regulations, shall be amended to as follows:

CHAPTER III POLICE REGULATIONS

3-1 PENALTY through 3-13 JOGGING AND RUNNING.

No Change.

3-14 ALARM SYSTEMS.

3-14.1 Registration Required through 3-14.5 Rule Making Authority.

No Change.

3-14.6 False Alarms and Penalties.

In the case of a false alarm, or of improper maintenance or operation of an alarm system, any person having knowledge thereof shall immediately notify the Police Department. The Police Department shall cause an investigation to be made of all false alarms and of all improper maintenance or operation of alarm systems, and shall keep a record of such false alarms on file.

For such false alarms (or unfounded alarm), this section prescribes the following penalties.

- a. For the first and second false alarm in any given calendar year, a warning shall be issued.
- b. For the third false alarm in the same calendar year, a fine in the amount of ~~seventy-five (\$75.00)~~ one hundred (\$100.00) dollars shall be paid to the Borough.
- c. For the fourth false alarm in a calendar year, a fine in the amount of ~~one hundred fifty (\$150.00)~~ two hundred (\$200.00) dollars shall be paid to the Borough.
- d. For the fifth false alarm in a calendar year, a fine in the amount of ~~three hundred (\$300.00)~~ four hundred (\$400.00) dollars shall be paid to the Borough.
- e. For the sixth false alarm in a calendar year, a fine in the amount of ~~five hundred (\$500.00)~~ eight hundred (\$800.00) dollars shall be paid to the Borough.
- f. For the seventh or any subsequent false alarm in a calendar year, a fine in the amount of at least ~~seven hundred fifty (\$750.00)~~ one thousand (\$1,000.00) dollars to the ~~maximum~~ minimum municipal fine ~~allowed~~ shall be paid to the Borough.
- g. Where the investigation of the Police Department discloses a continued disregard by the owner for taking remedial steps for avoiding false alarms, or for continued failure to maintain or operate an alarm system, the Police Department shall have the right to require disconnection for a limited or permanent time of the alarm system, giving the owner an opportunity to show cause to the Police Chief why such action should not be taken. A person aggrieved by the decision of the Police Department shall have the right to appeal said decision to the mayor and council within ten (10) days of the decision.
- h. Any unauthorized equipment pertaining to an alarm system may be ordered to be disconnected by the Police Department for noncompliance with this section. Any placing, installing or maintaining unauthorized equipment or failing to file a required registration application or amendment thereto shall be a violation of this section, and shall be subject to a fine in the amount of one hundred (\$100.00) dollars which shall be paid to the Borough. Each and every day that such equipment is installed, or maintained, shall be considered a separate violation. Any person placing, installing or maintaining any alarm system shall be deemed as having consented to inspection of the premises on which said alarm system is installed or maintained at reasonable hours by the Police Department.
- i. Any flood, hurricane, earthquake, storm, etc. which affects the operation and performance of an approved alarm system, shall, after such determination by the Police Department, not subject the owner, operator, lessee or maintainer, to any fine or penalty as herein prescribed in this section.

j. All Rumson municipal and historic buildings and facilities owned or leased by the Borough of Rumson or any one of the following entities listed below shall be exempt from the penalties enumerated in this section:

Borough Hall, Municipal Court, Police Department, Bingham Hall, Parks and Recreation, Road Department, Wastewater Management Stations, Fire Department, First Aid Squad and Public Schools.

3-14.7 Definitions through 3-14.9 Violations and Penalties; Enforcement.

No Change.

3-15 DRUG-FREE SCHOOL ZONES.

No Change.

3-16 CONSTRUCTION AND PROPERTY MAINTENANCE ACTIVITY—HOURS OF OPERATION.

3-16.1 Restricted Activities through 3-16.2 Prohibited Hours of Operations.

No Change.

3-16.3 Garbage and Recycling Pickup.

Pickup for garbage and recycling shall be permitted as follows:

Monday through Friday	7:30 <u>7:00</u> a.m. until 5:00 p.m.
Saturday	8:00 a.m. until 3:00 p.m.
Sunday and Major Holidays	Prohibited

Garbage pickup, recycling pickup and dumpster delivery or removal shall be limited to the above schedule.

3-16.4 Restricted Persons through 3-16.7 Violations and Penalties.

No Change.

SECTION 3.

That Chapter VII, Traffic shall be amended to as follows:

CHAPTER VII TRAFFIC

7-1 WORDS AND PHRASES through 7-10 TURN PROHIBITIONS.

