

**Atlantic County Right Of Way Use And Occupancy  
Regulations.  
Permits And Prohibited Acts**



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## **SECTION 1: PURPOSE & SCOPE**

The general purpose of this chapter is to establish procedures, standards, and conditions for the issuance of highway occupancy permits by the County of Atlantic, New Jersey. Highway occupancy permits are required when any activity is undertaken over, under, or within any portion of a highway right-of-way or storm water drainage system that is under the jurisdiction of the County. This Chapter also regulates various activities that may interfere with the free and safe movement of traffic on a County highway or that may adversely affect operation and maintenance of County highways, including existing or proposed County highway improvements, fixtures, or equipment, and further including adverse effects on storm water drainage affecting County highways.

## **SECTION 2: DEFINITIONS**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

**“Applicant”** –Any person or persons, firm, corporation, municipality, or other desiring to engage, undertake or sponsor any activity that requires a highway occupancy permit under the provisions of this Chapter. A contractor who will be performing the activity on behalf of another party may serve as the co-applicant, provided that 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, printed, or otherwise displays text or graphics.

**“Charitable organization”** – is (1) any person or entity determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501c (3) of the Internal Revenue Code of 1986; or (2) any person or entity established for any benevolent, philanthropic, humane, social welfare or public health purpose, or for the benefit of law enforcement personnel, firefighters or other public entities that protect the public safety.

**“Co-Applicant”** – is a contractor or subcontractor who performing an activity regulated by this Chapter on behalf of an Applicant.

**“Communications Facility”** means, collectively, any equipment at a fixed location or locations that enables communication between user equipment and a communications network, including: (i) radio transceivers, Antennas, coaxial, fiber-optic, or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and

(ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower, or Support Structure to which the equipment is attached.

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

**“County”** – shall mean the County of Atlantic, New Jersey

**“County Bridge”**- shall mean any bridge or culvert that is owned, operated, or maintained by the County, including bridge components such as bridge abutments, wing walls and signs maintained by the County. Bridges or culverts on public municipal streets may also be subject to maintenance or control by the County, as determined by the County Engineer.

**“County Engineer”** – is the person appointed to the position of County Engineer, or any person authorized to act as his or her designee.

**“County Highway”** – means a road or right of way owned, taken over, controlled, built, or maintained by the County. The term “County Highway” shall also include any bridge that is owned, maintained, or controlled by the County.

**“Day”** – means calendar day.

**“Development Review Committee (DRC)”** – the Committee established by the code of Atlantic County, consisting of the County Planning Director or official alternate, the County Engineer or official alternate, and three (3) members of the Atlantic County Planning Advisory Board (PAB) appointed by the Chairperson who will review subdivision and site plan applications on behalf of the PAB in administering the provisions of this Ordinance and as further defined by the Code of Atlantic County.

**“Director of Public Works”** – is the person appointed to the position of Director of Public Works or any person authorized to act as his or her designee.

**“Driveway”** - means a private roadway providing access between a County highway or street and a lot or site that does not exist in its own right-of-way. A driveway provides ingress, egress, or both. A driveway is not a County highway or street.

**“Emergent situation”** – means a sudden, urgent, unexpected occurrence or occasion that interferes with the free and safe movement of traffic on a State highway, which requires immediate action.

**“Excavation”** – is the digging, displacing, undermining, opening, boring, tunneling, auguring, or in any manner breaking up any improved or unimproved street, sidewalk, curb, gutter, roadside or other public property in any right-of-way owned or controlled by the County of Atlantic.

**“Highway, Street, or Road”** – is any street, highway, road, roadway, sidewalk, alley, avenue, boulevard, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures all other appurtenant fixtures or equipment that is owned or maintained by Atlantic County, whether open or improved or not.

**“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, letter of credit or a certified check that an applicant or co-applicant must provide to the County, to guarantee maintenance of

work or other activity performed pursuant to a Highway Occupancy Permit, in a form and time period specified by this Chapter.

**“New Jersey One-Call Damage Prevention System or One-Call Notification”** – means the Statewide notification system that provides Statewide protection of all underground facilities that are used for the conveyance of water, forced sewerage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, traffic control, or for the transportation of hazardous liquid subject to the Hazardous Liquid Pipeline Safety Act of 1979.

**“Performance or restoration guarantee”** – is security in the form of either a bond, letter of credit or a certified check applicant or co-applicant must supply to the County, to guarantee performance of all obligations required of an Applicant and Co Applicant associated with a Highway Occupancy Permit, in a form and amount specified by this Chapter.

**“Person”** – is any person, firm, partnership, association, corporation, company, authority, municipality, or organization of any kind.

**“Private utility”** – means any utility that is not within the general jurisdiction, supervision, and control of or otherwise regulated by the Board of Public Utilities or a utility owned and operated by private citizens or concerns that is not otherwise identified or regulated by the Board of Public Utilities.

**“Public utility”** – means an entity as defined in N.J.S.A. 48:2-13.a, incorporated herein by reference, as amended, and supplemented, including cable television as regulated under N.J.S.A. 48:5A-1 et seq., incorporated herein by reference, as amended, and supplemented. A public, private, or cooperatively owned company that enters into a contract with a public utility shall not be considered a public utility on the basis of that contract.

**“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.

**“Right-of-way”** – is any land, easement, or other interest in real property for owned, maintained, or controlled by the Atlantic County for roads, bridges, stormwater drainage or other County purposes. As used in this Ordinance, right of way refers to the entire area encumbered or dedicated for County purposes, including portions of any right of way that may not be presently occupied by County road or drainage improvements.

**“Right-of-way line”** – the outer edge of a county right of way, separating the right of way from abutting lands owned by others.

**“Shoulder”** – the portion of the roadway that lies between the edge of the traveled way and any curb line, or edge of pavement, excluding auxiliary lanes.

**“Streetscape improvement”** – A project contained within or along County road rights-of-way or property under the jurisdiction of the County that combines various activities covered by more than one category of road 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”** – 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”** – the County's intentional relinquishment of its right to wholly enforce provisions of this chapter. Waivers may either reduce or eliminate requirements.

### **SECTION 3: PERMIT REQUIRED**

It shall be unlawful for any person or persons, firm, corporation, charitable organization, non-profit entity, municipality, public or private utility or other entity to perform any of the following acts within, upon or under any County road or right of way, without first obtaining a written approved permit from the office of the County Engineer as hereafter provided:

A. To make any excavation in, or to open, alter, or tear up the surface of any County right of way for any purpose whatsoever; regardless of whether the activity is occurring in an area that is paved or unimproved by the County, and regardless of the duration of the activity.

