

**AN ORDINANCE AMENDING THE CODE OF THE COUNTY OF ATLANTIC,
CHAPTERS 72 AND 73, ROAD OPENING PERMITS/HIGHWAY OCCUPANCY
PERMITS, AND EXISTING FEE SCHEDULES AND ESTABLISHING
FEES FOR CERTAIN COUNTY SERVICES**

ENGINEERING

WHEREAS, the Atlantic County Department of Engineering, conducts site plan reviews, inspections, and otherwise responds to complaints and/or other issues that arise as a matter of public course; and

WHEREAS, the Chapter 72 of the Atlantic County Code authorizes and enumerates certain conditions for the issuance of a Road Opening Permit, which shall be duly revised as herein set forth to be known as the "Highway Occupancy Permit"; and

WHEREAS, Chapter 73 of the Code authorizes and enumerates a Fee Schedule for highway occupancy permits, excavations, and various construction inspections; and

WHEREAS, there is a need to revise certain provisions of the Code, inasmuch as Chapters 72 & 73 have not been revised in over ten years; and

NOW, THEREFORE, be it ordained by the Atlantic County Board of Chosen Freeholders as follows:

SUBCHAPTER 1. PURPOSE AND SCOPE

72-1.1 Purpose and Scope

The purpose of this chapter is to provide the procedures, standards, and conditions for the issuance of highway occupancy permits by the County Engineer's Office. Highway occupancy permits are required when any activity is undertaken over, under, or within any portion of County highway right-of-way or property under the jurisdiction of the County. Additionally, a highway occupancy permit is required for any activity which may interfere with the free and safe movement of normal highway traffic on a County highway or when any activity will affect any portion of County highway right-of-way or property under the jurisdiction of the County.

This chapter does not apply to Charitable Solicitation Permits as these permits are covered under N.J.A.C. 16:40, Charitable Solicitation on Roadways. This chapter does not apply to activities concerning the operation, erection, placement or maintenance of news dispenser boxes within County highway rights-of-way or property under the jurisdiction of the County on County highway right-of-way.

72-1.2 Emergencies

In the event that any sewer, main, conduit or other utility installation in or under any street, alley, sidewalk or public way shall burst, break, or otherwise be in such condition as to seriously endanger persons or property, the owner of such sewer, main conduit or other installation shall immediately remedy such trouble and shall immediately take all such necessary steps to make said location safe and secure. The County Engineer must be notified immediately of the occurrence. In the event that the County Engineer's Office is closed, the notice shall then be directed to the Atlantic County Sheriff's Office at 609-641-0111. The necessary permanent repairs to the street, alley or sidewalk shall be made as directed by the County Engineer and shall be completed within the time frames set forth in Section 72-6.2. Such owner shall not, however, begin making any permanent repairs to such street, alley or sidewalk until he has secured a permit as hereinafter provided. Such permit shall be applied for within three business days after such break or serious trouble shall have developed, and the necessary permanent repairs to the street, alley, or sidewalk shall be made as directed by the County Engineer and shall be completed within the time period stated on the permit.

72-1.3 Request for Permits

- A. Applicants shall direct requests for permits to the County Engineer's Office.
- B. Applicants wishing to undertake more than one activity shall make one application for a single permit for the combination of activities.
- C. A person performing any activity within any portion of County highway rights-of-way or property under the jurisdiction of the County Engineer's Office that does not require a new permit shall notify the County Engineer's Office of the activity which is to take place.

SUBCHAPTER 2. DEFINITIONS

72-2.1 Definitions

The following terms, phrases, words, and their derivations shall have the meaning given herein:

"Applicant" means a person, private party or entity, municipality, county, or any public agency applying for a permit. If the applicant is a contractor who will be performing the activities on behalf of another party, the contractor shall be a co-applicant, and the party on whose behalf the activity is being performed shall be the applicant.

"Application" means a document submitted to the County Engineer's Office to initiate the permit process.

"Banner" means a strip of material without rigid support that is painted or printed with text or graphics.

"Co-Applicant" is a contractor who will be performing activity on behalf of the applicant and who is jointly and severally responsible and liable along with the applicant, for compliance with all terms and conditions of this Chapter and any penalty or claim filed by the County as a result of any violation of this Chapter.

"Complete Application" means an application satisfying County form and content requirements set forth in this chapter, thereby making it acceptable for County review.

"County" means the County of Atlantic.

"County Engineer" is the person appointed to the position of County Engineer, or any person authorized to act as his or her representative.

"County Engineer's Office" is the office of the County Engineer.

"County Highway" means a road owned, taken over, controlled, built, or maintained by the County.

"Day" means calendar day, unless otherwise specified.

"Department Head of Public Works" is the person appointed to the position of Department Head of Public Works or any person authorized to act as his or her representative.

"Design Standards" means standards for design based on one or more of the following:

A. "New Jersey Department of Transportation Roadway Design Manual," current edition, as amended and supplemented, or superseding editions, incorporated herein by reference, available from the New Jersey Department's Engineering Documents Unit, and NJDOT Website.

B. "New Jersey Department of Transportation Bridges and Structures Design Manual," current edition, as amended and supplemented, or superseding editions, incorporated herein by reference, available from the New Jersey Department's Engineering Documents Unit, and NJDOT Website.

C. New Jersey Department of Transportation "Standard Electrical Details," current edition, as amended and supplemented, or superseding editions, incorporated herein by reference, available from the NJ Department of Transportation's Engineering Documents Unit.

D. Atlantic County Division of Engineering's "Standard Electrical Details", current edition, as amended and supplemented, or superseding editions, incorporated herein by reference, available from the County Engineer's Office.

E. Atlantic County Division of Engineering's "Symbols and Striping Standard Details", current edition, as amended and supplemented, or superseding editions, incorporated herein by reference, available from the County Engineer's Office.

F. "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), current edition, as amended and supplemented, or superseding editions, incorporated herein by reference. The MUTCD is available on the Federal Highway Administration's Website.

G. "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction," current edition, as amended and supplemented, or superseding editions, incorporated herein by reference, available from the Department's Engineering Documents Unit, and NJDOT Website.

H. "A Policy on Geometric Design of Highways and Streets," current edition, or superseding editions, as amended and supplemented, incorporated herein by reference, available from the American Association of State Highway and Transportation Officials (AASHTO)

I. "New Jersey Department of Transportation Standard Roadway Construction Traffic Control/Bridge Construction Details," as amended and supplemented, or superseding editions, incorporated herein by reference, available from the Department's Engineering Documents Unit, and NJDOT Website.

"**Excavation**" is the digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any improved or unimproved road, street, sidewalk, curb, gutter in any roadway or any other portion of a County right-of-way or other County property.

"**Expiration**" means the formal termination of a permit.

"**Highway**" means a public right-of-way, whether open or improved or not, including all existing factors of improvements.

"**Highway Occupancy Permit**" or "permit" means any permit issued under this chapter.

"**Maintenance**" means continuous work required to hold component factors covered by a permit against deterioration due to wear and tear and thus to preserve the general character of the original component factors without alteration.

"**Maintenance Guarantee**" is security in the form of either a bond, irrevocable letter of credit, or certified check posted by an applicant or co-applicant to guarantee proper maintenance of the reconstruction of the site of any Highway Occupancy permit for a period of two or five years after final acceptance by the County Engineer's Office.

"**Permittee**" is any person or entity who has been granted and has in full force and effect a permit issued hereunder.

"**Person**" is any person, entity, firm, partnership, association, corporation, company or organization of any kind.

"**Performance or Restoration Guarantee**" is security in the form of a bond, letter of credit or certified check, posted by an applicant or co-applicant to guarantee proper closure and satisfactory reconstruction of the Highway Occupancy permit site.

"**Private Utility**" means a utility owned and operated by private citizens or concerns.

"**Public Utility**" shall have the meaning established at N.J.S.A. 48:2-13, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 48:5A-1 et seq., as amended and supplemented, incorporated herein by reference.

"**Residential Driveway**" is a highway occupancy for a single family dwelling, duplex or common driveway which services two single family residences in accordance with a site plan or subdivision approval requirement of the County's Development Review Committee.

"**Rights-of-Way**" means County highway property and property rights, including easements, owned and controlled by the County.

"**Right-of-Way Line**" means the outer edge of County highway property, separating highway property from the abutting lots owned by others.

"**Repair**" means limited or minor replacement of one or more component factors covered by a permit that may be required because of storm or other cause to restore a condition requiring only maintenance.

"**Shoulder**" means the portion of the roadway that lies between the edge of the traveled way and curb line, excluding auxiliary lanes.

"**Sidewalk Area**" means that portion of the right-of-way that lies between the curb line and right-of-way line, regardless of whether a sidewalk exists.

"**Street**" is any street, highway, road, roadway, sidewalk, alley, avenue, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures, utility structures, all other appurtenant structures, trees and landscaping or any other

public right-of-way or public ground in Atlantic County, and under the jurisdiction of the County of Atlantic.

"**Streetscape Improvement**" means a project contained within or along county highway rights-of-way or property under the jurisdiction of the County that combines various activities covered by more than one category of highway occupancy permits, including, but not limited to, crosswalks, sidewalks, curbs, landscaping, drainage enhancements, benches, street furnishings, lighting, and traffic calming measures. The predominant activity being performed as a streetscape improvement will be the category for which the permit application is made, with the other activities also indicated on the application.

"**Traveled Way**" means the portion of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

"**Utility**" means a privately, publicly or cooperatively owned line, facility or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system which directly or indirectly serves the public.