No change.

7-11 SPEED LIMITS.

The streets or parts of streets described in Schedule XVI attached to and made a part of this chapter shall have the speed limits designated in such schedule. All other Borough streets not listed in Schedule XVI shall be 25 mph one way, both directions.

Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits as authorized by the Department of Transportation.

7-12 VIOLATIONS AND PENALTIES.

No change.

SCHEDULE I NO PARKING

In accordance with the provisions of subsection 7-3.3, no person shall park a vehicle at any time upon any of the following described streets or parts of streets.

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Allen Street	West	Between West River Road and Church Street.
Allen Street	East	Between West River Road and 125 feet south thereof.
Avenue of Two Rivers	a. East	From the south curblane of Ridge Road 200 feet southerly thereof.
	b. West	From Bay Street to Ridge Road.
Avenue of Two Rivers South	Both	Between its southerly terminus and a point 450 feet northerly therefrom.
Bay Street	South	Entire length.
Bellevue Avenue	West	Between Rumson Road and 600 feet south of Ridge Road.
Bingham Avenue	West	Between Ridge Road and South Cherry Lane.
Blackpoint Road	a. North	For a distance of 60 feet in an easterly direction from East River Road.
	b. South	From East River Road to Center Street.
Blossom Road	West	Between Ridge Road and Robin Road.
Bruce Place	South	Entire length.
Cedar Avenue	East	Entire length.
Church Street	North	Between Lafayette Street and Bingham Avenue.
Crabapple Lane	East	Between North Cherry Lane and South Cherry Lane.
Dogwood Lane	East	Between North Cherry Land and South Cherry Lane.
East River Road	East	From Wilson Circle to Meadowbrook Avenue.
East River Road	East	From Blackpoint Road to Ridge Road.
East River Road	North	From the northeast corner of North Park Avenue in an easterly direction for a distance of 265 feet.
East River Road	West	Between Bingham Avenue and Ridge Road.
First Street	East	From the Navesink River to a distance 290 feet south thereof.
First Street	East	No parking/loading zone here to corner 77 feet north of West River Road.
First Street	West	Between the Navesink River and Church Street.
Forrest Avenue	West	From Ridge Road to Narumson Street.
Grant Avenue	South	Entire length.
Hance Road	East	For a distance of 1,875 feet in a northerly direction from Rumson Road.
Holly Street	South	Entire length.
Hunt Street	South	Entire length.
Lafayette Street	a. West a. East	Beginning 130 feet from the northerly curblane of West River Road running in a northerly direction to its terminus at the Navesink River. <u>From West River Road to Hunt Street.</u>

	b. West	From West River Road to Narumsunk Street.
Lincoln Avenue	South	Entire length. <u>From the Shrewsbury River to Packer Avenue, from Waterman Avenue to South Ward Avenue</u>
Lincoln Avenue	North	From the Shrewsbury River to Packer Avenue.
Maple Avenue	East	Entire length.
Maplewood Avenue	North	Entire length.
Meadowbrook Avenue	North	Entire length.
Navesink Avenue	Both	From the northerly portion of BlackpointHorseshoe to the Navesink River.
North Cherry Lane	South	Entire length.
North Park Avenue	East	Between East River Road and Oak Tree Lane.
Oak Lane	East	Entire length.
Oakwood Lane	South	Entire length.
Packer Avenue	Both	Entire length.
Ridge Road	North	Between Forrest Avenue and Bingham Avenue.
Ridge Road	Both	From the east curb of Bellevue Avenue in an easterly direction for a distance of 310 feet.
Ridge Road	Both	From the west curb of Bellevue Avenue in a westerly direction for a distance at 100 feet.
Ridge Road	South	For a distance of 95 feet in an easterly direction with its intersection with the easterly line of Bellevue Avenue.
Ridge Road	South	Between Bingham Avenue and Blossom Road.
Rumson Road	North	Entire length.
Rumson Road	South	Entire length.
Second Street	West	Entire length.
Shrewsbury Drive	North	For a distance of 150 feet in a westerly direction from the intersection of South Ward Avenue.
Shrewsbury Drive	South	Between Navesink Avenue and Ward Avenue.
South Cherry Lane	South	Between Dogwood Lane and Bingham Avenue.
South Ward Avenue	East	From Rumson Road to Grant Avenue.
South Ward Avenue	West	Entire length.
Third Street	West	Between West River Road and Church Street.
Ward Avenue	East	Entire length.
Ward Lane	South	Entire length.
	West	For a distance of 100 feet in a southerly direction from the curbline of West River Road.
Warren Street	West	Entire length.
Washington Avenue	South	Entire length. <u>Shrewsbury Avenue to Packer Avenue, Waterman Avenue to western terminus</u>
Washington Street	a. East	Between the Navesink River and Church Street.
	b. West	Between Church Street and Narumsunk Street.
Waterman Avenue	West	Entire length. <u>Rumson Road to Lincoln Avenue, Washington Avenue to the western terminus</u>
Waterman Avenue	East	From Rumson Road to Lincoln Avenue.
West Cherry Lane	East	Between North Cherry Lane and South Cherry Lane.
West River Road	South	Between Buena Vista Avenue and Bingham Avenue.