B. To make any excavation in, or fill, alter, connect to, or otherwise damage any portion of any storm water drainage easement or storm water drainage improvement that is owned, maintained, or controlled by the County, for any purpose whatsoever;

C. To install, replace, attach, connect or occupy any pole, any pipe, conduit, antennas, lights, guide wires, or other fixtures or improvements, including hanging any wire, cable or conduit above, upon or across, along or within any portion of any County right of way, or to otherwise utilize any County right of way, or any portion thereof, or any County fixture, equipment or other improvement, for any surface, aerial or subsurface utility pipe, pole, tower, foundation, footings, lighting, cable, conduit, vault, antennae, wireless device, junction box or other cable box, or other related fixtures, equipment or improvements of any kind;

D. To install, replace, attach, connect, occupy, hang either over or beneath, or otherwise utilize any pipe, conduit, wires, poles, antennas, lights, lines or other fixtures or improvements upon or across any portion of any bridge (including any portions of a bridge approach, abutment, deck or any other components of the bridge) which is owned, controlled or maintained by the County, for any purpose whatsoever;

E. To place, deposit, store or otherwise dump any soils or other materials in the right of way in a manner that, in the opinion of the County Engineer, may obstruct or interfere with use or operation of a County road or drainage facility;

F. To place any structure or other fixture, equipment, or improvement within any county right of way, of a permanent or temporary nature, including but not limited to any building,

footings, billboard, signs, irrigation improvements, or fencing, excluding mailboxes that are certified as US DOT approved and installed in accordance with US Post Office requirements; or

G. To utilize a County right of way for any type of fair, festival, sale, show, parade, marketplace, or other function not sponsored by the County, unless the same has been permitted in advance by the County.

H. To utilize a County right of way or for the storage of materials of any kind, or for vehicles, boats, trailers, or other equipment, other than authorized vehicle parking or construction staging for County sponsored highway improvements.

I. To trim or remove trees located within or over hanging a county right of way, including tree trimming and removal performed in connection with utility maintenance.

J. To install any new or replacement utility pole, guide wire, conduit, pipe, manhole or other utility structure, fixture, or equipment in any County right of way.

K. Proposed attachments to County Bridges shall comply with Section \_\_\_\_ below.

#### **SECTION 4. AGREEMENT REQUIRED**

In addition to a Permit that may be required pursuant to Section 3 above, an Applicant may also be required to enter into an Agreement with terms including but not limited to responsibility for design, construction, ownership, maintenance, relocation of and liability for proposed improvements that will be located along, under or over County rights of way, including but not limited to installation of pipes, conduits, poles, non-standard pavers, bike paths, retaining walls, bridges and other fixtures or improvements that will not be owned and maintained by the County, as may be recommended by the County Engineer and County Counsel. All such agreements will be subject to adoption of an authorizing Resolution of the County Commissioners, which shall be considered after adoption of either a resolution of the County Development Review Committee recommending execution of the agreement, when the improvements are designed in connection with a site plan or subdivision under County Code Chapter 86, or a resolution of the County Planning Advisory Board for proposed improvements that have not been reviewed under County Code Chapter 86, after a public hearing where the Applicant shall provide its plans and evidence demonstrating to the satisfaction of the Committee or Board, that the proposed improvements are consistent with the design standards and requirements that are incorporated into this Code, or do not otherwise not present bona fide concerns for the safety and well being of the public.

In addition to fees specified in Schedule A, the County shall charge reasonable rates for actual services rendered by the County Engineer, County Planner, County Inspector, and County Counsel, in connection with preparation and implementation of agreements or other services not specifically included elsewhere in this Code.

#### **SECTION 5. PROHIBITED ACT**

It shall be unlawful for any person or persons, firm, corporation, charitable organization, non-profit organization, municipality, or other agency to perform any of the following acts:

A. To Place, deposit, stock pile, dump, direct, pump, install or cause to be deposited, installed, stored, spilled, leaked, poured, placed or otherwise run into any County highway or any county drainage improvement, any substance that, alone or in conjunction with other factors, such as inclement weather, creates a hazardous condition on a county highway or otherwise interferes with operation, maintenance or travel upon a county highway, or with storm water drainage, including but not limited to the following materials:

- i. Leaves or other vegetative waste, trash or other debris which impairs the free passage of traffic or impedes drainage of a County road;
- ii Water, including but not limited to storm water or waters which are pumped or diverted from any property by pumps, hoses, or other means into a county right of way, which may cause water to pond, flood or freeze on a County road surface, or which may otherwise interfere with road safety;
- iii Dirt, stones, sand, or gravel; or
- iv. Gasoline, oil, grease, or other chemical compounds;
- v. Snow or ice, plowed, shoveled, pushed, blown or in any other way deposited into a paved portion of any County highway, or to cause snow or ice to adversely affect the safety of the travelling public along any County highway, including but not limited to causing interference with visibility of the travelling public along any County Highway, or any intersection of a County Highway with any street, driveway, access road or parking lot.

B To place, maintain, or display within any County highway, any traffic sign, signal or other device that seeks to control or direct traffic, that has not been authorized and permitted in advance by the County Engineer, or 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;

C. To install, construct or otherwise place any improvement, including but not limited to any sign, building, foundation, fence, wall, retaining wall, tree planting, decorative pavers, light standards, drainage pipes or other utilities, or any other fixtures or equipment, regardless of whether the same may be considered temporary or permanent, within any county right of way, except for:

- i. mailboxes which meet US DOT approved (break away) standards;
- ii. driveways, walkways, drainage structures or other fixtures or improvements that have been designed and installed pursuant to a duly approved site plan or other land use approval issued by the County, provided that all such improvements have also been authorized by a Highway Occupancy permit issued by the County Engineer pursuant to this Ordinance;
- iii. poles, conduits, pipes, overhead wires, cable banks, manholes and other fixtures, equipment, or improvements, installed and maintained by a Public Utility or other provider to distribute services to the general public, provided that all such improvements have been

authorized by a Highway Occupancy permit issued by the County Engineer pursuant to this Ordinance; or

iv. agricultural activities conducted in accordance with agricultural management practices that have been promulgated by the NJ Agricultural Development Board.

v. ground covers, as permitted by Section 6 E below.

D. To erect, install or attach any advertising signs, fixtures, improvements, or other devices within, upon or overhanging any County right-of-way, including attaching any such thing to any County sign, signpost, pole, traffic signals or other property owned or maintained by the County, for any purpose whatsoever, except for temporary banners and related fixtures installed by or through a municipal governing body, with the prior approval of the County Engineer.

E. To disregard or disobey traffic safety or traffic control devices, including directions given by the County Engineer or his designees in connection with movement of persons or vehicles though or detoured around areas where highway improvements are undergoing construction or maintenance operations.

F. To remove, install, damage, alter, deface, or modify any guiderail or component thereof, or any pavement material, curbing, ramps, lighting, or any traffic sign, signal, pavement markings, or other traffic control device, or any other component of any road or drainage improvement that is owned, operated, or maintained by the County;

G. To block, obstruct, alter, or otherwise interfere with any storm water drainage inlet, pipe, swale, ditch, culvert, vault, manhole access, easement or other drainage structure or improvement that drains water from a County road or portion thereof. Prohibited alterations includes but are not limited to installing, directing, or connecting any pipes, hoses, tubes, swales, drainage lines or other means of conveying or directing water or any other fluid or substances into any County drainage structure or improvement, regardless of whether the installation, connection or direction is permanent or temporary.