"**Waiver**" means the County's intentional relinquishment of its right to wholly enforce provisions of this chapter. Waivers may either reduce or eliminate requirements.

SUBCHAPTER 3: GENERAL PROVISIONS

72-3.1 General Restrictions

A. The County shall not assume any cost involved in the activities authorized by a highway occupancy permit, unless the permittee is under contract to the County and working on County rights-of-way or property under the jurisdiction of the County at the written request of the County.

B. No person shall use any part of County highway rights-of-way or property under the jurisdiction of the County for any private purpose or uses associated with private purposes.

C. No person shall erect advertising signs or devices on or overhanging County highway rights-of-way or property under the jurisdiction of the County. No person shall use County highway rights-of-way or property under the jurisdiction of the County for the display of merchandise. The County shall not authorize the erection and maintenance on public property of signs other than those that regulate, direct, or warn, or as otherwise allowed by law.

D. No person shall place, maintain, or display upon or in view of any County highway, any unauthorized traffic sign, device, or other contrivance, that purports to be or is an imitation of, or of such a nature as to be mistaken for, an official traffic sign, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official sign. No public authority shall permit any traffic sign, or any traffic signal bearing thereon or on its support, any commercial advertising on a County highway.

E. A permittee, in the conduct of activity authorized by a permit, shall conduct the activity in a manner that does not interfere with any County structure or facility, on, over, or under the County highway, or with any concurrent activity being done as part of a highway improvement project, unless the permit authorizes the interference.

F. When a permittee is to fill a lot adjacent to the highway to the highway grade, the County Engineer's Office may require the permittee to make provision, at the permittee's own expense, for disposition of highway drainage by installing pipes of adequate size and material, inlets, catch basins, manholes, headwalls, and ditches as may be necessary to protect the County's drainage rights. The permittee shall avoid interference with drainage installations and shall not disturb the existing cross-section and drainage of highways. The permittee shall not interrupt the longitudinal flow of water along the curb line, and shall make adequate provision for all transverse, lateral, and longitudinal drainage affected by the permittee's construction.

G. The County Engineer's Office shall not permit openings in newly constructed or resurfaced County highways for a period of five years after the construction or resurfacing, without the consent of the County Engineer's, except for emergency openings as defined in Subchapter 1.2, or as documented in a waiver pursuant to Subchapter 72-6.3. The fine related to any roadway that is opened during the County's moratorium period, without prior approval of the County Engineer, shall result in a \$1,000 fine. Repairs will be made by the applicant in accordance with the requirements and to the satisfaction of the County Engineer's Office.

H. The County Engineer's Office shall not authorize activity within the limits of County highway rights-of-way or property under the jurisdiction of the County that would adversely affect the stability, appearance, or designed function of the County highway itself or of its component or auxiliary structures.

I. The permittee shall locate all lighting, sprinklers, heaters, landscape ties, and other equipment for roadside establishments off County highway rights-of-way or property under the jurisdiction of the County Engineer's Office. The County shall not be responsible for maintenance or replacement of any such appurtenances within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office.

72-3.2 Prohibited Acts

It shall be unlawful for any person to perform any of the following acts:

A. To operate a vehicle on any County road posted as closed except for authorized emergency vehicles.

B. Plow, shovel, or remove snow or ice in such a way as to restrict the visibility or adversely affect the safety of operators of vehicles at any intersection of any street, highway, driveway, access road or parking lot with any County road.

C. Deposit or allow to be deposited in the County right-of way any substance that, alone or in conjunction with other factors, such as weather, creates a hazardous condition on a county road, including but not limited to the following:

1. Leaves, trash or debris which impairs the free passage of traffic or impedes drainage.

2. Water which causes a dangerous condition because of flooding or freezing or otherwise.

3. Dirt, stones or gravel.

4. Gasoline, oil or grease.

D. Any act which intentionally or negligently results in a hazard or obstruction to motorists or pedestrians or any County road.

E. Disobey any instructions of a police officer or employee of the County of Atlantic with regard to the movement of persons or vehicles to facilitate emergency activities.

72-3.2 Inspection, materials, and workmanship

A. Street and improvement construction and restoration shall conform to the New Jersey Department of Transportation (NJDOT) Standard Specifications for Road and Bridge Construction. Notwithstanding this, the County Engineer may require specific road and improvement restoration standards or specific highway improvements based upon a review of the applicant's plans, specifications, and after considering the impact of the project on the street and/or its users. The County Engineer shall render the final decision in this regard.

B. Activity within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office is subject to inspection and approval by the County Engineer's Office. Construction, as far as is practicable, shall conform in quality

and appearance to similar County construction. Material shall conform to the NJ Department of Transportation's "Standard Specifications for Road and Bridge Construction", current edition, and related standards of the Atlantic County Division of Engineering, and any updates or superseding editions, unless otherwise specified in the permit. If the County Engineer's Office inspector determines that the permittee is providing insufficient traffic protection or that some other deficiency exists, the County Engineer's Office inspector shall prohibit the permittee from conducting further activity until the permittee corrects the deficiency.

C. The County Engineer may require the permittee to have a certified soil testing laboratory test backfill for compaction at any given lift. These tests shall be done at the expense of the permittee and a copy of the test results shall be furnished to the County Engineer's Office. If the certified laboratory test results do not achieve the 98% relative compaction required, the County Engineer may require re-excavation and compaction.

D. For all roadways, except those with a concrete base, the permittee shall restore the highway with a compacted subgrade of material acceptable to the County Engineer, 6" of compacted dense graded aggregate, and a temporary pavement consisting of 6" of hot mix asphalt stabilized base. The surface of the hot mix asphalt stabilized base course shall be brought even with the existing finished grade of the roadway. ("Cold patch" will not be permitted as a temporary pavement course, unless the asphalt plants are closed during the winter months.) The temporary pavement shall stay in place for a period of at least four (4) weeks, unless further time is deemed necessary by the County Engineer. In general, deeper excavations shall require longer period of time for soil consolidation. The permittee is responsible for maintaining the temporary pavement in passable conditions and shall apply additional courses or skin patches.

E. Immediately prior to applying the surface course, the permittee shall mill out or remove the temporary pavement above the trench and to sufficient widths on both sides of the trench to assure straight and uniform surface restoration limits. At a minimum, the mill course shall consist of the width of the trench at the road surface, plus one foot on each side of the trench. The milling depth is to be at least 2 inches. The permittee shall then apply a tack course followed by at least 2 inches of hot-mixed asphalt, as specified by the County Engineer's office. Alternatively, a thin sand release layer may be applied beneath the temporary hot mix asphalt stabilized base course so that the course may be replaced with final pavement, or other method subject to prior approval by the County Engineer. The total width of the restored roadway surface shall comply with the specifications of the County Engineer's office. Roadways with a concrete base shall be restored using a combination of concrete and hot mix asphalt as approved by the County Engineer.

1. Road surface restoration standards are further delineated as follows:

(i) Paved Shoulders-Standard full width trench restoration plus 1 ft. each side of the trench as further described in paragraph 2 above.

(ii) One Travel Lane or Deceleration Lane-Surface restoration shall extend for one-half of the road width for a two-lane road and a full lane width for multi-lane road.

(iii) Openings Down the Middle of a Road or Exceptionally Deep Trench Openings-Surface restoration shall extend across the full width of the paved road.

(iv) All final edges of trench restoration shall be straight, uniform cuts with no keys or edge realignments. The County Engineer may require a diamond restoration pattern for cross trenches and intersection crossings depending upon the amount of traffic on the road and the depth of the trench. The permittee is responsible for the full restoration of the roadway surface including restriping and installing raised pavement markers.

2. Pipes, conduits and hook-ups 6" in diameter or less used for making opposite side of the street hook-ups shall be driven or border under the paved portion of the road or street without disturbing the surface.

F. Pursuant to Subchapter 6.6, the County may assign an inspector whose time and expenses shall be charged to the permittee, when any of the following occur:

1. Activities outside of 7:30 A.M. to 4:00 P.M., Monday through Friday, not including authorized County holidays;
2. Activities on authorized County holidays;
3. Activities requiring monitoring by an engineer;
4. Activities requiring monitoring by an inspector for more than two hours per day; or
5. Activities relating to extraordinary or unforeseen conditions.

G. The cost of construction work and material shall be entirely at the permittee's expense.

SUBCHAPTER 4: STANDARDS

72-4.1 Standards

A. All activity performed within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office and all signs, markings or other traffic control devices used by the permittee shall be in compliance with the design standards defined herein, unless otherwise specified in the permit.

B. In the event that it will become necessary to close off any street to pedestrian or vehicular traffic, the permittee shall provide a detailed detour plan to the County

Engineer and appropriate municipal authority for their approval. This plan shall be prepared by a New Jersey licensed professional engineer and shall be submitted at the time of application. The permittee shall notify the County Engineer at least 5 working days in advance of putting the detour in effect so that the County Engineer shall have sufficient time to notify the police and the media of the detour. The permittee shall be responsible for the repair and maintenance of such detours, the regulation and direction of traffic thereon, and signing.

C. Uniformed traffic control personnel wearing safety vests and using paddles for traffic control shall be provided at selected locations on all detours as determined by the local police department. The cost of all work with such detours shall be kept free of obstructions.

D. The County Engineer's Office may require review and approval of the traffic control plan by the municipal traffic officer or a designee.

E. The permittee shall open no greater part of the roadway or pedestrian way than shall be reasonably necessary, as determined by the County Engineer,

F. When performing activity within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office, the permittee shall be responsible for the following:

1. Having all required approved traffic control signs and devices on site before the actual start of the activity;

2. If an opening requires a detour, then 5 days notice is required;

3. Placing and maintaining, within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office, all approved traffic control signs and devices during the activity period and removing same upon completion of the activity;

4. Maintaining the uninterrupted flow of traffic at all times, unless otherwise specified in the permit;

5. The work shall be performed and conducted so as not to interfere with access to emergency facilities (i.e. fire stations, police stations, hospitals, etc.) and fire hydrants. Materials and obstructions shall not be placed within 25 feet of fire hydrants or as directed by the Atlantic County Fire Marshall. Passageways leading to fire escapes fire fighting equipment and emergency access ways shall be kept free of obstructions;

6. The permittee shall plan and carry out his work to provide for the safe and convenient passage of such traffic and to cause as little inconvenience as possible to the occupants of adjoining properties. The permittee shall notify the owners of adjoining properties at least 48 hours prior to the time he proposes to begin any work which will

interfere with their normal passage;

7. Not storing material and parking equipment on County highway rights-of-way or property under the jurisdiction of the County Engineer Office or the County Planning Department except while the activity is underway, and permission has been granted by the appropriate County official(s), unless otherwise specified in the permit;

8. Using traffic directors at every location when the permittee's equipment is entering, leaving, or crossing active traffic lanes, unless otherwise specified in the permit;

9. Providing and installing temporary removable pavement marking tape to effect temporary changes in pavement markings, removing permanent markings that are inappropriate or misleading, and, upon completion of the work, restoring all pavement markings to their original configuration, or as indicated in the permit;

10. Restoring all portions of the work area to accommodate traffic during non-work hours, and ensuring that all excavations or drop-offs greater than two inches are eliminated, covered, protected or delineated; and

11. Immediately notifying the County Engineer's Office of any threat to public health, safety, or welfare.

G. It shall be the responsibility of the permittee to conduct, install, maintain, and complete all work permitted in a manner which ensures the continuing safety and protection of the public.

H. All openings must be backfilled immediately and temporarily paved the same days as the opening is made. Final restoration must be performed within the time periods described in the Permit:

1. If the nature of the work requires leaving an excavation unfinished overnight or for an extended period of time, the permittee shall obtain written authorization from the County Engineer at least 5 days in advance of such construction. Alternatively, in case of an emergency, the permittee shall notify the County Engineer's Office by phone. The permittee shall place safety barriers with appropriate lighting devices as may be needed.

I. Any portions of work areas not closed to traffic shall be brought to the existing grade with at least 6" of bituminous stabilized base, applied over a 6" sub-base dense graded aggregate. All lifts must be mechanically compacted and continuously maintained until final restoration is performed.

J. The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and/or

pedestrian crossings. The applicant shall submit all plans, design calculations and specifications to the County Engineer at the time application is made.

K. It shall be the responsibility of the permittee to secure information regarding buried utilities, by contacting the New Jersey One Call service, and to undertake such measures as may be required to ensure the safety and protection of underground utilities within the work area.

L. Permittee and contractor shall comply with the OSHA trench sheeting regulations and with all other OSHA regulations, and with any other applicable laws, in the performance of the work.

M. No construction activity shall begin on any day until all traffic control devices are in place.

SUBCHAPTER 5. PERMIT APPLICATIONS

72-5.1 Submission of permit applications

A. Applications for highway occupancy permits are available from the County Engineer's Office.

1. The application shall be made on forms available from the County Engineer's Office. Multiple activities, such as construction of streetscape improvements, may be included on one application. Whenever the activities restrict the available pavement width or alter the normal traffic patterns, a request to close the lane or shoulder shall be included on the application.

<u>Activities</u>	<u>Application Form</u>
Highway Occupancy	Form CE-101
Utility Opening	Form CE-102
Bridge Attachment	Form CE-103

B. Permit applicants shall provide duplicate copies of the following information to the County Engineer's Office:

1. For a Highway Occupancy permit for activities other than those listed in (b)2 through 3 below, the applicant's name, mailing address, and telephone number; the name of the entity on whose behalf the applicant makes the application; the type of permit for which the applicant makes the application; the County highway number and local highway name, municipality, exact location, direction, and reference point such as a street, stream, or milepost, at which the proposed activity is to be undertaken; and a description of the project the applicant proposes to undertake;

2. For a Utility Opening permit, the applicant's name, mailing address,

and telephone number; the County highway number and local highway name, municipality, location with reference to intersection, and distinct landmark such as a road, river, or stream, and nearest street, at which the proposed opening is to be undertaken; the width, length, and square footage of the opening; and the work commencement and completion date, and when applicable, the bond date and agreement date;

(i) A utility company does not need a permit for their poles. Poles (not utility company owned and maintained poles) are not permitted within the right-of-way of the County highway.

3. For a Bridge Attachment permit, the entity for whom application is being made, the agent making the application, the telephone number and mailing address of the agent; the location of the attachment as being on or over the bridge; the County route number and local highway name, municipality, location with reference to intersection, and distinct landmark such as a road, river, or stream, at which the proposed activity is to be undertaken; and the purpose of the activity;

C. The County Engineer's Office shall determine if permits are necessary, confirm that the applicant has applied for the proper types of permits, coordinate the review with other County offices, and, if appropriate, issue, letters confirming that permits are not needed.

D. The County Engineer's Office shall not consider an application to have been submitted, and shall not begin processing a permit application, until the applicant has submitted the proper application fee.

E. The entities listed in the table below or a representative thereof holding a completed power of attorney form, which is suitable to the County Engineer's Office, as well as the County Law Department, are the only entities eligible to sign permit applications. The applicant shall submit the appropriate completed power of attorney with the application when those listed do not sign the application. If the signatory is signing in other than an individual capacity, the applicant shall submit with the application a copy of an appropriate resolution or other appropriate documentation authorizing the individual to sign on behalf of the applicant.

Type of permit application	Application signed by:
Utility openings	Utility*
Curb, sidewalk or handicapped ramps	Abutting owner or local authority
Drainage facilities	Applicant
Bridge attachments	Applicant
Pedestrian overpass or underpass	Applicant
Guiderail	Applicant
Test holes or borings	Applicant
Monitoring wells	Applicant
Crosswalks	Local authority
Temporary Use	Applicant
Miscellaneous	Applicant

*For longitudinal underground fiber optic installations, a public utility shall sign the application.

F. Applications shall reflect conditions that exist at the time the application is submitted to the County Engineer's Office and include all County, state, municipal, or private projects that have been advertised for construction or awarded, as appropriate.

G. The application shall identify all County highways by route number and shall identify direction of travel based on the general orientation of the County highway, as designated by the County Engineer's Office. These directions may differ from the orientation of the particular County highway segment.

H. The County Engineer's Office may require supporting documents as part of the application as identified in Subchapter 5.6(b).

72-5.2 Permit application categories

A. Following is a list and an accompanying description of the different categories of permit applications:

1. Utility openings, which are for trenchless or open excavations for the purpose of constructing, maintaining (if no traffic interruption is involved), or installing subsurface utilities such as sewer lines, water lines, gas lines, fiber optic lines, telecommunication or electric conduits, or service connections within any portion of County highway rights-of-way or property under the jurisdiction of the County Engineer's Office.

2. Appurtenances shall include cable or guy anchors, and low mounted transformer supports. Pole attachments include, but are not limited to, call boxes, climbing rungs, transmission lines, cross arms, and transformers. (Subchapter 5.1(b)2.)

3. Curb, sidewalk or handicapped ramps, which are for the construction, repair, or replacement of curb, sidewalks, or handicapped ramps within any portion of County highway rights-of-way or property under the jurisdiction of the of the County Engineer's Office.

4. Drainage facilities, which are for connecting to any County drainage structure or installing drainage facilities within any portion of County highway rights-of-way or property under the jurisdiction of the County Engineer's Office, including any drainage work that impacts such rights-of-way or property. This includes construction or modification of inlets, manholes, headwalls, and other appurtenances, and any temporary connections to County drainage facilities.

5. Bridge attachments, which are for installing, laying, or connecting pipes, conduits, wires, cables, or other appurtenances on, over, under, or through viaducts, bridges, or other structures within any portion of County highway rights-of-way or property under the jurisdiction of the County Engineer's Office.

6. Pedestrian overpass or underpass, which are for permission to construct a structure to enable pedestrians or animals to cross over or under a County highway or property under the jurisdiction of the County Engineer's Office. The applicant shall own the property on both sides of the highway.

7. Grading, which are for excavating, filling, or otherwise changing the grade within any portion of County highway rights-of-way or property under the jurisdiction of the County Engineer's Office, but outside paved areas.

8. Guiderail, which are for the removal, installation, or modification of guiderail, pursuant to Section 8 of the New Jersey Department of Transportation Roadway Design Manual. Any person owning property that abuts County rights-of-way may apply for permission to have guiderail removed within the County highway system or its jurisdictional limits.

9. Test holes or borings, which are for determining utility locations, underground structures, soil logs, and environmental sampling.

10. Monitoring wells, which are for monitoring water levels or contamination.

11. Crosswalks, which are for the installation of distinctly indicated paths for pedestrian crossing by striping or other marking on the highway surface.

12. Temporary use, which is for continuous occupancy for a period less than one year. Renewal of these permits is at the discretion of the County Engineer's Office. Anticipated occupancy of County highway rights-of-way or property under the

jurisdiction of County Engineer's Office for greater than one year may require the execution of a lease or other applicable document through the County's Law Department.

13. Miscellaneous, which are for activities within any portion of County highway rights-of-way or property under the jurisdiction of the County Engineer's Office that are not covered in this chapter or other County highway rules.

72-5.3 Concurrent applications

A. When the County Engineer's Office receives an application that may affect the same section of County highway right-of-way or property under the jurisdiction of the County Engineer's Office as another application for which a permit has not yet been issued, the County Engineer's Office shall coordinate the review of both applications and resolve conflicts, if any. The County Engineer's Office shall apportion responsibility for the activities between the two applicants based on measures the County Engineer's Office shall establish relating to the timing and location of the activities.

B. When the County Engineer's Office receives an application for the longitudinal installation of underground fiber optic facilities that affects the same section of County highway as another application for the longitudinal installation of underground fiber optic facilities for which a permit has not yet been issued, the County Engineer's Office shall require that the facilities of these applicants occupy the same trench and to be installed under one construction contract.

72-5.4 Review time for applications

A. The County Engineer's Office shall process a completeness check of an application within 45 days of the County Engineer's Office's receipt thereof, in accordance with Subchapter 5.6(a). Upon the County's determination that an application is complete, the County Engineer's Office shall have a maximum application review time of 45 days within which to approve or deny the application. This review time shall apply only to the County Engineer's Office and does not include any applicant time. The County Engineer's Office may extend this review time for permits for longitudinal installations of private facilities over 660 feet long and for the longitudinal installations of underground fiber optic facilities over 1,320 feet long.

B. The County Engineer's Office application review time for a particular application may be extended upon the written consent of the applicant.

C. Whenever the County Engineer's Office requests supplemental information from the applicant, the step in the process and its associated time frame shall restart once the County Engineer's Office receives the information. When an applicant fails to respond to a County Engineer's Office request for supplemental information within 90 days of the request, the County Engineer's Office shall consider the application to have

been withdrawn.

72-5.5 Application process

A. The County Engineer's Office shall determine if an application is complete, based on whether an application meets the criteria for the type of application applied for, including whether the appropriate application fee and all of the items listed in Section 5.6 have been submitted. If the application is not complete, the County Engineer's Office shall send written notice to the applicant that shall contain a request for specific additional information.

B. If the County Engineer's Office approves the application, the County Engineer's Office shall send a proposed permit to the applicant. If the County Engineer's Office denies the application, the County Engineer's Office shall send the applicant a denial letter that shall state the reasons for the denial and that shall refer to the design standards that support the denial.

C. If the applicant changes any aspect of the application in response to the County Engineer's Office comments or in response to a statement of reasons for denial, the County Engineer's Office shall not require a new application and fee. If the applicant unilaterally changes any aspect of the application, the County Engineer's Office shall require a new application and fee.

72-5.6 Application checklist

A. Applicants shall submit, with the appropriate application form specified in Subchapter 5.1(a), the application fee and four copies of a detailed sketch or plan to the following scale: one inch equals 30 feet or one inch equals 50 feet. The County Engineer's Office may require additional copies of the plans, depending on the nature and complexity of the particular application.

1. The County Engineer reserves the right to require plans, drawings, specifications, reports, etc. to be prepared by a New Jersey licensed Professional Engineer and/or Land Surveyor.

2. When the Highway Occupancy involves a site plan or subdivision approved by the Atlantic County Planning Advisory Board, a copy of the approved site plan and/or subdivision shall be submitted with the application.

3. Plan sheet size shall not exceed 24 inches by 36 inches.

4. Each plan sheet shall include a title block. The title block shall be located in the lower right corner of each plan sheet and shall include the municipality, county, date, name of the applicant, and the type and the limits of the proposed activity.

5. Each plan shall show the County Highway Route number, local road name, and rights-of-way lines.

6. The plans shall cover all areas where activity is proposed, and shall show pertinent existing highway and topographic features, and all proposed activities, including installations, removals, and modifications, in a manner that shall be readily distinguishable from existing features.

7. Either the applicant or County Engineer's Office shall place an approval block on the key sheet or, if there is no key sheet, on every plan sheet submitted with the application. The approval block shall contain the following statement:

The COUNTY OF ATLANTIC, pursuant to the Tort Claims Act, N.J.S.A. 59: 1-1 et seq., and in particular N.J.S.A. 59:4-6, hereby approves this plan and in particular the location and design of the fixtures, improvements or structures that are depicted on this plan within County highway right-of-way as proposed features which shall each constitute "approved features" of the "highway design." The County Engineer's Office further authorizes the placement, improvement, or construction of same within County highway right-of-way in the manner depicted on this plan. The placement, repair and maintenance of the fixtures, improvements or structures depicted on this plan within County highway right-of-way as proposed features shall remain the responsibility of the permittee and are not assumed by the County Engineer's Office, except as otherwise indicated on this plan.

COUNTY OF ATLANTIC
OFFICE OF THE COUNTY ENGINEER

By:

County Engineer

B. The applicant shall submit the following information with the application in the manner of submission identified below, with respect to each of the following types of permits:

<u>Type of Permit</u>	<u>Information to be provided</u>
Utility Opening	Traffic control plan
Curb, sidewalk, Handicapped Ramps	Traffic control plan
Drainage facilities	Traffic control plan Drainage calculations
Bridge Attachment	Traffic control plan Structural calculations
Pedestrian overpass or underpass	Traffic control plan Foundation report Structural calculations
Grading	Traffic control plan Contours or cross sections Structural calculations
Guiderail	Traffic control plan Guiderail calculations based NJDOT Roadway Design Manual
Test holes or borings	Traffic control plan Locations and depths of proposed
Monitoring wells	Traffic control plan Locations and depths of wells proposed
Crosswalks	Traffic control plan Striping plan
Miscellaneous	Supporting documentation As required by the County Engineer's Office

C. If the applicant proposes to interrupt the flow of traffic or to restrict the available pavement width at any time, the proposed hours and days of the activity and any holiday activity shall be included in the traffic control plan. A temporary traffic control plan for each stage of construction may be required, at the discretion of the County Engineer's Office.

D. The County Engineer's Office assumes no responsibility for identifying the location or condition of any existing utility lines, cables, or other facilities in the review of plans or issuance of a County permit. It shall be the responsibility of the applicant to verify the locations of underground utility lines, cables and other facilities and to determine the appropriate scope of work and safety requirements. Prior to the commencement of work, the applicant shall contact the New Jersey One-Call System at 1-800-272-1000 (or such other number as the service may from time to time employ) and, if facilities of utilities are located in the vicinity of the proposed excavation the applicant shall comply with any statutes or regulations pertaining thereto.

SUBCHAPTER 6. PERMIT ISSUANCE AND CONDITIONS

72-6.1 Permit issuance process

A. If the application is approved, the County Engineer's Office shall issue proposed permits authorizing activity on County highway rights-of-way or property under the jurisdiction of the County Engineer's Office. The approval of an application does not give the permittee the right to construct, maintain, repair, and use the specified features within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office. The proposed permit shall be signed by the entity listed in the table in Subsection 5.1(e). The signature shall indicate the signatory's acceptance of the terms and conditions of the proposed permit. If the applicant does not return the signed proposed permit and the permit fee to the County Engineer's Office within 30 days of the County Engineer's Office transmittal to the applicant, the County Engineer's Office shall consider the application to have been withdrawn. If the applicant returns the permit fee and the proposed permit signed by the applicable signatory as indicated in the table below to the County Engineer's Office within 30 days of the County Engineer's Office transmittal, then the County Engineer's Office shall execute the permit within 10 days of its receipt by the County Engineer's Office. When the permit is fully executed by both the County Engineer's Office and the applicant, the permittee has the right to construct, maintain, repair, and use the specified features within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office under the terms and conditions of the permit, except that a utility opening permit does not authorize repair.

B. Only the permanent owner and operator of a utility facility shall be eligible to receive a utility permit from the County Engineer's Office. The County Engineer's Office shall not issue utility permits to the party, company, or contractor performing the installation or construction work, and shall not issue utility permits to the temporary agent or engineer handling preparation of the permit application for the permanent owner.

C. If the signatory is signing other than in an individual capacity, the applicant shall submit with the signed proposed permit an appropriate resolution or other appropriate documentation authorizing the individual to sign on behalf of the permittee.

D. Under unusual or emergency conditions, the County Engineer's Office may

issue oral approvals for activity to be covered by a subsequently issued permit. Unusual or emergency conditions shall exist when, in the determination of the County Engineer's Office, issuance of the oral approval is necessary to protect against an imminent threat to public health, safety, welfare, life, limb, or property. If the County Engineer's Office grants oral approval, the applicant shall submit an application as outlined in this chapter within five business days of the date the County Engineer's Office grants the oral approval.

72-6.2 Permit conditions for all highway occupancy permits

A. The permittee shall complete the activity according to the terms and conditions of the permit.

B. The permittee shall ensure that a copy of the permit is available for review at the activity site.

C. The conditions of the permit are binding upon all successors in interest.

D. The County Engineer's Office may impose those site-specific terms and conditions it deems necessary, convenient or desirable when issuing permits.

E. Every permit shall begin upon the date of permit execution and shall contain an expiration date, as set forth below:

<u>Type of Permit</u>	<u>Permit Term in Years</u>
Utility openings	2
Curb, sidewalk or handicapped ramps	1
Drainage facilities	1
Bridge attachments	1
Pedestrian overpass or underpass	1
Grading	1
Guiderail	1
Test holes or borings	1
Monitoring wells	1
Crosswalks	1
Miscellaneous	See Permit

F. The permittee shall notify the County Engineer's Office at least 72 hours before starting the activity. The permittee shall complete the activity in an expeditious and safe manner. In the preactivity notification, the permittee shall designate an individual available at all times to replace or repair traffic control devices. The permittee shall provide the name and phone number of this individual to the County Engineer's Office.

G. All permits shall contain provisions for indemnification of the County, and its employees and officials.

72-6.3 Permit Conditions for Various Highway Occupancy Permits

A. The applicant shall be responsible for contacting the NEW JERSEY ONE CALL system before the start of excavation within the State of New Jersey.

B. The applicant shall provide the County Engineer's Office with copies of any other agency approvals required for activity within ultimate, proposed County rights-of-way or property under the jurisdiction of the County Engineer's Office.

C. The County Engineer's Office may require surety in the form of a bond, letter of credit, or certified check in an amount sufficient to guarantee or insure restoration of the area disturbed by the permittee, depending upon the extent of the activity and the County Engineer's Office past experience with the applicant or permittee.

1. If the County Engineer's Office requires surety, the permittee shall provide it, in the required form, to the County Engineer Office along with the permit fee.

2. If it becomes necessary for the County Engineer's Office to effect repairs because of the failure of the permittee to do so, the County Engineer's Office shall deduct the full cost of the repairs from the amount of the surety. If the amount of the surety is less than the cost of the repairs performed by the County Engineer's Office or its contractor, the County Engineer's Office shall bill the permittee for the balance due. If the permittee does not pay the full amount due within 30 days of billing, the County Engineer's Office may initiate legal action.

D. Certain highway occupancy permits are associated with the property and not with the permittee. If the permittee sells the property, the permittee shall provide the purchaser with a copy of the permit. The County Engineer's Office shall not be responsible for advising purchasers of such permits or the conditions contained therein.

E. If, after issuance of a permit by the County Engineer's Office, a permittee is barred or prevented, directly or indirectly, from proceeding with the activity by a legal action instituted by any County agency, political subdivision, or any other individual or party or by a directive or order issued by any State agency, political subdivision, or court of competent jurisdiction, the period of time prescribed in this chapter for the activity shall be tolled during the pendency of said legal action, directive, or order.

1. The permittee shall notify the County Engineer's Office in writing and include its supporting documentation within 30 days of any action that may trigger this provision.

2. If the activity has already commenced, the permittee shall contact the County Engineer's Office immediately to ensure that the cessation of activity does not

create a hazard.

3. The permittee shall restore any disturbed area at a time and in a manner prescribed by the County Engineer's Office or the County Engineer's Office may do so at the permittee's expense.

(i) All openings must be backfilled immediately and temporarily paved as specified, subject to asphalt plant closings in winter months. Permanent pavement restoration shall be done within four weeks of temporary restoration for shallow road openings (4 ft. or less in depth from finish grade). Permanent pavement restoration for deep road openings (depths more than 4 ft. below finish grade) shall be completed within 3 months from the time of temporary restoration or when directed by the County Engineer's Office. The applicant shall give a minimum 72 hour notice to the County Engineer's Office prior to final restoration operations. In addition, the County Engineer's Office shall be notified when final restoration is completed.

4. The remaining activity time shall again begin to run from the date on which the legal directive or order or other legal impediment to continuation of the activity is removed.

5. The permittee shall notify the County Engineer's Office in writing within 30 days of the date of removal of the legal impediment to continuation of the activity.

6. The County Engineer's Office reserves the right to reevaluate the permit conditions if the tolling time extends beyond two years from the date the County Engineer's Office executes the permit.

F. After the permittee completes the activity within County highway rights-of-way or property under the jurisdiction of the County Engineer's Office and meets all conditions of the permit, the permittee shall notify the County Engineer's Office, in writing. Within 30 days of its receipt of the notice, or as otherwise specified in the permit, the County Engineer's Office shall notify the permittee if any corrective action is required by the permittee.

G. The following provisions apply to utility opening permits:

1. When a highway is newly paved, or paved for improvement, the County Engineer's Office shall not permit openings in the highway for a period of five years thereafter, without the consent of the County Engineer, as documented in a waiver. The County Engineer's Office may extend the period of this restriction indefinitely if the traffic volume on the highway is high.

2. The County Engineer's Office, either in conjunction with its construction projects or in conjunction with projects advanced by others, may modify or revoke a utility opening permit. The County Engineer's Office shall provide an affected

utility opening permit holder with at least 30 days notice of the County Engineer's Office's intention to revoke the permit. Any appeal shall be forwarded to the County Engineer.

3. Work by a permittee cannot begin until pavement has been laid for at least one year. When performing work, the permittee shall restore a trench to meet or exceed existing conditions in accordance with the County Engineer's Office's standard details and standard specifications.

4. The permittee shall restore the surface to a smooth and sound condition that shall meet or exceed pre-existing and surrounding conditions.

5. The permittee shall provide the County Engineer's Office with as-built plans based on offsets shown from existing physical features. The plans shall record the vertical and horizontal location of the utility facility for each change in grade or alignment at 100 foot intervals. The as-built plans shall also show the horizontal and vertical locations of any manholes or hand holes. The permittee shall submit two prints and one reproducible Mylar copy of the as-built plans within one month of completion of construction.

6. The permittee shall construct underground utility facilities that are detectable by standard locating equipment operated on the surface.

H. The permittee shall be responsible for maintaining the facilities in good repair. Failure to do so shall be a violation of the permit. The permittee shall provide a one-year maintenance bond, the amount of which shall depend upon the value of the activity.

I. The permittee shall make repairs to facilities that the County Engineer's Office deems necessary to prevent any hazard to the public, interference with traffic, or damage to highway property. Such repairs shall be made as promptly as reasonably possible after the County Engineer's Office notifies the permittee of the need for repairs. A failure to make the designated repairs shall be a violation of the permit.

J. The permittee shall remove the activity before the expiration of a temporary use permit. The permit shall establish the date for removal. The permit shall also address the restoration of the County highway rights-of-way or property under the jurisdiction of the County Engineer's Office.

K. The following provisions apply to detours:

1. The permittee shall be responsible for the cost of all maintenance and repairs to the roads over which the traffic diversion takes place;

2. The permittee shall bear the expense of providing and maintaining approved signs, and other safety devices necessary to protect the traveling public throughout the time the detour is in use; and

3. All traffic handling shall be subject to the supervision and control of a representative of the County Engineer's Office working in cooperation with local police officials, whose expression of ability and willingness to handle traffic proposed to be diverted shall be a permit condition. The County Engineer's Office may require the permittee to retain full-time uniformed traffic directors, depending upon the traffic conditions particular to the activity location and the availability of local police support.

L. The following requirements apply to utility opening permits for longitudinal installation of an underground fiber optic facility:

1. The permittee shall bundle ducts to form one compact facility;
2. The facility shall not occupy over 12 inches in width or 24 inches in depth;
3. The minimum depth of cover of the facility shall be 54 inches. If there is a conflict with an intersecting utility facility at this depth, the permittee shall install the fiber optic facility deeper to go under the other utility. If the other utility extends deeper than 24 inches below the fiber optic facility, the fiber optic facility may go over the other utility and shall be protected with a concrete encasement as approved by the County Engineer's Office, but at no location will the encasement be within 24 inches of the surface;
4. There shall be a protective layer over the facility. The applicant shall cover the facility:
 - (i) To within 30 inches of the surface with Permeable Flowable Fill (Controlled Low Strength Material). Orange pigmentation is encouraged, but not required; or
 - (ii) With a cap of poured or pre-cast concrete that is four inches thick and 24 inches wide directly above the fiber optic facility.
5. The permittee shall install a continuous plastic ribbon marking tape on the Permeable Flowable Fill directly above the fiber optic facility or on the trench backfill material directly above the fiber optic facility.
6. The permittee shall design and construct the fiber optic facility to avoid future relocations within the limits of all projects listed in the County Engineer's Office then-existing 10-year Capital Construction Program. The County Engineer's Office shall waive this requirement if the permittee executes an agreement to absorb all relocation or accommodation costs resulting from the construction of any project listed in the 10-year Statewide Transportation Improvement Program. The permittee shall not undertake construction within the limits of such a project until the permittee and the County Engineer's Office execute a written agreement regarding the payment of future relocation costs.

72-6.4 Movement or relocation of highway facilities

A. When a permit requires the County's movement or relocation of highway facilities, the County Engineer's Office shall prepare and forward a cost estimate to the applicant. The applicant shall provide a check or money order in the amount of the cost estimate to the County Engineer's Office along with the permit fee. The County Engineer's Office shall not execute the permit until the applicant has provided the check or money order.

B. When the County has completed the movement or relocation, the County shall deduct the full cost of the activity from the amount of the check or money order. If the amount of the check or money order is less than the cost of the activity performed by the County, the County Office shall bill the permittee for the balance due. If the permittee does not pay the balance due within 30 days of billing, the County may initiate legal action. If the amount of the check or money order is more than the cost of the activity performed by the County, the County shall refund the difference.

72-6.5 Bonds

A. Permittees who own facilities within County rights-of-way requiring numerous permits over an extended period of time may execute a single bond for restoration and maintenance required by multiple highway occupancy permits in lieu of multiple bonds for each permit.

B. Restoration and Maintenance Bond Requirements

1. Surety: Applicants or their contractors shall be required to post surety in a form acceptable to County Counsel. The Surety shall include a restoration guarantee that the road opening and/or other highway occupation will be properly closed and completed, and that the road, street or highway over the road opened will be satisfactorily reconstructed. The Surety shall also include a maintenance bond, which shall ensure that the road as reconstructed will remain in good condition after the work has been accepted.

2. The restoration performance guarantee shall not be required if the applicant has already posted a performance guarantee as a condition of a site plan or subdivision approval with the County. Proof of the posting must be supplied with the permit application.

3. Applicants who have posted an approved restoration performance guarantee with the County shall still be required to post a maintenance guarantee in accordance with Subchapter 6-5(c) or 6-5(d).

C. Restoration Bond Amount: The performance surety costs shall be determined by a construction cost estimate prepared by the applicant or their engineer or contractor, and provided to the County Engineer's Office with the application for a highway occupancy permit. The County Engineer's Office will review the proposed estimate, and

may modify the estimate, as necessary. (Construction estimate calculation forms are provided with the Highway Occupancy Application at the County Engineer's Office.)

D. Maintenance Bond

1. The maintenance bond will serve to guarantee that the road as reconstructed will remain in good condition and free of defects after acceptance, as follows:

(i) for a period of five (5) years after the date acceptance for work which involves trenches within a paved road surface, which have a depth of 6 or more feet from the road surface; or

(ii) for a period of two (2) years after the date of final acceptance for all other work, which requires a permit as set forth herein

2. No restoration bond shall be released prior to the submission of a maintenance bond.

3. The maintenance bond amount shall be 50% of the restoration performance bond amount.

E. All bonds submitted must meet the following minimum requirements:

1. The bond must have an identifying number.

2. The name and address of the principal must be listed on the bond and in the case of a corporation or partnership, the state of incorporation or partnership must be noted.

3. The name and address of the surety company must be listed on the bond and in addition the company must be authorized to issue bonds in the State of New Jersey pursuant to the New Jersey Department of Insurance.

4. The amount of the bond must be in accordance with the estimate established for restoration and/or maintenance bonds in section (c).

5. The work to be performed must be clearly defined in the bond.

6. The lot and block number, street address, County highway route number, local road name, and the County road opening permit number must be listed on the bond.

7. Determination of the acceptability of all the work covered by the bond shall be at the sole discretion of the County Engineer.

8. The term or expiration date of the bond must be clearly stated in the bond.

9. The manner in which a bond may be called in the event of non-performance must be specified in the bond.

10. The bond shall be signed and attested to by the appropriate persons for the principal and the surety company together with the appropriate form of notarization.

11. Samples of acceptable bond forms are available upon request from the County Engineer's Office.

F. In lieu of bonds, a certified check in the full amount required to guarantee restoration and maintenance may be provided if the amount of the restoration guarantee is \$2,000.00 or less. The amount of the guarantee may be reduced by 50% for the maintenance guarantee period.

G. In lieu of bonds, an irrevocable letter of credit in the full amount required to guarantee restoration and maintenance may be provided. The amount of the surety may be reduced by 50% for the maintenance surety period. Letters of credit must be submitted in substantially the same form as the sample which is available upon request from the County Engineer's Office.

H. A utility company may, in lieu of giving a separate bond for each project, annually in January of each year, execute a single restoration and maintenance bond or a corporate bond in an amount equivalent to the highest bonding fee applicable for a single excavation during the prior calendar year provided, however, that when, in the opinion of the County Engineer, the openings or trenches contemplated by an application exceed the amount of the bond posted, additional bonds/or cash security will be required.

I. All checks and bonds and letters of credit under this ordinance shall be submitted to the County Engineer's Office and shall be made payable to "Treasurer of Atlantic County". Cash will not be accepted. The County Engineer will forward all checks to the Treasurer of the County of Atlantic. All bonds and letters of credit will be forwarded to the County Counsel for review and approval and then returned to the County Engineer's Office. Restoration performance bonds will be held until receipt of the certification of satisfactory completion issued by the County Engineer. Restoration performance bonds shall not be released until a satisfactory Maintenance Bond has been posted as required by this Ordinance.

J. If it becomes necessary for the County to sue under a restoration bond or maintenance bond or letter of credit because of unsatisfactory work, and if the cost of the corrective work exceeds the original bond value, the County reserves the right to recover the extra cost from the applicant.

72-6.6 Agreements

A. The County Engineer's Office may require the execution of an agreement as a condition of a permit, when the County Engineer's Office, in its sole discretion, determines that this condition is necessary, convenient, or desirable.

B. The County Engineer's Office shall notify the applicant of such a determination. When the County Engineer's Office issues the permit, execution of the agreement shall be one of the conditions. The permit applicant shall perform no activity within the County rights-of-way or property under the jurisdiction of the County Engineer's Office before the execution of the agreement. If the applicant does not respond to the County Engineer's Office's correspondence regarding the agreement within 90 days of the correspondence, the permit application shall be deemed withdrawn.

C. Agreements may include, but shall not be limited to:

1. An agreement for administrative and inspection costs during construction, an estimate of which is provided by the County Engineer's Office to the permittee. Pursuant to the terms of the agreement, the permittee shall be responsible for payment of all County costs incurred for these activities, even if the costs exceed the estimate; or

2. A maintenance agreement for activities resulting in the installation or modification of permanent facilities within the County's right-of-way.

72-6.7 Permit expiration

In addition to expiring at the conclusion of the fixed time periods set forth in Subchapter 72-6.2, a permit may expire pursuant to Subchapter 72-6.8.

72-6.8 Permit violations

A. When the County Engineer's Office becomes aware that a permit condition has been violated, it shall notify the permittee, in writing, that the permittee has up to 30 days (or some other reasonable time frame determined by the County Engineer) within which to remedy the violation.

1. Failure to remedy the violation within the specified time limit shall cause expiration of the permit.

2. The County Engineer's Office shall provide written notice of the effective date of the expiration and may seek the civil penalties provided for in the Optional County Charter Law, N.J.S.A. 40:41A-101(b)(7).

3. The penalties shall commence on the day following the date of expiration. The penalty prescribed for each violation of this ordinance or any section thereof shall be the maximum penalties established by the Optional County Charter Law, N.J.S.A. 40:41A-101(b)(7), and any subsequent amendments thereto, plus costs. Each day shall be considered a separate offense. Continued violations of failure to correct noted violations will result in the County seeking a court order for injunctive relief and/or to debar the violator from receiving future permits. A written stop notice work may be issued by the County Engineer's Office for failure to procure a permit, failure to comply with the terms of the issued permit, or violation of any of the provisions of this ordinance. Failure to stop work after issuance of a stop work order shall subject the applicant to arrest, prosecution and the penalties as set forth herein.

4. The County may remedy the violation and shall deduct the full cost of such work from the amount of any bond, check, or money order held by the County.

5. If the amount of the guarantee is less than the cost of the repairs performed for the County, the County shall bill the permittee for the balance due.

6. If the permittee does not pay the balance due within 30 days of billing, the County may initiate legal action.

B. When the County Engineer's Office determines that an emergent situation exists that results from a permit condition violation, the County Engineer's Office shall notify the permittee.

1. The permittee shall make emergency repairs within 24 hours, or as otherwise directed by the County Engineer's Office.

2. If the permittee fails to make the designated repairs within the specified time limit, the permit shall expire and the County may either remedy the violation or terminate the activity and shall deduct the full cost of any work done from the amount of any bond, check, money order, or other surety guarantee held by the County.

3. If the amount of the guarantee is less than the cost of the repairs performed for the County, the County shall bill the permittee for the balance due.

4. If the permittee does not pay the balance due within 30 days of billing, the County may initiate legal action.

72-6.9 Permit revocations or modifications

The County Engineer's Office may revoke or modify any permit after the County Engineer determines that the conditions that existed at the time the County Engineer's Office executed the permit have changed.

72-6.10 Permit extensions

A. If a permittee starts activity authorized by a permit within the permit time established at Subchapter 6.2(f), but cannot complete the activity within the allotted time, the permittee shall request an extension of time in writing from the appropriate County Engineer's Office and Subchapter 72-7.1 in the form of a check or money order shall submit the required extension fee identified at Subchapter. The County Engineer's Office may approve a single, one-year extension. "Temporary Use" permits may be extended at the discretion of the County Engineer's Office pursuant to Subchapter 5.2(a).

B. Permits for monitoring wells may be extended more than once, when required by the Department of Environmental Protection.

72-6.11 Acceptance of permit

The start or performance of any activity under a permit shall constitute full understanding and acceptance of, and agreement with, the terms and conditions of the permit and shall represent the express intention and obligation of the permittee to comply therewith.

SUBCHAPTER 7. FEES

72-7.1 Fees

A. When an applicant proposes to undertake multiple activities that are associated with different types of permits, the fee associated with the highest cost permit shall be applicable.

B. Anyone under contract to the County and working on County rights-of-way or on property under the jurisdiction of the County Engineer's Office at the written request of the County shall not be assessed an application or permit fee for any required permit.

C. Permit fees shall be waived for public entity applicant, including State of New Jersey, Federal Government, the County of Atlantic, and local government municipalities. Municipal and county utilities authorities are subject to the application and permit fees for any required permit. All applicants for permits, public or private shall be subject to all restoration, insurance and restoration performance and maintenance bond provisions of this chapter whether or not they are also subject to payment of permit fees.

D. Fees for applications, permits, and renewals are set forth below and are non-refundable. Fees shall be payable in the form of a check or money order and made payable to the County of Atlantic. The County shall not accept cash. The applicant shall submit the application fee with the application. The applicant shall not submit the permit fee until the applicant returns the signed proposed permit to the County Engineer's Office. The County Engineer's Office shall not execute a proposed permit until the applicant has submitted the proper fee for the permit and the applicable entity identified

at Subchapter 72-6.1 has signed the proposed permit.

E. The inspection fee for any project receiving approval from the Atlantic County Development Review Committee (DRC) shall be equal to 3% of the approved cost estimate for construction within and around the County right-of-way as specified in the Atlantic County Land Development Standards. The cost of overhead utility relocations is included in the surety amount, but not included in the inspection fee.

F. In addition to the permit fee, some projects may require an application fee for review of plans. Those projects requiring an application fee are designated below.

G. A base fee is required for every permit application, except for DRC approved projects. In addition to the base fee, the following fees are added as applicable:

72-7.2 Activity

<u>Type</u>	<u>Fee</u>
A. DRC Approved Projects	
Base Fee	(No Base Fee)
Permit fee	3% of bond amount (does not include cost of overhead utilities)
B. Trench Openings	
(Including boring or driving small diameter utility services)	
Base Fee	\$100.00
Application fee	\$150.00
Up to and including 200 sq. ft.	\$200.00
Over 200 and less than 4000 sq. ft. (Detailed plans are required)	
Application fee	\$150.00
Permit fee	\$200.00 + \$100.00 for every 200 sq. ft. section or portion thereof over 200 sq. ft.
Over 4000 sq. ft. (Permit fee) (Detailed plans are required)	
Application fee	\$150.00
Permit fee	\$2000.00 + \$1000.00 for 4000 sq. ft. or portion thereof over 4000 sq. ft.

Subtract 25% from above fees if trench is located in a gravel or shoulder area
Exclusive of ancillary road openings which have an aggregate length of less than
200 sq. ft.

Add 50% to above fees if trench is over 6 feet deep.

C. Road Widening

Fee

Detailed plans are required.

Base Fee \$100.00
Application fee \$150.00

Up to and including 300 square yd.
Application fee \$150.00
Permit fee \$500.00

Over 300 sq. yd.
Application fee \$150.00
Permit fee \$500.00 + \$150.00 per 100 sy.
Or portion thereof over 100 sq. yd.

D. Curb, Sidewalk and/or Gutter

Fee

1. Single Residential Property
Base fee \$100.00
(No charge over Base fee)

2. Commercial, Industrial, Institutional
Base fee \$100.00
Application fee \$150.00

Up to and including 100 lin. ft.
Permit fee \$200.00

Permit fee \$200.00 + \$150.00 per 100 lin. ft.
Or portion thereof over 100 lin. ft.

E. Driveways

Fee

1. Residential Driveway
Base fee \$100.00
(No charge over Base fee)

No additional application or inspection fees are required. However, plans and insurance are required. If the work is to be performed by the applicant, insurance shall be required in accordance with Subchapter 8.

If any of the work is to be performed by a contractor, insurance shall be required in accordance with Section 8.

2. Commercial, Industrial, Institutional Driveways

Base fee	\$100.00
Application fee	\$150.00

Permit fee	Up to and including 25' in width \$300.00
	Over 25 feet in width \$500.00

F. Boring, Driving, Jacking, Auguring Under Roadway, Microtunneling, Directional Boring and similar methods

1. Boring, driving small diameter utility services included in (A), Trench Openings.

Base fee	\$100.00
Application fee	\$100.00
Permit fee	\$250.00

2. Boring, driving (up to 6" diameter)
(Detailed plans are required)

Base fee	\$100.00
Application fee	\$100.00
Permit fee	\$250.00

3. Jacking, auguring, microtunneling, directional boring, and other methods,
(over 6" diameter)
(Detailed plans are required)

Base fee	\$100.00
Application fee	\$200.00

Permit fee	\$250.00 plus + \$100.00 for every 250 lin. ft or portion thereof over 250 lin. ft.
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4. Direct Burial Cable (By a Ditchwrench or similar narrow trench direct burial Process)

*See note below

Base fee	\$100.00
Application fee	\$200.00
Upon to and including 250 lin. Ft.	\$250.00
Greater than 250 lin. Ft.	\$250.00 plus \$50.00 for every 250 lin. ft. or portion thereof over.

*Applies to cables requiring a maximum trench width of 6" in a gravel, earth or grass shoulder area only. For cables requiring greater trench widths, the trench opening fee schedule applies.

5. Bridge attachments

Base fee	\$100.00
Application fee	\$500.00
Permit	0 to 100 LF \$1000.00 Greater than 10 LF \$2000.00
Annual Attachment fee*	\$200.00

6. Drainage facilities – (Detailed plans required)

Base fee	\$100.00
Plan review fee	\$100.00
Inlets and Manholes permit fee	\$100.00/unit

Drainage pipe permit fees are in accordance with Trench Openings.

7. Test holes or borings

Base fee	\$100.00
Test holes or borings permit fee	\$50.00/unit

8. Monitoring wells

Base fee	\$100.00
<u>Monitoring wells permit fee</u>	\$100.00/unit

9. Reinspection Fee

Re-inspection Fee	\$50.00
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All final restoration of the County's highways is to be completed within the timeframe as set forth in Section 0000000. A re-inspection fee is charged per site visit for each inspection after 30 days of the required final completion date if deadline is not met.

10. Guarantee Requirements

A. Surety: Applicants or their contractors shall be required to post surety, in a form acceptable to County Counsel. The Surety shall include a performance guarantee that the road opening and/or other highway occupation will be properly closed and completed, and that the road, street or highway over the road opened will be satisfactory reconstructed. The Surety shall also include a maintenance guarantee, which shall ensure that the road as reconstructed will remain in good in good condition after the work has been accepted.

The Performance guarantee shall not be required if the applicant has already posted a performance guarantee with the County as a condition of a site plan or subdivision approval. Proof of the posting must be supplied with the permit application. Applicants who have posted an approved performance guarantee with the permit application. Applicants who have posted an approved performance guarantee with the County shall still be required to post a maintenance guarantee in accordance with sections (C) or (F).

B. Performance Surety Amount: The Performance surety fees shall be fixed as follows:

<u>Item</u>	<u>Performance Surety</u>
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Trench openings

** For both the below, add 50% to surety amount if trench depth exceeds 6 feet.

For paved trenches**:

Up to and including 200 sq. ft, \$4,200.00 (includes \$1800 Mobilization)

Over 200 sq. ft. \$4,200.00 plus \$12.00 per sq. ft. over the original 200 sq. ft.

For gravel and grass shoulder**:

Up to and including 200 sq. ft. \$750.00

Over 200 sq. ft. \$750.00 plus \$8.00 per 4 sq.ft. over the original 200 sq. ft.

Roadway widening:

Up to and including 50 square yards. \$3,600.00 (includes \$1800 mobilization)

Over 50 square yards \$3,600.00 plus \$35.00 per square yard Over the original 50 sq. yd.

Sidewalks:

No surety required

Curbs and/or gutters:

0 to 50 feet \$1,200.00

Over 50 feet but less than 100 feet \$2,000.00

Driveways:

Residential Driveways No Surety Required

Commercial, industrial, institutional, And all other driveways \$1,500.00 each

Borings, driving, jacking, auguring under roadway, microtunneling, directional boring and similar methods:

For boxing or driving small diameter utility services associated with a trench opening, use surety requirements under trench opening.

Boxing, driving

(6" diameter or less)

\$1,500.00 + \$30.00 per lin. ft.

Jacking, auguring,
microtunneling, directional boring
& other methods (over 6" diameter)

\$12,000.00 + \$100 per lin. ft.

72-7.3 Failure to Pay Fees

No person shall commence or continue any of the activities set forth in this ordinance without first paying the required fee.

Commencement or continuation of any activity set forth in this ordinance without payment of the specified fee shall be subject to the penalties set forth below in Section 72-6.8. In the event that any fee payment shall be dishonored, suspended or cancelled, then in addition to the penalties set forth in Section 72-6.8, any permit, approval or certification that is the subject of such dishonored fee or payment shall be automatically rescinded and of no further effect.

SUBCHAPTER 8. HOLD HARMLESS CLAUSE

72-8.1 Hold Harmless Clause

Upon receipt of the permit, the applicant agrees that it shall defend and save the County harmless from any and all claims of any nature arising out of the construction and road opening work covered by the permit, and also agrees that the County of Atlantic in issuing the permit shall not assume liability in connection therewith. In the event of any suit or claim against the County due to the negligence or default of the permittee, the County shall give written notice to the permittee of such suit or claim. Any final judgment requiring the County to pay for such damage shall be conclusive upon the permittee, and the permittee shall be liable to repay the County for its costs in connection with such suit.

SUBCHAPTER 9. INSURANCE REQUIREMENTS

The permittee and any contractor hired by the permittee shall provide insurance coverage of such types and in such amounts as will completely protect the permittee, contractor and the County, its elected officials, officers, agents, servants, employees and assigns against any and all risks of loss or liability arising out of any work under this permit. The insurance must be furnished by insurance companies authorized by the Commissioner of Insurance to do business in the State of New Jersey and must be approved by or acceptable to the County Risk Manager. The permittee shall furnish the County with Certificates of Insurance naming the County as an Additional Insured, and providing further that any liability insurance coverage shall be considered as primary and not as excess insurance, describing the types and amounts of insurance identifying the

coverage to this permit by reference and providing for thirty (30) days written notice to the County by registered mail prior to any modification, cancellation, non-renewal or other change in coverage. The policies must be effective prior to the commencement of work and must remain in force until the certificate of satisfactory completion is issued by the County Engineer. If the permittee returns to the site to perform maintenance work during the maintenance period a current certificate of insurance must be provided to the County at that time.

72-9.1. General Requirements

A. The Contractor(s) shall provide and pay for insurance coverage of such type and in such amounts as will completely protect the Contractor and the County, its elected officials, officers, agents, servants, employees and assigns against any and all risks of loss (including costs of defense) or liability arising out of this contract.

B. The insurance should be furnished by insurance companies with an "A-(Excellent) VII" or better or better rating as published in the most recent editions of Best Insurance Key Rating and shall be authorized to conduct business in the State of New Jersey.

C. It is recognized that in some instances that insurance may be acceptable which is underwritten by an insurance company that is not reported in the BEST GUIDE, or the coverage is extended under a self insured program. This insurance, or self insurance, must be in conformity with the rules and regulations of the Commissioner of Insurance of the State of New Jersey. Any insurance or self insurance of this type is subject to the review and acceptance by the County Risk Manager or the County Counsel. Furthermore written proof of acceptability by the Office of the Commissioner of Insurance may be necessary.

D. The Contractor(s) shall furnish the County with Certificates of Insurance, as shown under "B" Specific Coverage Requirements, policies for General Liability must be endorsed to include the County of Atlantic as an **Additional Insured**, a copy of **ISO Endorsements CG2010 is required along with the certificate**. The Certificates of Insurance shall set out the types of coverage, the limits of liability, describe the operation by reference to this contract and provide for (30 days) written notice to the County of cancellation and/or non-renewal. All of the Contractor's Deductibles or Retentions shall be the sole responsibility of the contractor, those in excess of \$10,000 are to be disclosed and are subject to approval by the County. If requested actual policy copies or incurred loss information may be required.

E. The policies and specified limits of coverage must be effective prior to the commencement of work and must remain in force until final acceptance of the work under the contract. **Contracts that involve construction, installation, or maintenance repair must maintain completed operations insurance, endorsing the County as an additional insured for a term of two (2) years beginning on the date of the final**

acceptance. They also must include a copy of ISO Endorsement CG2011 and CG2037, or their equivalent.

F. The Contractor(s) shall obtain, and furnish the County, certificates of insurance from their subcontractor(s) or sub sub-contractor(s) showing policies in force with coverage and limits as described under these insurance requirements.

G. The Certificate of Insurance with a copy of the additional insured endorsements, are to be signed by a person authorized by the insuring company(s) to bind coverage on its behalf. Neither approval by the County nor failure to disapprove Certificates of Insurance/ furnished by the Contractor shall release the Contractor from full responsibility for all liability including costs of defense. Insurance is required as a measure of protection and the Contractor's liability is not limited thereby.

H. The Certificates of Insurance must be submitted to the County and shall be subject to the review and approval of the County Counsel or the County Risk Manager.

I. If at any time during the term of this contract or any extension thereof, if any of the required policies of insurance should expire, change or be canceled, it will be the responsibility of the Contractor, prior to the expiration, change or cancellation, to furnish to the County a Certificate of Insurance indicating renewal or an acceptable replacement of the policy so that there will be no lapse in any coverage. In the event of interruption of any coverage for any reason, all payments and work under the contract shall cease and not be resumed until coverage has been restored and a current Certificate of Insurance received and approved.

J. Any policy of insurance that is written on a claims made basis shall, under the terms of this contract, be renewed or the coverage extended for a period of not less than three years and shall provide coverage for the period operations were performed by the contractor. Proof of such extension shall annually be presented to the Risk Manager for the County of Atlantic and indicate the retroactive date of coverage or indicate that all prior acts coverage is provided.

K. Insurance or Risk Funding maintained by the County shall be considered as Excess over Contractors Insurance. Insurance or Risk Funding Maintained by the County of Atlantic does not provide protection for Contractors liability.

L. Certificates of Insurance and Evidence of Property Forms shall show the Certificate Holder as follows:

COUNTY OF ATLANTIC
COUNTY OFFICE BUILDING
ATTN: COUNTY RISK MANAGER
1333 ATLANTIC AVENUE
ATLANTIC CITY, NEW JERSEY 08401

(Certificates of Insurance not reading as above will not be acceptable and will delay County issuing permit signature.)

M. Questions regarding these insurance requirements may be directed to County Risk Manager at (609)-345-6700 Ext. 2495. Certificates for approval may be preliminarily submitted to County Risk Manager via fax to (609)-343-2164, or to (609)-343-2373.

72-9.2 Specific Coverage Requirements

The following checked [X] items are the minimum mandatory types of insurance coverage to be carried under the preceding requirements:

[X] (a) Workers Compensation-Statutory Limits , Employers Liability - with minimum limits of \$1,000,000 /1,000,000 /1,000,000.

[X] (b) General Liability in a comprehensive form, with minimum limits as follows:

1. Each Occurrence	\$1,000,000
2. Damage to Rented or Leased Properties	\$ 100,000
3. Medical Expense	\$ 5,000
4. Personal & Adv. Injury	\$1,000,000
5. General Aggregate	\$2,000,000
6. Products-Completed Operations Aggregate	\$2,000,000

[X] (c) Motor Vehicle Liability Insurance in a comprehensive form, endorsed to include pollution coverage, with minimum limits of \$1,000,0000 CSL.

1. Owned Vehicles
2. Hired/Leased Vehicles
3. Non-Owned Vehicles

[X] (d) Umbrella /Excess Liability over General/Automobile liability, with minimum limits of \$1,000,000.

72-9.3 Abutting Residential Property Owner's Sidewalks and Driveways

A. An abutting residential property owner who immediately is adjacent to the County highway right-of-way or county property under the jurisdiction of the County Engineer's Office, and who is doing their own work and/or constructing a sidewalk and/or a driveway apron in the County's right-of-way in front of their residential property will be required to obtain a highway occupancy permit from the County Engineer's Office and pay the applicable fee. The applicant will not be required to obtain a

restoration or performance bond nor a maintenance bond for such work. The applicant will be required to provide a current copy to the County of the homeowner's certificate showing that they have homeowners liability insurance policy with coverage of at least \$100,000 insuring the premises in question where the driveway apron and/or sidewalk is being constructed. (The policy shall be necessary if the work is to be performed by the applicant/policyholder).

B. If any of the work is to be performed by an outside contractor, the contractor must supply an insurance certificate meeting the requirements set forth in Subchapter 72-9.1 and 72-9.2 above.

SUBCHAPTER 10. WAIVERS

72-10.1 Waivers

A. The County Engineer's Office shall not grant waivers from fees or other relief from design standards or other provisions of this chapter unless the waiver can be granted without substantial detriment to the safety and operation of the highway and without substantially impairing the intent and purpose of this chapter. Only the County Engineer may grant waivers, except in regards to fees. County Engineer's Office staff shall have authority to waive application requirements or other requirements for applicants.

B. If an applicant wishes to seek a waiver, the applicant shall submit such request to the County Engineer. A copy of any documents issued including the application and permit to the applicant by the County and an explanation as to the waiver requested. The request for waiver shall state reasons why a waiver is appropriate and include documentation to support the waiver.

C. If a waiver is granted, the County Engineer's Office shall incorporate the waiver approval and any associated conditions into the proposed permit.

D. Possible bases for waiver requests include, but are not limited to:

1. Existing substandard conditions;
2. Existing social, economic or environmental constraints;
3. Unique character of the area;
4. Unreasonableness of strict application of the requirements of this chapter under particular circumstances;
5. Conflict between the requirements of this chapter and the requirements of:
 - (i) The Pinelands Commission or the Pinelands Protection Act, N.J.S.A. 13: 18A-1 et seq.;
 - (ii) CAFRA;
 - (iii) The Freshwater Wetlands Act, N.J.S.A.
 - (iv) The Stream Encroachment Act, N.J.S.A. 58:16A-50 et seq
 - (v) The Federal Flood Hazard Zone Regulations;

6. Municipal, state or other approving agency imposition of conditions beyond the control of the applicant. If this occurs during the County Engineer's Office application process and the applicant provides documentation of these conditions, the County Engineer's Office shall not require a new application and fees as specified in 7.

E. The grant of a waiver of a particular standard or requirement shall apply only to the specific location requested. It shall not constitute an approval of an application.

SUBCHAPTER 11. SAVINGS CLAUSE

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SUBCHAPTER 12. INCONSISTENT ORDINANCES REPEALED

Ordinance #8 of 1996 and all subsequent amendments thereto and any other applicable prior ordinances or parts of ordinance inconsistent with this ordinance be and the same are hereby repealed to the extent of such inconsistencies.

SUBCHAPTER 13. EFFECTIVE DATE

This Ordinance shall take effect following adoption and publication according to Law.

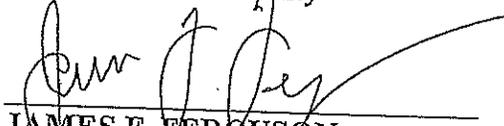
SONYA G. HARRIS, Clerk
Board of Chosen Freeholders

Dated: _____

DENNIS LEVINSON
County Executive

Dated: _____

Reviewed and Approved as to Form
on Behalf of the County



JAMES F. FERGUSON
County Counsel

JAMES CURCIO, Chairman
Board of Chosen Freeholders

Dated: _____

Dated: JANUARY 14 2010

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Board of Chosen Freeholders of the County of Atlantic held on January 19, 2010 at the County Office Building, 1333 Atlantic Avenue, Atlantic City, NJ, and said Ordinance will be further considered for passage and adoption at the public meeting of the Board of Chosen Freeholders to be held in Northfield on February 2, 201