West River Road	North	70 feet east of First Street.
West River Road	North	70 feet west of First Street.
West River Road	North	70 feet east of Lafayette Street.
West Street	North	Entire length.
Windmill Lane	East	Entire length.

SCHEDULE IA PARKING RESTRICTED LOT ADJACENT TO FIRE COMPANY through SCHEDULE IB HANDICAPPED PARKING ON THE STREET.

No change.

SCHEDULE II PARKING PROHIBITED CERTAIN HOURS

In accordance with the provisions of subsection 7-3.4, no person shall park a vehicle or dumpster between the hours specified upon any of the following described streets, or parts of streets, or Municipal parking lots.

SCHEDULE II PARKING PROHIBITED CERTAIN HOURS			
<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Months/Location</i>
All Streets	Both	From 3:00 a.m. to 5:00 a.m.	December, January, February and March.
Bellevue Avenue	West	From 7:00 a.m. to 4:00 p.m. on school days only	From 25 feet north of Ridge Road to Auldwood Lane.
Blackpoint Road (Ord. No. 15-010G; Ord. No. 16-001G § 3; Ord. No. 16-006G § 5)	North	From 7:00 a.m. to 4:00 p.m. on school days only	Between 125 feet from East River Road and Forrest Avenue.
Blackpoint Road (Ord. No. 16-006G § 5)	South	From 7:00 a.m. to 4:00 p.m. on school days only	Forrest Avenue to Bingham Avenue.
Blackpoint Road (Ord. No. 16-006G § 5)	North	From 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m. on school days only	Bingham Avenue to 170 feet easterly.
Forrest Avenue (Ord. No. 16-001G § 3; Ord. No. 16-006G § 5)	East	From 7:00 a.m. to 3:00 p.m. on school days only	From Ridge Road to a point 150 feet north thereof.
<u>Lincoln Avenue</u>	<u>South</u>	<u>From 12:00 p.m. Sunday to 7:00 a.m. the following Sunday</u>	<u>From Packer Avenue to Waterman Avenue.</u>
Municipal Parking Lots	Entire lot	From 3:00 a.m. to 5:00 a.m.	All Municipal lots, owned and leased.
Narumson Street (Ord. No. 16-006G § 3; Ord. No. 16-006G § 5)	North	From 7:00 a.m. to 3:30 p.m. on school days only	Between Park Avenue and Forrest Avenue.
North Cherry Lane (Ord. No. 16-001G § 3; Ord. No. 16-006G § 5)	South	From 7:00 a.m. to 3:30 p.m. on school days only	From Bingham Avenue to West Cherry Lane.
South Cherry Lane (Ord. No. 16-001G § 3; Ord. No. 16-006G § 5)	North	From 7:00 a.m. to 3:30 p.m. on school days only	From Bingham Avenue to West Cherry Lane.

§ 3; Ord. No. 16-006G § 5)		3:30 p.m. on school days only	
<u>Washington Avenue</u>	<u>South</u>	<u>From 12:00 p.m. Sunday to 7:00 a.m. the following Sunday</u>	<u>From Packer Avenue to Waterman Avenue.</u>
<u>Waterman Avenue</u>	<u>West</u>	<u>From 12:00 p.m. Sunday to 7:00 a.m. the following Sunday</u>	<u>From Lincoln Avenue to Washington Avenue.</u>
West Cherry Lane (Ord. No. 16-001G § 3; Ord. No. 16-006G § 5)	East	From 7:00 a.m. to 3:30 p.m. on school days only	From North Cherry Lane to South Cherry Lane.