H. Unless specifically and directly related to ongoing construction or maintenance of improvements within a County highway pursuant to a permit issued under this Ordinance, or pursuant to a contract awarded by the County for highway improvements, there shall be no storage or stockpiling of construction materials, equipment, or vehicles, including but not limited to excavated soil, pavement millings, pipe, equipment, supplies, or other materials in any County right-of-way;

I. To refuse or for any reason fail to comply with any directive, advisory or requirement of the County Engineer in connection with any matter that arises under the requirements of this Chapter, including but not limited to performance of any work or activity without a required permit, or failure to provide and maintain warning signs, flaggers and other safety devices as required by this Chapter;

J. To engage in or perform any other act which results in a hazard or obstruction to the public travelling upon any County highway.



## **SECTION 6. HIGHWAY OCCUPANCY PERMIT PROCEDURES**

### **A. PERMIT APPLICATIONS:**

Applications for highway occupancy permits shall be in writing using an application form proscribed by the County Engineer. Application forms shall be available from the Division of Engineer's Office located at the address indicated below or the Atlantic County website. All applications must be made in writing and shall be submitted to the Atlantic County Division of Engineering. Applications may be sent via mail or in person at the Atlantic County Division of Engineering office between the hours of 8:00 AM and 4:30 PM, Monday through Friday (excluding County holidays). Applications sent via US Mail shall be sent to the mailing address listed below.

Mailing Address:

P.O. Box 719  
Northfield, NJ 08225

UPS/FedEx/Overnight/Physical  
Address:

201 New Road  
Northfield, NJ 08225

The County will not issue permits to the party, company, or contractor performing the installation or construction work unless the owner of the improvement, fixture, equipment, or property benefited thereby has also signed the permit as the applicant.

If the signatory is signing other than in an individual capacity, the County may also require an appropriate resolution authorizing the individual to sign on behalf of the corporate applicant.

### **B. BASIC APPLICATION CONTENTS**

All permit applications shall include the following details:

- i. Applications shall reflect conditions that exist at the time the application is submitted to the County Engineer's Office and include all State, county, municipal, or private projects that have been advertised for construction or awarded, as appropriate.
- ii. The application shall identify all County highways by route number and street name.
- iii. Applicants shall submit, with the completed application form, the permit fee and two (2) copies of a detailed sketch or plan. The County Engineer's Office may require additional copies of the plans, depending on the nature and complexity of the application. The plan and supporting documentation shall conform to the following:
  - a. **Standard Size Sheet:** The plan shall be prepared on one of six standard sizes, namely 8 1/2" x 11", 11"x 17", 15" X 21", 18"x 24", 24"x 36" or 30" x 42".
  - b. **Scale:** A written (inches to feet) and graphic scale of one-inch equals 20 feet, one-inch equals 30 feet or one-inch equals 50 feet shall be on the plan.
  - c. **Title Block:** 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.

d. **Key Map:** A key map shall be provided which shows sufficient details to locate the proposed highway occupancy and the intersection of at least two (2) named public streets.

e. **Right-of-way Dimensions:** Plan(s) shall dimension the limits of the County rights-of-way line. Dimensions shall be shown from the centerline of the County road. If available, or if required by the County Engineer, a copy of the land survey and/or right-of-way easements that were utilized to prepare the plan shall be provided.

f. **Existing Conditions:** Indicate the location and dimensions of all existing improvements within the right-of-way including driveways, pavement widths, lane widths, water, sewer and utility lines, drainage ditches, storm drain/culverts, fences, retaining walls, curbs, etc. Offsets from the centerline of the County road shall be provided.

g. **Proposed Conditions:** The plans shall cover all areas where activity is proposed including installations, removals, and modifications, in a manner that shall be readily distinguishable from existing features. Clearly differentiate on plan between existing and proposed conditions or improvements.

h. **Topography:** Depending upon the proposed activity, existing and proposed topographic data shall be provided to determine the drainage and grading patterns along and adjacent to the County road.

i. **Engineering Design Details:** Applicable engineering details shall be provided on or accompany the plan. Refer to the NJDOT Roadway Design Manual and Atlantic County Land Development Standards for details.

j. **Design Preparation By A Professional Engineer or Surveyor.** The County Engineer's Office reserves the right to require plans and other related documents be designed by a Professional Engineer licensed in the State of New Jersey and require that the plans depicting existing conditions, including right-of-way limits, be prepared by a Professional Land Surveyor licensed in the State of New Jersey.

k. **Designated contacts** the application shall designate an individual, with name, address, and cell number, who will be available at all times to address permit requirements and work performance, including (but not limited to) replacement or repair traffic control devices.

L. **Additional Information; Waiver of Plan Details:** The County Engineer's Office may require additional information and additional design details and may also waive design detail items listed in this Section, depending on the nature and complexity of the application, including potential impacts to County road safety, storm water operations, and as necessary to determine if the application conforms to the requirements of this Ordinance. Waiver requests shall be subject to Section \_\_\_\_.

## C. DESIGN STANDARDS

All activity performed within County rights-of-way or any associated drainage or other easement under the jurisdiction of the County and all signs, markings, or other traffic control devices used

by the applicant shall comply with the design standards in this section, unless otherwise specified in the permit. It shall be the applicant's responsibility to ensure that its proposed activities and improvements comply with all applicable design standard, regulatory requirements, permits and land development approvals.

- i. "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).
- ii. Atlantic County "Land Development Standards (LDS)", current edition, as amended and supplemented, or superseding editions, incorporated herein by reference, available from the County Office of Policy, Planning and Development (OPPD) and Atlantic County website.
- iii. "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.
- iv. "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.
- v. 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.
- vi. "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.
- vii. "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 Document Unit, and NJDOT Website.
- viii. "New Jersey Department of Transportation Design Exception Manual," as amended and supplemented, or superseding editions, incorporated herein by reference, available from the Department's Engineering Documents Unit, and NJDOT Website.
- ix. "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.
- x. N.J.A.C. 16:25, Utility accommodation.

Longitudinal installation of overhead lines on the highway rights-of-way shall comply with the provisions of N.J.A.C. 16:25. No pole shall be closer than 10 feet to any other pole.

Pursuant to N.J.A.C. 16:25, the permittee shall complete pole replacement within 90 days of installation of the new pole, including removal of the pole being replaced.

xi. The Americans with Disabilities Act (ADA), P.L 101-336, in accordance with 42 U.S.C. 12101, et seq.

xii. Construction design and details for proposed improvements or activities within a County right of way shall also be consistent with County design standards for improvements in a county right of way, as currently adopted by the County Engineer. This includes but is not limited to compatibility of proposed traffic signs, signals and other mechanical equipment with equipment used by the County.

#### **D. ALTERATION OF GRADES AND ELEVATIONS**

When an Applicant desires to fill a lot adjacent to the highway, or alter the natural flow of storm water, or otherwise intends to perform work or construct improvements which will alter or exceed the adjacent elevation of the County highway grade, the Applicant shall make provision, at the Applicant's expense, for management of highway drainage by installing pipes of adequate size and material, inlets, catch basins, manholes, headwalls, or ditches as may be necessary to prevent accumulation or flow of storm waters into, upon or over the County highway. The applicant shall avoid interference with drainage installations and shall not disturb the existing cross-section and drainage of highways. The applicant 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 applicant's improvements or other activities.

#### **E. LANDSCAPING**

The applicant shall locate all landscape lighting, sprinklers, landscape ties, trees, or shrubs, or any other area lighting and landscape fixtures and equipment, and all structures of any kind, outside of the limits of County rights-of-way. The County shall not be responsible for maintenance, repair, or replacement of any such improvements that have been installed within County rights-of-way.

Grass and other vegetative ground cover may be installed and maintained in the unimproved portion of a County right of way, beyond the edge of pavement, by the owner or occupant of property adjacent to a County highway, provided that such ground covers shall not exceed 12 inches in height at full maturity. Shall not interfere with the field of clear sight of the public travelling along County roads, or entering upon County roads from adjacent streets, driveways, or parking areas.

#### **F. TRAFFIC CONTROL AND DETOUR PLANS.**

If a proposed activity regulated by this Chapter is likely to interrupt the regular flow of traffic or to restrict the available pavement width, for any amount of time and at any time of day or night, then the Applicant shall prepare and submit a traffic control plan with its application for a Highway Occupancy Permit, which shall include the following:

i. All Traffic Control Plans shall be prepared in accordance with the Design Standards listed above in Section 6 C. Flaggers, warning signs, lane shifts, and alternating lanes,

police traffic control and all other aspects of the Traffic Control Plan shall be provided by the applicant as a condition of Highway Occupancy permit issuance.

ii. A temporary traffic control plan may be required for each stage of construction or other proposed activity, at the discretion of the County Engineer.

iii. Detours are discouraged and should be avoided whenever a proposed activity can be safely accommodated with reasonable lane shifts and other traffic control measures. If a detour is necessary because less restrictive measures cannot safely and reasonably accommodate traffic movement, the Applicant must submit a proposed Detour Plan with its permit application for review and approval by the County.

iv. If a detour will include any road or improvement that is not owned and controlled by the County, the applicant shall be responsible for securing all consents and approvals that may be required from the governing body or other entity that owns or controls the proposed detour route, prior to submission of the Traffic Control Plan and permit application to the County.

v. All traffic detours and other traffic control shall be subject to review and continuing consent of the County Engineer and local police officials. The County may require an Applicant to amend or supplement traffic control measures, including implementation or modification of a detour plan, if the County determines that a Traffic Control or Detour plan change is necessary to ensure continued safety of the public.

vi. An applicant may be required to retain full-time uniformed traffic directors, depending upon the traffic conditions, the nature of the applicant's activity and the availability of local police support.

vii. The Applicant shall develop its traffic control plan and any necessary detour plan in a manner that shall not unnecessarily interfere with school bus routes, or operations of any police department, fire department, hospital, or other emergency response entity. The applicant shall be responsible for identifying such facilities that may be adversely affected by a proposed detour plan and may be required to adjust its plans to minimize interference.

viii. When a full or partial detour is required the Applicant shall submit its proposed detour plan to the municipal police department having jurisdiction where the work or activity will occur. If there is no local police department, the Applicant shall contact the Municipal governing body for review of the proposed detour plan.

ix. Without limiting any other traffic control or detour device that may be necessary, the Applicant shall install and maintain signs in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), current edition, as amended and supplemented, or superseding editions, or as directed by the County Engineer.

## **J. AREAS SUBJECT TO PERMIT MORATORIUM**

There shall be no opening, exaction or other alteration of any County Highway that has been constructed or resurfaced highways, for a period of five (5) years after the construction or resurfacing has been completed, unless the applicant is able to demonstrate by clear and convincing evidence, to the satisfaction of the County Engineer, that a proposed opening, excavation or other alteration of the County Highway is reasonable and necessary to serve a

general public interest, which may include (but is not limited to) more efficient or safer delivery of utility services, or more efficient and safer access to a County highway based upon an approved site plan, subdivision, or other land use approval, or serves another public interest. The applicant shall submit a formal request in writing, along with supporting documentation, to the County Engineer for consideration. In addition, an applicant seeking to perform an activity in an area that is subject to a moratorium shall perform enhanced restoration, which may include full width repaving, repaving to the center line, diamond cuts or other mitigation measures as may be proscribed by the County Engineer.

## **K. COUNTY PERMIT REVIEW, TIMELINE**

The County Engineer's review of permit applications shall be subject to the following:

- i. The Engineer's Office shall not consider an application to be complete, and shall not begin processing a permit application, until the applicant has submitted a complete and signed permit application, with the required permit fee, bond, insurance, detailed sketch or plan, and traffic control plan (or detour plan as necessary). Failure to include required information shall automatically result in an application being deemed "Incomplete" and ineligible for review or approval by the County.
- ii. Upon the County Engineer's Office determination that an application appears to be complete for review purposes, the County shall endeavor to complete its review and approve or deny the application within forty-five calendar days thereafter.
- iii. Whenever the county engineer's office requests supplemental information from the applicant that is required by this Chapter, the review period shall be suspended until the required information is submitted. A new review period will commence as of the date when the county engineer's office has received the required supplemental information.
- iv. Every permit shall begin upon the date of permit execution by the County Engineer and shall expire one (1) year from said date, unless the time to complete the work is otherwise specified by the County Engineer's Office.
- v. Work shall be commenced within 90 calendar days of the issuance of said permit, and permit work shall be diligently pursued until completed within the time limit set forth in the Permit for such work, unless an extension of time for good cause is granted by the County Engineer. If work has not been commenced within such 90-day period or has not been diligently performed to the satisfaction of the County, the County Engineer may revoke the permit and may proceed any other enforcement measures that the County Engineer may deem necessary.
- vi. If a permit is revoked or becomes null and void due to the passage of time, then the applicant shall apply for a new permit. The new application shall be revised to include any changes in the work or conditions of the work site, and shall be accompanied by a new fee, bond, insurance, and such other information required by this Chapter for a new permit.

## **I. EMERGENCIES**

A. Utilities: In the event of an emergency in which a sewer, main, conduit or utility in or under any County road breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main conduit or utility, without first applying for and obtaining a permit hereunder, shall immediately notify the County Engineer of the emergency and take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals.

The individual or entity owning or controlling such facility shall apply for a permit not later than the end of the next succeeding workday and shall not proceed with permanent repairs without first obtaining a permit hereunder. The emergency work required to be done under this Section shall be completed with all reasonable haste and diligence.

If an emergency excavation occurs on a weekend or after normal business hours or, County recognized holiday, the permit holder will be charged an additional fee to cover the County Inspector's accrued cost for each inspection will be figured at a rate of \$80.00 per hour for each occurrence with a minimum charge of \$200.00.

B. Additional Requirements: In the event of any other emergency, the permittee or utility shall also

1. Immediately dispatch a representative to the site of the emergency. The representative shall be on site within four hours or as otherwise directed by the County;
2. Immediately stabilize the situation in order to restore the free and safe movement of traffic;
3. Provide, for the County's review and concurrence, a timeline for the completion of permanent repairs; and
4. Complete the permanent repairs within the timeline approved by the County.

C. If the emergent situation arises from a permit violation and the permittee fails to comply with the provisions of A and B above, in addition to any other sanction or remedy that may be available, the County Engineer may revoke the permit 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, or money order held by the County. 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. If the permittee does not pay the balance due within 30 days of billing, the County may initiate legal action.

If the utility fails to make the designated repairs within the specified time period, the County may initiate legal action.

Under emergency conditions, the Applicant shall immediately call the County Engineer's Office at (609)645-5898 during regular business hours. After regular business hours, or on weekends of holidays, the Applicant shall report the emergency to the County Sheriff's Department, at (609) 909-7200.

The County Engineer may issue oral approvals for activity to be covered by a subsequently issued permit, if the County Engineer is satisfied that an oral approval is necessary to protect against an imminent threat to public health, safety, welfare, life, limb, or property.

## **SECTION 7: FEES**

A. All persons who require a permit pursuant to this Ordinance shall include an initial application fee in the Amount of 100.00 with the permit supplication. In addition to the initial application fee, the applicant shall submit a permit fee in accordance with the Fee Schedule attached as Schedule A.

B. If a permit expires before work has commenced, or if a permit has been terminated or revoked, the Applicant shall submit an application for a new permit which shall include a new application fee and permit fees.

C. Fees, once paid by the applicant, shall not be refunded, or credited.

D. Enhanced Fee - Operating Without a Permit: If an applicant has been issued a written stop work order due to commencing work in County right of way without a required permit, issuance of a permit for such work shall be subject to a \$250 late processing assessment, which shall be in addition to all other fees or penalties that may be assessed under this ordinance.

E. Government agencies, charitable organizations and nonprofit organizations are exempt from fees, however a full application, with performance and maintenance guarantee in accordance with Section 8 below, is required.

## **SECTION 8. PERFORMANCE AND MAINTENANCE BONDING**

A. The permittee shall provide a performance guarantee, which may be in the form of a performance bond or bank letter of credit, naming the County as a beneficiary, in a form acceptable to County Counsel. A certified check payable to the County Treasurer may be presented in lieu of a bond or letter of credit if the amount is less than \$2,000.00. The performance guarantee shall be in the amounts listed in the attached Schedule B, Performance Guarantee Amounts, subject to such adjusted amounts as may be established by the County Engineer.

B. A public utility may submit and rely upon an annual blanket bond in the amount of \$50,000.00 to cover ordinary, routine and emergency work, provided that;

- i. the work that requires bonding in an amount that is less than \$10,000.00; and
- ii. the total value of work that is outstanding on all permits that have been issued to the public utility when a new permit is issued is less than \$100,000.



If a proposed activity requires a bond in excess of \$10,000, or if the total value of work ongoing pursuant to other permits exceeds \$100,000, then a separate bond shall be provided in the amount specified in Schedule B.

C. If the applicant seeks a permit for work or other activities that have been approved by the County in connection with a site plan or subdivision approval under County Code Chapter 86, and a performance guarantee including such work or activity has been provided to and accepted by the County, the Applicant may rely upon such approved guarantee to obtain a highway permit, as long as the bond or other guarantee remains in full force and effect

D. Maintenance Bond Requirements: Upon completion of any activity that required a performance bond, and acceptance of such work or other activity by the County Engineer, the Applicant shall deliver a maintenance bond to the County, either as a new instrument or as an amendment to an existing performance guarantee, subject to the following:

i. The maintenance bond shall remain in full force for a period of two years after the date the final pavement restoration surface or other permanent top, such as landscaping within disturbed roadside areas, has been applied and approved by the County Engineer or approved designee.

ii. The performance and maintenance bond shall be issued by a surety bonding company authorized to conduct business in the State of New Jersey, or, if the bond amount is \$2,000.00 or less, a cash bond in the form of a certified check in the full cash amount of the work to be completed.

iii. This certified check will be held for the full two-year period.

G. Maintenance guarantees will be returned to the applicant upon the determination of the County Engineer that the Applicant's work or other activity has remained in an acceptable condition, and that the materials used by the applicant are free from defect.

## **SECTION 9. INSURANCE**

A. 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.

B. The specified form and amount of insurance coverage shall be consistent with the forms and amounts specified below, or with such revised forms and amounts as may be from time to time recommended by the County Engineer in consultation with the County Risk Manager.

C. 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 Engineer and / or his or her designee. 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 modifications, 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 and / or his or her designee. 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.

D. The minimum mandatory types and minimum amount of insurance coverage to be carried in accordance with this Article shall include:

1. Workers Compensation-Statutory Limits-Employer's Liability-Unlimited.
2. General Liability in a comprehensive form with a minimum limit of \$1,000,000 / \$2,000,000 CSL including:
  - i. Premises-operations
  - ii. Blanket Contractual
  - iii. Products-completed operations
  - iv. Broad form property damage
  - v. Independent contractors and subcontractors
  - vi. Personal injury
  - vii. Motor Vehicle Liability Insurance in a comprehensive form with a minimum of \$1,000,000 C.S.L. including:
    - viii. Owned automobiles
    - ix. Hired automobiles
    - x. Non-owned automobile

E. Utility companies may submit blanket insurance certificates from themselves and/or their contractors, which shall be valid, until the expiration of the coverage listed thereon.

F. The permittee shall provide proof that any contractor or subcontractor have in force during the term of this permit insurance equal to the coverage as herein set forth or shall make arrangements to insure that the activities of any contractors or subcontractors are included under permittee's policy. Neither approval by the County nor failure to disapprove Certificates of Insurance furnished by the permittee shall release the permittee of full responsibility for all liability and casualty claims or losses. Insurance is required as a measure of protection and the permittee's liability is not limited thereby. The certificate shall be subject to the review and approval of the County Insurance/Risk Manager. If at any time during the term of this permit or any extension thereof, any required policies of insurance should expire or be canceled, it will be the responsibility of the permittee to furnish to the County a Certificate of Insurance or

an acceptable replacement of the expiring policy prior to the expiration or cancellation date so that there shall be no lapse in any coverage.

G. Residential Owner-Occupied Driveways and Sidewalks: The Permittee for any owner-occupied residential driveway or sidewalk permit shall provide to the County a copy of a current liability policy, insuring the premises in question where the driveway and / or sidewalk is being constructed; the policy shall be necessary if the work is to be performed by the applicant/policyholder. 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 paragraph 1, 2, and 4 of this section.

## **SECTION 10: PROSECUTION OF WORK**

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, including approved traffic control and/or detour plan, is available for review at the activity site.

C. The conditions of the permit are binding on the Applicant and upon all of its successors and assigns.

D. The permittee shall conduct its operations and activities 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 performed by or on behalf of the County in connection with any County highway or other improvement project, unless the permit specifically authorizes such interference.

E. All work and all improvements performed or installed pursuant to this Chapter shall be performed and installed in a manner that does not unreasonably interfere with clear sight of motorists travelling along County highways.

F. Work shall conform in quality and appearance to similar County construction. Material shall conform to the NJDOT "Standard Specifications for Road and Bridge Construction", 2019 edition, and any updates or superseding editions, and all other applicable standard referred to above in this ordinance, unless otherwise specified in the permit.

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

H. No road opening work shall be performed on weekends, County holidays or outside normal County working hours (7:00 AM to 3:30 PM) without the prior written permission of the County Engineer.

I. It shall be the responsibility of the applicant to schedule work in a manner that minimizes disruption of traffic, including school bus service.

## **SECTION 11: SAFETY PROTECTIONS; PROTECTION OF PERSONS AND PROPERTY**

A. It shall be the sole responsibility of the applicant to conduct, install and maintain all work permitted by or subject to this Ordinance in a manner which ensures the continuing safety and protection of the public.

B. Permittee and all contractors engaged by or on behalf of the Applicant shall comply with the OSHA trench sheeting regulations and all other OSHA regulations, and with any other applicable laws, in the performance of the work.

C. All openings must be backfilled immediately and temporarily paved the same day as the opening is made. Additionally, all traffic markings (crosswalks, centerlines, berm lines, etc.) must be restored in kind in a manner satisfactory to the County and in accordance with the MUTCD immediately upon final restoration. Final restoration must be performed within the time periods proscribed by the County Engineer.

D. If the nature of the work requires leaving an excavation unfinished overnight or for an extended period of time, the permittee shall notify the County at least 5 days in advance of construction.

E. Permittee shall place safety barriers with appropriate lighting around the unfinished excavation area. The barriers and lighting devices shall conform to the specifications set forth in the U.S. Department of transportation MUTCD and any amendments thereto,

## **SECTION 12: ONE CALL NOTIFICATION AND MARK OUTS**

A. The permittee shall supply the confirmation number obtained from the One-Call Damage Prevention System to the County Engineer's Office in accordance with N.J.S.A. 48:2-83. The permittee shall provide this confirmation number at least 72 hours before starting the activity.

B. 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 all underground utilities within the work area.

## **SECTION 13. Requirements for excavation and restoration**

All work in a County right of way that includes excavation shall be subject to the following:

A. Paved roadway and /or sidewalk surfaces shall be saw cut vertically to the full depth of the existing pavement on a straight line before excavating. The surfaces shall be cut in such a manner (approximately one foot wider on each side of required trench width) that lifting of pavement adjacent to the trench will not occur during excavating. Any concrete encountered shall be saw cut

and all bars cut flush with the edges of the concrete. Roadway surfaces beyond the limits of the trench cuts shall not be disturbed.

B. The excavated material from the trench opening may be used for backfilling unless use of such materials are rejected by the County Engineer or the Engineer's on site designated representative. If alternate backfill is necessary, it shall be certified to the satisfaction of the County Engineer or the Engineer's on site representative. Materials that are wet, unstable, or include industrial wastes or rubble shall not be used as backfill.

C. Dewatering:

- i. The contractor shall furnish sufficient pumping equipment at his own expense for satisfactory drainage whenever needed in the trench and other excavations during the progress of the work.
- ii. All water pumped and bailed from the trench or to other excavation shall be conveyed in a proper manner to a suitable point of discharge and done in accordance with the current Standards for Soil Erosion and Sediment Control
- iii. The flow in all sewers, drains, and watercourses encountered on the work, and in gutters alongside of or across the work shall be entirely provided for, both temporarily and permanently, as required, by the contractor and at his expense.
- iv. Hay bales or other methods approved by the Soil Conservation Service shall be placed at inlets to prevent sand and silt infiltration.

D. Any abandoned utilities permanently left in place shall be fully grouted to eliminate any voids, unless otherwise directed by the County.

E. Backfill material shall be deposited in layers and compacted in such a manner and by such methods as to achieve ninety-eight (98%) percent standard proctor density throughout the entire area to be back filled. The maximum thickness of each layer shall not exceed twelve (12") inches loose measurement unless it can be demonstrated that lifts exceeding twelve (12") inches meet the minimum 98% compaction requirement.

F. 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 ninety-eight-percent relative compaction required, the County Engineer may require re-excavation and compaction.

G. Tunneling, drilling, boring and/or jacking may be permitted along or crossing County Road at the discretion of the County Engineer. All voids created by tunneling shall be filled with concrete or grout by an approved method. Any surface areas displaced by these construction methods shall be fully reconstructed to the satisfaction of the County at the permit holder's expense.

H. All openings beyond the paved shoulder areas shall be brought to grade with compacted backfill. After a minimum of six months a minimum thickness of four (4") inches of topsoil shall be constructed in the trench area and seeded, fertilized, and mulched or sodded. Should a proper growth not be achieved after one (1) month, the area shall be re-fertilized, reseeded, and re-mulched or re-sodded as necessary.

## **I. Temporary Pavement Restoration:**

- i. 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, six (6") inches of compacted dense graded aggregate, and a temporary pavement consisting of six (6") inches of hot mix asphalt stabilized base (HMA 19M64). The surface of the hot mix asphalt stabilized base course (HMA 19M64) shall be brought even with the existing finished grade of the roadway. ("Cold Patch" will not be permitted as a temporary pavement course under any circumstance. "UPM" may be permitted when the asphalt plants are closed during the winter months.) The temporary pavement shall stay in place for a period of at least four weeks unless further time is deemed necessary by the County Engineer. In general, deeper excavations shall require longer periods 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.
- ii. For roadways with a concrete base, the permittee shall restore the highway in accordance with NJDOT Standard Construction Details unless otherwise specified by the County Engineer.

## **M. Final Pavement Restoration:**

- i. Final restoration shall take place after a preset minimum settlement period determined by depth and in place soil density testing, or periodic measurement of settlement over a set time period. In general, the preset minimum settlement periods determined by depth are: thirty (30) days for trench depth 4' or less and ninety (90) days for trench depth more than 4' and not exceeding 8'.
- ii. 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 two (2") inches. The permittee shall then apply a tack course followed by at least two (2") inches of hot-mixed asphalt surface course (HMA 12.5M64), as specified by the County Engineer's office. The total width of the restored roadway surface shall comply with the specifications of the County Engineer's office.
- iii. Multiple openings within thirty (30') feet of one another shall be milled and shall have continuous top paving longitudinally and transversely as outlined below. Additional limits of restoration may be required by the County Engineer depending on damage from equipment and the impact of the project on the street and motorists. All trenches/multiple openings shall be restored as follows:

- **Paved Shoulders** - Standard full width trench restoration will be decided prior to final restoration by the County.

- **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.
- **Openings Down the Middle of a Road or Exceptionally Deep Trench Openings** -Surface restoration shall extend across the full width of the paved road.
- All seams, joints (including curb to roadway joint) are to be sealed.
- All traffic control devices, i.e., signs, stripes, etc., removed, or damaged as a result of said permittee's road opening shall be replaced in conformance with the current edition of the Manual on Uniform Traffic Control Devices, to the satisfaction of the County Engineer, upon final restoration.

#### **SECTION 14: FINAL INSPECTION**

The applicant is responsible for notifying the County Engineer when all work has been completed and is ready for final inspection. During the final inspection, the County Engineer shall determine whether all work and materials appear to be generally acceptable and consistent with the terms and conditions of the permit for such work or other activity.

The maintenance period for any activity regulated by this ordinance shall begin only when the County Engineer has accepted the work, including any permanent restoration or punch list requirements, and the applicant has delivered a satisfactory maintenance surety to the County.

#### **SECTION 15: SPECIAL PROVISIONS REGARDING INSTALLATION OF TELECOMMUNICATIONS CABLES, FIXTURES AND OTHER EQUIPMENT**

Application requirements; fees; insurance; indemnification and relocation agreements.

A. In addition to the application for a permit and other requirements set forth in this Chapter, every applicant proposing to install fiber optic or other wireless telecommunications cables, or antennas, cabinets, poles, towers, and/or attachments, and/or other telecommunication fixtures or equipment upon, over or within any County right-of-way for purposes of providing wireless communications services shall submit to the County Engineer:

- (1) A plat or plan showing the proposed location of the proposed installation;
- (2) A depiction indicating whether the proposed installation is overhead or underground;
- (3) Copies of all easements proposed to be used which have previously been granted to utilities;
- (4) All consents for the use of any such easements by the applicable utilities (if any), and;

- (5) Municipal Consent or NJ Board of Public Utilities Consent, as required by NJSA 27:16-5 and 6 or other provisions of law applicable to the rights and privileges sought by the permittee.
- (6) Such plan details illustrating the details of the proposed installation and impacts on the County right of way, as may be specified by the County Engineer.

B. Review fees.

- (1) In addition to fees specified in Schedule A, The County shall charge reasonable rates for actual services rendered by the County Engineer, County Planner, County Inspector, and County Counsel, where applications require agreements or other services beyond a standard Highway Occupancy Permit.
- (2) These services shall be billed at ten-minute intervals at hourly rates approved by County government.
- (3) The applicant may be required to post a reasonable deposit to cover all charges for actual services, prior to commencement of plan review by the County Engineer.

C. A right of use / occupancy agreement duly executed by the applicant, including but not limited to provisions indemnifying and holding the County, its officers, agents and employees harmless from any loss, claim or damage arising out of the installation, operation, maintenance or use of the applicant's fixtures and equipment, and further providing the owner of such equipment shall be responsible for repair and relocation thereof at no expense to the County, if the County determines the repair or relocation is necessary or advisable to accommodate County highway operations or similar County needs, shall be provided to the County, the form of said agreement to be approved by County Counsel.

D. Duration of permit and Agreement.

No license or permit issued pursuant to this article shall be valid for a period of more than 10 years, provided that the term of the agreement may be extended for four additional 10-year periods with the consent of the County.

F. Relocation of telecommunication cable, equipment, or other fixtures.

In the event that the telecommunication cable, equipment, or other fixtures interferes with a County installation, including but not limited to road widening, reconstruction or improvements of sidewalks, road shoulders and other County facilities, the owner of such telecommunications equipment shall relocate the same in an expeditious manner within the right-of-way to a location approved by the County at no cost to the County. A permit with insurance and bonding shall be provided, but no additional fee will be charged by the County as a result of the relocation.



## **SECTION 16: SPECIAL PROVISIONS REGARDING OVERSIZED LOAD PERMIT**

Utilization of County roads or County bridges to accommodate excessive / heavy loads, as defined by this Chapter, shall require the following:

1. A proposed route plan, which shall include all major and minor bridges included in the route;
2. load calculations signed and sealed by a structural engineer if crossing a County bridge that does not have a load rating;
3. spanner details over any minor bridges (culverts) being crossed;
4. A written review road conditions in the field, noting locations of potential conflicts with height of trees and overhead utilities and signal equipment;
5. Confirm the day of week and time of transport. Transports should be scheduled and approved for hours that minimize impact on businesses, schools and residents;
6. Apply and pay for a County permit;
7. Provide a police escort to ensure safe passage. Escort required in front and behind transport Vehicle;
8. Provide a road closure plan if necessary. At no time should the transport or spanner be left without police escort;
9. Provide documentation that local police department has been notified and local police will be on hand during transport to block side streets, direct local traffic, etc. to ensure public safety. Documentation required for each municipality on the travel route;
10. If necessary, provide escort from all utility companies to elevate wires with bucket trucks. No employees from Transport Company are permitted to lift utility wires. Each utility company should review your transport route with pole trucks set at your top elevation to determine if utility wires need to be elevated;
11. Provide final map and transport information that can be provided to County Engineer 2 weeks before the transport will occur.
12. No construction activity shall begin on any day until all traffic control devices are in place.

## **SECTION 17: BRIDGE ATTACHMENTS**

**“Bridge Attachment”** means the 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.

For a Bridge Attachment permit, the applicant shall provide; 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. A Bridge Attachment shall only be allowed when it has been proven that no alternate method of crossing can be made. An applicant shall considered the following methods which includes, but not limited to; directional drilling, jack and bore, construction of a separate utility bridge. A letter stating that

all other alternatives have been evaluated and exhausted, and that a bridge alternative is the only viable remaining alternative.

In addition to the above, the applicant shall provide; plans with details of all connections to the structure, structural calculations, traffic control plans and engineer's cost estimate. These documents shall be prepared by a licensed engineer in the State of New Jersey.

The design of the Bridge Attachment shall be in accordance with AASHTO - LRFD Bridge Design Specifications, latest edition, and NJDOT - Design Manual of Bridges & Structures, latest edition.

The proposed installation shall in no way obstruct or interfere with the waterway or with the free and clear use of the space under the viaduct or bridge.

Materials and workmanship used in construction affecting highway property shall be in accordance with the New Jersey Department of Transportation - Standard Specifications for Road and Bridge Construction, latest edition (including supplements).

The construction and maintenance of the proposed installation shall be at the sole expense of the applicant and at no cost to the County. If the maintenance of the installation unduly interferes with the maintenance of a part of the County's structure, the applicant will maintain such portion of the County's structure. Whenever it becomes necessary for the County to make repairs to its structure, the applicant will upon notice from the County, protect and/or relocate if necessary its installation during the time the repairs are being made by the County.

All materials, construction and maintenance in connection with the installation shall be subject to inspection and approval of the County Engineer's Office.

## **SECTION 18: VIOLATIONS & PENALTIES**

Pursuant to N.J.S.A. 40:24-2, any person, firm, or corporation violating any of the provisions of this Ordinance shall be treated as a disorderly person and shall be subject to a fine in an amount not to exceed one thousand dollars (\$1,000.00) per offense, or such other amount that may be authorized by Law.. . In the case of a continuing violation, each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Failure to notify the County Engineer of any roadway occupancy and/or roadway opening regardless of date, time and / or emergency condition shall result in a penalty / fine as described above, in addition to the required application and permit fees.

Any action authorized by this Ordinance to be taken by the County Engineer may be performed and taken by any duly designated agent thereon.

If it becomes necessary for the County to restore a disturbed area because of the failure of the permittee to do so, the County 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 or its contractor, the County 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 may initiate legal action.

In addition, the County may seek any other remedy that may be available at law or in equity, which may include but not be limited to an action to recover damages and an application or Injunctive Relief.

## **SECTION 19: APPEAL PROCESS**

Any applicant who is denied a permit in accordance with the provisions of this Ordinance may appeal in writing to the office of the County Engineer.

Appeals must be made within five (5) business days of the permit denial. The written appeal and any written documentation in support thereof shall be sent to the office of the County Engineer. The County Engineer shall provide the Permit Appeal Committee with a copy of the following: permit application(s), plans, a copy of the notification of permit denial stating the reasons for the denial and a copy of the written appeal.

The Atlantic County Permit Appeal Committee shall meet within ten (10) business days following receipt of the appeal.

The Permit Appeal Committee shall consist of two (2) designated representatives from the Engineering Division, as appointed by the County Engineer and one (1) representative from the Legal Department as appointed by the County Solicitor.

The Permit Appeal Committee shall review the material submitted by the applicant and may consult with the Atlantic County Board of County Commissioners, municipal officials & police departments regarding the matter. The Committee's decision shall be final and binding. The committee shall send the applicant written notification of this decision within forty-five (45) calendar days of receipt of the appeal request.

## **SECTION 20: WAIVERS**

The County Engineer's Office shall not grant waivers 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 roadway and without substantially impairing the intent and purpose of this chapter. Only the County Engineer may grant waivers, except in regard to fees. The County Engineer's Office staff shall have authority to waive application requirements or other requirements for applicants.

If an applicant wishes to seek a waiver, the applicant shall submit such request to the County Engineer and 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.

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

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 section 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. 13:9B-1 et seq.;
  - 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 SECTION 6.

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.

## **SCHEDULE A: FEES**

**Initial Application Fee:** All persons who require a permit pursuant to this Ordinance shall submit an initial application fee in the Amount of 100.00. In addition to the initial application fee, the applicant shall submit a permit fee based upon the nature and extent of the work as follows:

### **County Road Occupancy Permit:**

DRC Approved Projects..... 3% of bond amount

Longitudinal Trench Opening (Up to 200 Square Feet)..... \$450.00  
Over 200 Square Feet..... \$100.00 per each additional 200 sq. ft.

Jack/ Boring (Up to 200 Linear feet)..... \$450.00  
Over 200 Linear Feet..... \$100.00 per each additional 200 linear ft.

Utility Pole Installation or Replacement.....\$50.00 each  
Overhead Utilities (Up to 1500 linear foot) ..... \$250.00  
Over 1500 linear foot .....\$100.00 per each additional 1000 linear foot

Road Widening (Up to 300 Square Yards).....\$750.00  
Each Additional 100 Square Yards..... \$150.00

### **DETAILED PLANS ARE REQUIRED**

Test Holes/ Soil Boring..... \$100.00 + \$50.00/ Unit

Monitoring Wells..... \$100.00 + \$100.00/ Unit

Drainage/SEWER Facilities (Inlets and Manholes & Pipe Lining and Cleaning)..... \$250.00 + \$100.00/ Unit

Driveway: Residential..... \$100.00  
Commercial (Up to 25 linear Feet)..... \$550.00  
Commercial (Over 25 linear Feet)..... \$750.00  
Temporary Driveway/ Construction Access..... \$250.00 Residential / Commercial

Curb, Gutter, Sidewalk (Up to 100 Linear Feet)..... \$100.00 / \$450.00  
(Each Additional 100 Linear Feet or portion thereof)..... \$50.00 / \$150.00

Oversized Load or Heavy Transport on County Road..... \$500.00/ Per Trip

Bridge Attachment (Up to 50 Linear Feet)..... \$1,000.00  
Over 50 Linear Feet.....\$250.00 per each additional 25 feet

Other Work or Encroachment within ROW..... \$250.00 per permit

(Examples include, but are not limited to: Pavement Marking Modifications, Guiderail Modifications, Grading, Swales, Basins, footing for signs or utility improvements, Clearing, Tree Work and Lane Closures)

Moratorium Fee: Permit fees will be doubled for work within roads that are under moratorium.

### **SCHEDULE B – PERFORMANCE AND MAINTENANCE BONDS**

	In Paving/ Out of Paving
Longitudinal Trench Opening (Up to 200 Square Feet).....	\$4,200.00 / \$750.00
Each Additional Square Feet.....	\$12.00 per sq. ft. / \$2.00 per sq. ft.
Jack/ Boring.....	\$1,500.00 + 30.00 per linear foot
Road Widening (Up to 50 Square Yards).....	\$3,600.00
Each Additional Square Yard.....	\$35.00 per sq. yd.
Test Holes/ Soil Boring/ Monitoring Wells (In paving).....	\$1,500.00 / Unit
Drainage/SEWERAGE Facilities.....	\$2,000.00
Driveway: Residential.....	No Surety Required
Commercial (Up to 25 linear Feet).....	\$1,500.00
Commercial (Over 25 linear Feet).....	\$2,000.00
Temporary Driveway/ Construction Access.....	No Surety Required
Curb and Gutter (0-50 Linear Feet).....	\$1,200.00
(51-100 Linear Feet).....	\$2,000.00
(Each Additional 100 Linear Feet).....	\$1,000.00
Sidewalk.....	No Surety Required
Bridge Attachment.....	Based on Engineer's Cost Estimate