SCHEDULE IIA COMMERCIAL TRUCK, TRACTOR OR TRAILER PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS through SCHEDULE V TRUCKS OVER FOUR TONS

No change.

SCHEDULE VI ONE-WAY STREETS

In accordance with the provisions of Section 7-5, the following described streets or parts of streets are hereby designated as One-Way Streets.

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
Blackpoint Road	Westbound	Between Forrest Avenue and Bingham Avenue.
<u>Hunt Street</u>	<u>Eastbound</u>	<u>Lafayette Street to Washington Street</u>
<u>Lafayette Street</u>	<u>Northbound</u>	<u>West River Road to Hunt Street.</u>
Narumson Street (Ord. No. 16-001G § 3)	Eastbound	Between Bingham Avenue and Forrest Avenue. (Only on school days between 8:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 3:30 p.m.)
Oak Lane	Southbound	Between First Street and Narumsunk Street.
Oakwood Lane	Westbound	Entire length.
Packer Avenue	Southbound	From Rumson Road to Washington Avenue.
Rumson Road	Eastbound	From Ward Avenue to Waterman Avenue.
Third Street	Northbound	Oakwood Lane to Church Street.

SCHEDULE VII THROUGH STREETS through SCHEDULE XV NO TURNS

No change.

SCHEDULE XVI SPEED LIMITS

In accordance with the provisions of section 7-11, the following speed limits shall be established on the following streets or parts of streets within the Borough.

<i>Name of Street</i>	<i>Direction</i>	<i>Speed</i>	
Bellevue Avenue	Both	30 mph	Between the southernmost terminus and Rumson Road.

Bellevue Avenue	Both	35 mph	Between Rumson Road and West River Road, except 25 mph, when passing through the Rumson Country Day School zone during recess, when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening and closing hours.
Buena Vista Avenue	Both	30 mph	Between the southernmost terminus and Rumson Road.
Buena Vista Avenue	Both	35 mph	Between Rumson Road and Ridge Road.
Buena Vista Avenue	Both	25 mph	Between Ridge Road and West River Road.
Fair Haven Road	Both	35 mph	Entire length.
Hartshorne Lane	Both	30 mph	From Navesink Avenue to the Ward Avenue extension.
Ridge Road	Both	30 mph	From Avenue of Two Rivers to Navesink Avenue.

SECTION 4.

That Chapter IX, Sewer and Water, shall be amended to as follows:

CHAPTER IX SEWER AND WATER

9-1 SEWER CONNECTIONS through 9-2 SEWER SERVICE CHARGES.

No Change.

9-3 FIRE HYDRANTS.

9-3.1 Use of Fire Hydrants by Authorized Persons Only through 9-3.3 Operation Regulations; Display of Permit.

No Change.

9-4 PORTABLE TOILETS AND TOILET SYSTEMS.

9-4.1 Definitions

Portable toilet is a free standing toilet that is not connected to a home or sewer system or below ground septic system. The unit has an internal tank to hold human waste.

Portable toilet system is multiple portable toilets in one unit or in one trailered unit.

9-4.2 Portable Toilet and Portable Toilet Systems Placement on Private Property.

- a. Zones 1, 2, 3 portable toilet or portable toilet systems shall be placed a minimum of 15 feet from the side or rear property line and 20 feet from the curb line or edge of roadway.
- b. Zones 4, 5, 6 portable toilet or portable toilet systems shall be placed a minimum of 5 feet from the side or rear property line and 10 feet from the curb line or edge of roadway.
- c. All portable toilet or portable toilet system doors shall face the opposite of the street front property line.

9-4.3 Violations and Penalties.

Any person(s), firms or corporation(s) who violates or neglects to comply with any provisions in this section or any rule or regulation pursuant thereto, shall be subject to the penalty as stated in Chapter III, Section 3-1.

SECTION 5.

That Chapter X, Parks and Recreation, shall be amended to as follows:

CHAPTER X PARKS AND RECREATION

10-1 REGULATIONS FOR PARKS AND PUBLIC RECREATIONAL AREAS.

10-1.1 Compliance with Regulations Required.

All persons in, upon or making use of the following public parks of the Borough namely:

a. *Developed and Partially Developed Lands Held for Recreation and Conservation Purposes.*

<i>Municipal Location</i>	<i>Name</i>	<i>Block</i>	<i>Lot</i>
West River Road	Victory Park	5	4
Church Street	Rogers Park	28	11
Bingham Avenue	Bingham Hall	30	5
East River Road	Piping Rock Park	60	5
Ridge Road	Meadow Ridge Park	81	7
Riverside Drive	Riverside Park	105	28
Rumson Road	West Park	80	1
Rumson Road	West Park	143	1
<u>Rumson Road</u>	<u>West Park</u>	<u>143</u>	<u>2</u>
West River Road	Victory Park Expansion	5	3.02

b. *Wholly Underdeveloped Lands Held for Recreation and Conservation Purposes.*

No Change.

and all persons in, upon or making use of the municipal docks in the Borough shall be bound by and comply with the following rules and regulations.

10-1.2 Regulations Stated through 10-1.9 Criminal History Record Background Checks for Recreation Program Employees and Volunteers.

No Change.

10-2 RESERVED through WATER SCOOTERS AND JET SKIS.

No Change.

SECTION 6.

That Chapter XIII, Streets and Sanitation, shall be amended to as follows:

CHAPTER XIII STREETS AND SANITATION

13-1 REGULATIONS CONCERNING STREETS.

No Change.

13-2 STREET EXCAVATION AND OCCUPANCY.

13-2.1 Definitions and Word Usage through 13-2.6 Refundable Fees.

No Change.

13-2.7 Performance Guarantees.

a. Permits shall not be issued unless a cash repair deposit or satisfactory performance guarantee has been provided by the applicant.

b. Cash repair deposits shall be:

1. Disturbance area:

(a) Less than 100 square feet - ~~\$400.00~~ \$1,000.00.

(b) 100 square feet, but less than 500 square feet - ~~\$1,500.00~~ \$2,000.00.

(c) 500 square feet or more - ~~\$1,500 + \$2.00/square foot~~ \$2,000.00 + \$5.00/square foot for each square foot in excess of 500.

(d) Max bond cash posting \$5,000.00

2. Reserved.

3. In case of disturbance of other improvements such as drainage, sidewalks, drives or utilities, the Borough Clerk shall determine in each case the amount of cash repair deposit sufficient to allow the Borough to perform all repairs and restorations. The Clerk may request an estimate from the Borough Engineer or other appropriate officials.

c. If a required cash repair deposit exceeds two thousand five hundred (\$2,500.00) dollars or if the annual aggregate of cash repair deposits required of a single applicant exceeds ten thousand (\$10,000.00) dollars or if the applicant is a regulated public utility, then the Borough Clerk may accept, in lieu of a cash repair deposit, a performance guarantee in the form of a surety bond or other adequate guarantee acceptable to the Borough Council. If a surety bond is accepted it shall be at least one hundred fifty (150%) percent of the greater of the required cash repair deposit or the estimated cost of restoration.

d. Fifty (50%) percent of a cash repair deposit shall be released upon completion of all restoration. The balance shall be released one (1) year later if there are no restoration deficiencies. Surety bonds or other non-cash guarantees shall not be released until one (1) year after restoration is complete.

13-2.8 Waiver of Fees and Performance Guarantees through 13-2.15 Excavation and Backfilling Requirements.

No Change.

13-2.16 Restoration of the Surface.

a. through c.

No Change.

d. All excavations, unless regulated under Section 13-2.14.d or otherwise permitted by the Borough, shall require milling and restoration of the excavation work area extending from the curb or edge of pavement to the center line of the road or a minimum of one (1) foot beyond the outer edges of the excavation, whichever is greater.

e. through j.

No Change.

If an inspection reveals that any restored excavation area becomes in need of repair within the maintenance period, the Borough shall notify the permittee that he must repair the area within thirty (30) days from the date of notification or sooner if safety or public convenience is involved. If the permittee fails to repair the trench within this time limit, the Borough may utilize the permittee's maintenance guarantee to pay for the cost of the repairs pursuant to subsection 13-2.18.

Upon termination of the maintenance period, any remaining portion of said performance guarantee that has not been expended shall be returned to the permittee without interest.

13-2.17 Temporary Patching through 13-2.24 Persons Exempt.

No Change.

13-3 SIGNS through 13-7 CLEAN COMMUNITIES PROGRAM.

No Change.

SECTION 7.

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8.

This ordinance shall take effect upon final passage and publication according to law.

Introduced: November 26, 2019

Passed and Approved: December 17, 2019

I hereby approve of the
Passing of this ordinance.

Joseph K. Hemphill
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator