



ESSEX COUNTY BOARD OF CHOSEN FREEHOLDERS

HALL OF RECORDS, ROOM 558
465 DR. MARTIN LUTHER KING, JR., BLVD.
NEWARK, NJ 07102

(973) 621-4486
(973) 621-5695 (FAX)

Email:
DDAVISFORD@FREEHOLDERS.ESSEXCOUNTY.NJ.ORG

MC
SV
DS
FW

Reading fees

Deborah Davis Ford
Clerk of the Board

September 21, 2009

Hon. Joseph DiVincenzo
Essex County Executive
Hall of Records, Room 401

Ordinance No: O-09-0029
With Attachment
Meeting Date: September 16, 2009

Dear County Executive DiVincenzo:

Enclosed please find one (1) certified copy of the above-noted ordinance, which was adopted on first reading by the Essex County Board of Chosen Freeholders on September 16, 2009.

Sincerely,

Deborah Davis Ford
Clerk of the Board

DDF:lt

Enclosures: Cert. Copy of Ordinance with Attachment

cc: Joyce Wilson Harley, County Administrator
Anthony Abbaleo, Chief Financial Officer
Paul Hopkins, Treasurer
Philip LiVecchi, Dir. Dept of Public Works
James Paganelli, Dir. Essex County Counsel



COUNTY OF ESSEX, NEW JERSEY
BOARD OF CHOSEN FREEHOLDERS

State of New Jersey,}
County of Essex } ss

I Deborah Davis Ford, Clerk

of the Board of Chosen Freeholders of the County of Essex in the State of New
Jersey

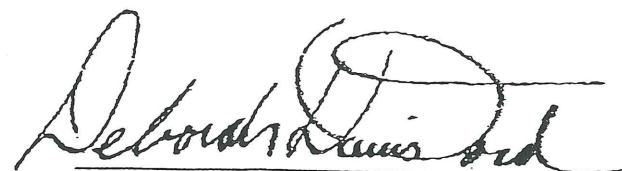
Do Hereby Certify, the foregoing to be a true copy of a ordinance adopted at a meeting of
said Board on Wednesday

16 the September day of 2009

, _____ together with the certification, signatures and endorsements thereon.

ORDINANCE NO. O-09-0029

*IN Testimony WHEREOF, I have hereunto set my
hand and affixed the official seal of said County at
Newark this 17 day of
September 2009 A.D.*


Clerk of the Board

ORD # 1

ORDINANCE OF THE BOARD OF CHOSEN FREEHOLDERS
COUNTY OF ESSEX

ORDINANCE NO. 0-09-0029 AUTHORITY FOR ORDINANCE: N.J.S.A.40:41a-100(d)
N.J.S.A.40-41A-38
N.J.S.A.40-41-A-41b

PROPOSED BY: COUNTY EXECUTIVE AUTHORITY FOR ACTION: C.C.E. Article II:1-14(F)

ORDINANCE ADOPTING REVISED ROAD OPENING SPECIFICATIONS AND FEE
SCHEDULE FOR CONSTRUCTION IN THE ESSEX COUNTY RIGHT-OF-WAY

WHEREAS, the County of Essex wishes to regulate the excavation, maintenance, and restoration of Essex County Roads; and

WHEREAS, the report and recommendation of the Essex County Director of Public Works and Essex County Engineer shows that the provisions of said Ordinance need to be adopted to reflect current standards and specifications, and costs.

NOW THEREFORE BE IT ORDAINED by the Board of Chosen Freeholders of Essex County, that said Board, on behalf of said County hereby adopts the "Road Opening Specifications and Fee Schedule for Construction in the Essex County Road Right-Of-Way Date September 2009" and all provisions a part thereof; and

BE IT FURTHER ORDAINED by the Board of Chosen Freeholders of Essex County, that said Board, on behalf of said County hereby authorizes and directs the Essex County Director of Public Works to make this Ordinance a part of the aforementioned "Road Opening Specifications and Fee Schedule for Construction in the Essex County Road Right of Way, date September 2009" and to arrange for same to be printed and to supply each and every applicant for a Essex County Road Opening Permit with a copy of said Ordinance and Specification; and

BE IT FURTHER ORDAINED by the Board of Chosen Freeholders of Essex County, that said Board, on behalf of said County that a person, corporation, officer or board violating General Provision No. 2 of the aforementioned "Road Opening Specifications and Fee Schedule for Construction in the Essex County Road Right of Way shall for each violation be subject to following order of violations:

First Offense - Warning letter to correct problem. (Attach sample letter as Appendix)
Second Offense - \$250.00 Fine payable to the County of Essex.
Third Offense - \$500.00 Fine payable to the County of Essex.

BE IT FURTHER ORDAINED that this Ordinance shall take effect at the time and in the manner prescribed by law.

BE IT FURTHER ORDAINED that executed copies of this Ordinance and schedule be forwarded to Philip LiVecchi, Director, Department of Public Works and James Paganelli, Essex County Counsel.

Approved as to form and legality [Signature]

RECORD OF VOTE: X=Vote N.V.=Abstention ABS=Absent

FIRST READING

Moved by Freeholder BEASLEY
Seconded by Freeholder JOHNSON

SECOND READING

Moved by Freeholder _____
Seconded by Freeholder _____

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No	N.V.	ABS
BEASLEY	X				BEASLEY				
CAPUTO,V.P.	X				CAPUTO, V.P.				
CAVANAUGH				X	CAVANAUGH				
CLARK				X	CLARK				
GONZALEZ	X				GONZALEZ				
PAYNE,JR.				X	PAYNE,JR				
WATSON,PRESIDENT	X				WATSON,PRESIDENT				
SEBOLD	X				SEBOLD				
JOHNSON	X				JOHNSON				

Date Mailed to Municipal Clerks 9-18-09
Date Public Hearing 10-14-09
Date Published Sept. 23, 2009

Date Mailed to Municipal Clerks _____
Date Published _____

It is hereby certified that the foregoing Ordinance was
☒ adopted () defeated () tabled by roll call vote at
SPECIAL meeting of the Board of Chosen
Freeholders of the County of Essex, New Jersey, held on
Sept. 16, 2009.

It is hereby certified that the foregoing Ordinance
was () adopted () defeated () tabled by roll
call vote at _____ meeting of the
Board of Chosen Freeholders of the County of
Essex, New Jersey, held on _____

[Signature]
Blonnie R. Watson, President

Blonnie R. Watson, President

The foregoing Ordinance has been duly presented to me on
I hereby () approve () disapprove the same on
Returned and filed _____

Deborah Davis Ford, Clerk

Joseph N. DiVincenzo Jr., County Executive

Ordinance – Road Opening Specs & Fee Schedule for Constr. in the EC Road of Way

0-09-0029
9-16-09.

**THE ESSEX COUNTY DEPARTMENT
OF PUBLIC WORKS**

DIVISION OF ENGINEERING

**ROAD OPENING SPECIFICATIONS
AND**

FEE SCHEDULES

FOR

**CONSTRUCTION IN THE ESSEX COUNTY
ROAD RIGHT OF WAY**

DATE: SEPTEMBER 2009

TABLE OF CONTENTS

AUTHORIZING ORDINANCE	Page 1
GENERAL PROVISIONS	
1. Definition.....	2
2. Prohibition.....	2
3. Restrictions (also see Gen. Prov. #11).....	2
4. Applications for Permit.....	2-3
5. Applicant.....	3
6. Application Fee and Performance Guarantee.....	3
7. Persons or Corporation under contract to Essex County (Permit Requirements)	3
8. Municipal Entities (Fee Requirements).....	3
9. Utilities (Fee Waivers).....	3
9A. Utilities-Standing Agreement	4
10. Land Development Projects-permit requirements (New Access Points to County Roads).....	4
11. Permit Expiration & Working Restrictions.....	4
12. Notification to County of Essex.....	4
13. Notification to Utility Owners.....	5
14. Notification to Property Owners.....	5
15. N.J. Dept. of Transportation Specifications.....	5
16. Installation of Utilities	5
17. Traffic Control.....	4
18. Road Closings & Traffic Restrictions (also see Appendix #7).....	5-6
19. Insurance Requirements (also see General Provision No. 6 and Appendix #14)	6-7
20. Inspection by County of Essex and Non-Compliance.....	7-8
21. Maintenance Guarantees and Return of Deposits.....	8
22. Waivers.....	8
23. CALL BEFORE YOU DIG	8
GENERAL FEE SCHEDULE	
PROVISIONS.....	8
FEE SCHEDULES.....	
1. Ordinance No. 0-09-0008	9
2. Ordinance No. 0-09-0007	9

TECHNICAL PROVISIONS

1.	Excavation, backfill and general restoration requirements.....	10
2.	Paved Roads (Restoration).....	11
3.	Concrete Roads or Concrete Road Overlaid with Bituminous Pavement (Restoration).....	11
4.	Unpaved Shoulders Areas (Restoration).....	11
5.	Areas Beyond Shoulders (Restoration).....	11
6.	Tunneling.....	12
7.	Disturbance of County Facilities other than pavements, shoulders, and lawn areas	12
8.	Emergency or Hardship Restoration (See General Provision #3).....	12

APPENDIX

Road Opening Permit Application
Mandatory Call for Appointment
Permit
Ordinance Establishing Fee Schedule for Road Storage Permits
Ordinance No. 0-09-0008
Ordinance Establishing Fee Schedule for Inspection Within County
Road Rights-of-Way Ordinance No. 0-09-0007
Sample Insurance Certificate
Sample Indemnity and Hold Harmless
Sample Notice of Violation.
Sample Notice to Establish the Irrevocable Letter of Credit
Performance Agreement Payment Options
Notice of Permit Requirements
Permit Requirements for Dumpsters/Containers on County Roadways
Granite Curb Detail
Utility Trench Restoration for Roads Paved more than 5 Years Age
Milling and Resurfacing Limits – Details A, B, & C
Milling and Resurfacing Limits – Details D, E. & F
NJDOT Milling and Resurfacing Limits
Construction Details (129) 10, 11, 21,34, 37, 38, & 39

**ORDINANCE ADOPTING REVISED ROAD OPENING SPECIFICATIONS AND
FEE SCHEDULE FOR CONSTRUCTION IN THE ESSEX COUNTY RIGHT-OF-WAY,
DATED SEPTEMBER XX, 2009**

WHEREAS, the Board of Chosen Freeholders of the County of Essex wishes to regulate the excavation, maintenance, and restoration of Essex County Roads on September XX, 2009; and

WHEREAS, the report and recommendation of the Essex County Director of Public Works and Essex County Engineer shows that the provisions of said Ordinance need to be adopted to reflect current standards and specifications, and costs.

NOW THEREFORE BE IT ORDAINED by the Board of Chosen Freeholders of Essex County, that said Board, on behalf of said County hereby adopts the "Road Opening Specifications and Fee Schedule for Construction in the Essex County Right-Of-Way (ROW)", Dated September XX, 2009" and all provisions a part thereof; and

BE IT FURTHER ORDAINED by the Board of Chosen Freeholders of Essex County, that said Board, on behalf of said County hereby authorizes and directs the Essex County Director of Public Works to make this Ordinance a part of the aforementioned "Road Opening Specifications and Fee Schedule for Construction in the Essex County (ROW)", dated September XX, 2009 and to arrange for same to be printed and to supply each and every applicant for a Essex County Road Opening Permit with a copy of said Ordinance and Specification; and

BE IT FURTHER ORDAINED by the Board of Chosen Freeholders of Essex County, that said Board, on behalf of said County that a person, corporation, officer or board violating General Provision No. 2 of the aforementioned "Road Opening Specifications and Fee Schedule for Construction in the Essex County (ROW)" shall for each violation be subject to following order of violations:

- First Offense - Warning letter to correct problem. (Attach sample letter as Appendix)
- Second Offense - \$250.00 Fine payable to the County of Essex.
- Third Offense - \$500.00 Fine payable to the County of Essex.

GENERAL PROVISIONS

1. A Road Opening by definition includes any and all work within the Essex County (ROW).
2. No person, persons or corporation, municipal or private, nor any utility company, public or private, shall for any purpose occupy, open, tear up, excavate, bore, tunnel or drive under or in any way impair the surface or subsurface within the limits of the right-of-way of any County road without first obtaining a permit from the County Director of Public Works and/or the County Engineer. The permit or copy thereof shall be available at the site during the duration of the work and shall be presented for inspection upon request of the County Director of Public Works and/or the County Engineer or his authorized representative.
3.
 - (a) No permit shall be issued to open the pavement of any road, which has been constructed or reconstructed for a period of five (5) years from the date of completion of said construction except in the event of an emergency, special consideration or hardship. No permit shall be issued to open the pavement of any road which has been overlaid for a period of three (3) years from the date of completion of said overlay work except in the event of an emergency, special consideration or a hardship. An emergency or hardship shall include a water main break, gas leak, sanitary sewer break, or any situation, which may result in harm to the public's health, safety, welfare or damage to public or private property. Special Consideration may be made for work if a request is made in writing to County Director of Public Works and/or County Engineer and approval is granted.
 - (b) The County of Essex places a winter moratorium on all roadways from November 15th to March 15th. No work is permitted in the roadway unless given written permission from the Director of Public Works and/or the County Engineer or his authorized representative. Steel plates are not allowed on the roadway during this time period.
 - (c) The discharge of water on the County roadway or any part of the County ROW right-of-way is prohibited. It is encouraged having water discharged into the catch basin or construction of a dry well behind the County ROW. Failure to comply with this requirement will result in fines based upon the ordinance on page one(1) of this document.
4. Application for a permit shall be made in writing on forms as prescribed by the County Director of Public Works Plans, profiles, insurance certificate, application and deposit fees, and other details necessary to accurately depict the work to be performed shall be submitted with the application. When an opening is less than 100 feet long and County facilities other than road surfaces will not be affected, the County Director of Public Works and/or the County Engineer or his authorized representative may waive the requirements for submission of plans. If the requirement for submission of plans is waived, a sketch on the application showing the proposed work and its exact location will suffice.

The County Director of Public Works and/or the County Engineer or his authorized representative shall review the application and accompanying data. The applicant will then be notified as to any objections to the application, and any conditions to be imposed on the application. A Temporary Construction Permit Notice may be issued so work can begin in advance of final acceptance of the Application.

When satisfied that the applicant has complied with all provisions governing the application, the County will issue a permit. Work shall commence when the applicant gives 24-hour notice to the Office of the County Engineer after the date set forth in the issued permit. Work shall commence within 30 days of permit issuance.

In the event of an emergency, the two (2) week filing period may be waived by the County Director of Public Works and/or the County Engineer or his authorized representative and the permit may be issued within a shorter period of time as may be deemed appropriate. If circumstances warrant, an verbal oral application immediately followed by a facsimile must be made within 24 hours, followed by a written application submitted within 48 hours.

5. The applicant should be a contractor, either corporate, individual, or partnership, who will be actually engaged in the performance of the work under the permit and/or who will be directly responsible for the performance of the work, for the adherence of the work to the specifications. The County Director of Public Works and/or the County Engineer at their discretion may issue a permit to a property owner.
6. The Essex County Director of Public Works and/or the County Engineer or his authorized representative will not issue a permit unless the applicant has deposited, as security for faithful performance, a certified check or money order made payable to "Essex County," the amount thereof to be based on the Deposit Fee Schedule as contained in the Fee Schedule herein provided. When the required Deposit Fee exceeds \$5,000.00 the payment may be in the form of a letter of credit or an additional certified check. The applicant shall also pay, by separate money order or certified check, a non refundable application fee and inspection fees as set forth in said schedule and shall submit proof of insurance as set forth in Item 19 of these General Provisions. The applicant shall provide a W-9 form to the County.
7. Permits may be required of persons or corporations under contract to the County of Essex to perform work within the County (ROW), however applicable fees may be waived, if said entity is taking out the permit. Applicable fees apply to contractors.
8. Application fees and Performance Guarantee will not be required from any municipal entity providing all work is performed by the municipal entity. However, any person or corporation under contract to a municipality to install water lines, sanitary sewer lines, or any other facility shall be required to submit their certificate of liability insurance.

9. Performance Guarantee will not be required from any public utility, as defined in N.J.S.48: 2-13, which is subject to the jurisdiction and control of the Board of Public Utilities Commissioners of the State of New Jersey providing they have executed our standing agreement referred to in Paragraph 9A.
- 9A. In order for a utility company to avoid the requirement that its contractor comply with all the provisions of these specification, the utility company may satisfy the requirements in Paragraph 9A by signing a Standing Agreement with the County of Essex which provides the following:
- a. In the event any monies are drawn against the cash bond, the utility company must immediately replace the sum withdrawn upon notification by the County.
 - b. Comply with the requirements to provide insurance certificates for themselves and their contractors as required in these specifications.
 - c. The utility company must have a representative on the job and/or site at all times, and have this representative serve as the liaison between the utility company and its contractor and be prepared to immediately implement and carry out the County's instructions, requirements and directives.
 - d. The utility company must have access to its contractor day and night and provide the County with the telephone numbers for its field representative so the County can contact this representative day or night, seven days a week.
 - e. Post a standing bond in the amount of \$1,000,000.00 to insure and guarantee restoration of the roads, compliance with the specifications and all the obligations set forth in this Specifications and Fee Schedule for Road Opening Permits.
 - f. The Standing Agreement will be entered into on an annual basis and may not be renewed if the utility company has not complied with the terms in these Specifications and the annual Standing Agreement.
10. A road-opening permit is required for improvements to be constructed in the County (ROW) that are part of Land Development Projects. Performance Guarantees will not be required of applicants for permits to install Land Development Project improvements by the Essex County Planning Board.

When applying for a permit for the above purpose, the applicant must provide the County Director of Public Works and/or the County Engineer or his authorized representative with confirmation, in writing, from the County Planning Board that the subject application has been approved by the County Planning Board.

Application Fees and Performance Guarantees will be required for the permits necessary for the installation of utilities that are required to serve Land Development Projects, should Performance Guarantees for same not be required by the County Planning Board.

11. Except in the event of an emergency as described in General Provision No. 3, the first day of work for which a permit is issued cannot be a Friday, Saturday, Sunday or eve of a legal holiday.

12. The applicant shall notify the County Director of Public Works and/or the County Engineer or his authorized representative and the local police department at least forty-eight (48) hours in advance of the actual commencement of any work. The applicant shall also provide the local police department with the names and night phone numbers of at least two individuals authorized to make emergency repairs to the road opening.
13. The applicant shall comply with all applicable statutes pertaining to notification of any person or corporation engaged in the distribution or transmission of manufactured, mixed or natural gas or synthetic natural gas, liquefied natural gas or propane gas in the area of the proposed road opening and ascertain from such person or corporation the location of all such as lines or pipe lines within 200 feet of the proposed excavation, including calling 1-800-272-1000. The applicant shall be solely responsible for ascertaining the location of all utilities and for the repair of same if damaged as a result of work for which the road opening permit is issued.
14. The applicant shall notify all property owners at least **FORTY EIGHT (48) HOURS** in advance of any work which will interfere with access to their residence or place of business.
15. The latest New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction with all amendments and supplements shall govern all of the work performed under these specifications except as supplemented herein.
16. All utilities shall be constructed with a minimum of four feet of cover to provide protection for the utilities in the event that future County road reconstruction, repair or modifications which necessitates excavation, undercutting, or installation of facilities in the area where the utility is located.
17. Construction signing will be installed 24 hours in advance of a multi day construction project and arrangements made for the Director of Public Works and or the County Engineer or his representative to inspect same before construction commences. The signage must be properly covered until the commencement of work.
18. No County Road shall be closed to traffic without the prior consent of the County Director of Public Works and the local police department. The applicant shall first obtain the written consent of the local police department to establish a detour. Plans showing the proposed detour and signing for same shall then be submitted by the applicant to the local police department and the County Director of Public Works and or the County Engineer or his authorized representative for approval. The applicant shall also obtain all approvals/or permits required by any other jurisdiction affected by the detour or the signing for same.

Once approval to close a road has been obtained, the applicant is responsible to notify affected Municipal Entities including Police Department, Boards of Education, Fire Departments, Rescue Squads, and any others deemed necessary as to the dates the closing will be in effect.

Traffic shall not be constricted on any County Road without the prior consent of the County Director of Public Works and or the County Engineer or his authorized representative and the local Police Department. Passage at all times must be available to emergency vehicles. Adherence to the current New Jersey Manual of Uniform Traffic Devices (MUTCD) and Construction Zone Safety Control is mandated to all applicants.

The County Director of Public Works and/or the County Engineer or his authorized representative may, upon consultation with the local Police Department, restrict the hours during which work may be performed in a County road when traffic is to be constricted or detoured as the result of said work.

Work, which constricts traffic on any County road, will be limited to 9:00 AM to 3:00 PM or as determined by the Director of Public Works and/or the County Engineer or his authorized representative.

19. The applicant shall indemnify and save harmless the County, its officers and employees, from all suits, actions, or claims of any character brought because of any injuries or damage received or sustained by any person, persons, or property on account of or in consequence of any neglect in safeguarding the work; or through use of unacceptable materials in constructing the work; or because of any act or omission, neglect, or misconduct of said Applicant; or because of any claims or amounts recovered from any infringements of patent, trade work, or copyright; or from any claims or amounts arising or recovered under the Workmen's Compensation Act, or any other law, ordinance, order, or decree; and so much of the money due the said applicant under and by virtue of his work under this permit as may be considered necessary by the County for such purpose may be retained for the use of the County; or in case no money is due, his Performance Guarantee may be held until such suit or suits, action or actions, claim or claims for injuries or damages as aforesaid shall have been settled and suitable evidence to that effect furnished to the County; the applicant shall produce an insurance certificate deemed acceptable to the Director of Public Works and/or the County Engineer or his authorized representative.

The applicant shall provide a certificate of insurance indemnifying the County and that the terms of the indemnification should be covered by the applicant's insurance.

Workmen's Compensation and Liability Insurance shall be maintained in force during the life of the work under the permit by the applicant covering all employees engaged in performance of the work under this permit in accordance with applicable statute.

As a minimum, the applicant shall carry the following kinds and amounts of insurance in addition to any other form of insurance required under the terms of these Specifications. When applying for a permit, the applicant shall file with the Director of Public Works and/or the County Engineer or his authorized representative a certificate from his insurance company/ies showing the amounts of insurance carried and the risks covered thereby, or a copy of the required insurance policies. All insurance policies described herein shall contain a provision that the same shall remain in full force and effect for a

period not to exceed two (2) years after the last work under any permit has been completed and accepted by the County and shall name the County of Essex, its Officers and employees as additional insured's.

A General Liability Insurance of not less than \$1,000,000.00 for all damages arising out of bodily injury or death and or an amount deemed appropriate by the Director of Public Works and/or the County Engineer or his authorized representative subject to that limit an aggregate limit of \$2,000,000.

Property Damage Liability Insurance providing for a limit of not less than \$1,000,000.00 for all damages arising out of injury or destruction of property in any one accident or occurrence and subject to that limit per accident, a total or aggregate limit of \$2,000,000.00 and or an amount deemed appropriate by the Director of Public Works and/or the County Engineer or his authorized representative for all damages arising out of injury to our destruction of property during the policy period.

Automobile Liability Insurance covering the applicant for claims arising from owned, hired, and non-owned vehicles with limits of not less than \$1,000,000.00 one person and \$3,000,000.00 any one accident for bodily injury and \$1,000,000.00 each accident and or an amount deemed appropriate by the Director of Public Works and/or the County Engineer or his authorized representative for property damage shall be maintained in force during the life of the work under this permit.

In addition, with respect to the operations the Applicants subcontractors perform, the applicant shall carry for them and in the name of the County, regular protective liability insurance in the amount of \$1,000,000.00, and regular protective property damage liability insurance in the amount of \$1,000,000.00 and or an amount deemed appropriate by the Director of Public Works and/or the County Engineer or his authorized representative.

It is specifically agreed between the parties executing this permit that it is not intended by any of the provisions of any part of these specifications to create for the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to the requirements of this permit to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this permit.

20. The County Department of Public Works and/or the County Engineer or his authorized representative shall periodically inspect all road openings and the repair and resurfacing thereof for the purpose of determining compliance with any conditions imposed on the issuance of the permit and compliance with the specifications. The County Department of Public Works/County Engineer may, upon the recommendation of its inspector:

- a. Order a temporary stop to any road opening and order that the applicant perform or correct specified work in accordance with the directions of the County Department of Public Works and or the County Engineer or his authorized representative.

- b. Order a stop to any work and revoke permit in which event the County Department of Public Works and/or the County Engineer shall complete, or cause to be completed, any work necessary to restore the road (See General Fee Schedule Provisions, Paragraph B).
- c. Correct, or cause to be corrected, any work after notification to the applicant by the local police or the County Department of Public Works and/or the County Engineer and the neglect or refusal of the applicant to make corrections as indicated, at the sole cost and expense of the applicant.
- d. Correct, or cause to be corrected, any work should the local police or the County Department of Public Works and/or the County Engineer or his authorized representative be unable to contact the Applicant or any of the Applicant's representatives whose phone numbers appear on the permit application at the sole cost and expense of the applicant.
- e. Take any other action deemed reasonable under Ordinance No.O-09-0008.

21. Depending upon the scope of work in the County (ROW), some applicants may be required to post a performance guarantee along with a permit and inspection fees. The Performance Guarantee amount is based upon the amount/cost of work being performed in the County (ROW). All Performance Guarantees shall contain a provision that the same shall remain in effect for a period not to exceed one (1) year after the last restoration work under any permit has been completed and accepted by the County. In the event any maintenance is required due to any action taken on a road permit (such as potholes or the like) that the County may be authorized not only to forfeit any funds posted in the Performance Guarantee, but also to withhold any future permits until the work has been satisfactorily completed. At the end of the one (1) year period, it is the applicant's responsibility to notify the office of the County Department of Public Works and/or the County Engineer or his authorized representative requesting a final inspection and release of the maintenance guaranty.

22. The provisions herein set forth are designed as minimum requirements for the safety and welfare of the general public. However, if an applicant can demonstrate that, with reference his application, the ideal enforcement of one or more of said provisions will exact an undue hardship, the Director of Public Works and/or the County Engineer or his authorized representative or his designated representative may permit such waiver or waivers as may be reasonable and within said general purposes.

23. CALL BEFORE YOU DIG FOR UTILITY LOCATIONS: 1-800-272-1000.

GENERAL FEE SCHEDULE PROVISIONS

- A. In the event the County Department of Public Works is required to make repairs to a road opening or is required to make arrangements for such work, the County is authorized to utilize the Performance Guarantee to pay for such work and the applicant shall reimburse the County for any cost in excess of the Performance Guarantee prior to further disturbance of the road. Should the need for County repairs to a road opening occur after normal working hours, and County Inspectors are required at the site, the applicant will be charged at a rate of \$100.00 per day or portion thereof. Overtime will be charged at 1.5 times the per day rate. In the event the County finds it necessary to file a claim against the applicant's Performance Guarantee, said claim must also be satisfied prior to the further disturbance of the County road by the applicant.

FEE SCHEDULE

APPLICATION FEE (non-refundable)

ROAD OPENING (Ordinance No. O-09-0008)

	Fee
1. a. Fee for Permit	\$100.00
b. Opening of bituminous or concrete pavement on concrete or bituminous stabilized base	\$200.00/sq. yd.
c. Opening of earth shoulder	\$100.00 /sq. yd..
d. Storage on right of way, first 15 days or portion for each month or portion therefore	\$100.00 ea \$90.00month or..... portion therefore
e. Skim Patch of disturbed area	\$150.00/sq. yd.
2. That the charge to a delete public utility company insert Permittee for a County Inspector to inspect therefore work done by such delete public utility insert Permittee within a County right of way.	\$100.00/day or portion therefore

Prior to paving, the applicant shall be responsible for the adjusting or for arranging for the adjustment of all facilities such as manholes, inlets, utility boxes, etc. so that they will conform to the cross slope of the restored surface of the roadway.

Compaction of pavements and stone shoulders shall be by use of rollers having a minimum weight of ten (10) tons or the equivalent thereof.

The County Director of Public Works and/or the County Engineer or his authorized representative may require that any portion of a trench be re-excavated and restored in accordance with provisions contained herein until the expiration of the period of maintenance.

2. For openings in pavements where concrete pavements do not exist the trench backfill shall be compacted to a level three (3) inches below the level of the adjacent paved surface. All adjacent paved surfaces of the trench shall be tack coated. A three (3) inch compacted thickness of Bituminous Stabilized Base Course, Mix I-2 shall then be constructed. After a minimum of six (6) months, or at the discretion of the County Director of Public Works and/or the County Engineer or his authorized representative, a saw shall be used to cut the pavement to its full depth in neat straight lines a minimum of six (6) inches beyond the perimeter of the existing trench, unless limits of excavation fall within two (2) feet of existing edge of pavement, then restoration shall extend to edge of pavement. The trench shall then be excavated to a depth of eight (8) inches and all adjacent surfaces of said trench shall be tack coated. A six (6) inch (two lifts) compacted thickness of Bituminous Stabilized Base Course, Mix I-2 and two (2) inch compacted thickness of Bituminous Stabilized Surface Course, Mix I-5 paving material as specified by the County Director of Public Works and/or the County Engineer shall then be constructed level with adjacent paved surfaces.
3. For openings in concrete pavements or in concrete pavements overlaid with bituminous concrete, the trench backfill shall be compacted to a level three (3) inches below the level of the adjacent paved surfaces. All adjacent surfaces of the trench shall be tack coated. A three (3) inch compacted depth of Bituminous Stabilized Base Course, Mix I-2 shall be constructed. After a minimum of six (6) months, or at the discretion of the County Director of Public Works and/or the County Engineer or his authorized representative, a saw shall be used to cut the bituminous pavement in neat straight lines a minimum of six (6) inches beyond the perimeter of the existing trench. In the case of a concrete road that has not been overlaid, recutting the concrete will not be required if the original cut is satisfactory and remains undamaged during the course of the work. The trench shall then be excavated to a depth of nine (9) inches and all adjacent surfaces of said trench shall be tack coated. A seven (7) inch (two lifts) compacted thickness of Bituminous Stabilized Base Course, Mix I-2 and a two (2) inch compacted thickness of Bituminous Stabilized Surface Course, Mix I-5 paving material as specified by the County Director of Public Works and/or County Engineer shall then be constructed level with the adjacent paved surfaces.

4. Where openings are made in unpaved shoulder areas, the trench backfill shall be compacted to a level six (6) inches below the top of the adjacent shoulder surfaces. A six (6) inch compacted depth of Dense Graded Aggregate Base Course shall then be constructed. After a minimum of six months the shoulder area shall again be compacted and redressed with a compacted layer of Dense Graded Aggregate Base Course. Where existing or proposed manholes are located in disturbed shoulder areas, a minimum of two (2) inches of Bituminous Stabilized Surface Course, Mix I-5 shall be placed eight (8) feet on both sides of the manhole casting on six (6) inches of Dense Graded Aggregate Base Course. The width of the pavement shall vary to the dimensions of the existing shoulder.
5. All openings beyond the 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, the area shall be refertilized, reseeded and remulched or resodded as necessary.
6. Tunneling may be permitted along or crossing County road. All voids created by tunneling shall be filled with concrete by an approved method.
7. Repair of County facilities other than pavements, shoulders, or lawn areas, which are disturbed as a result of work performed under the permit, shall be required by the County Director of Public Works and or County Engineer or his authorized representative. When work is to be completed on a County Roadway or intersection that impacts the existing signing, striping, raised pavement markers or traffic signal system, it is the applicant's responsibility to contact the Essex County Traffic Section for mark out of existing facility in the roadway. Any damage to these facilities must be repaired to the satisfaction of the Essex County Director of Public Works and/or the County Engineer or his authorized representative. In the event that the one or both of the centerline markings of the roadway are disturbed or damaged, both centerline markings shall be replaced. All restoration required by this section shall be done in conformance to the current County standards. Any excavations or openings within the County (ROW) must be restored to as good or better condition as existed prior to the commencement of work.
8. In accordance with the general provisions, Section 3, in the event of an emergency or hardship, the roadway shall be restored in accordance with the Technical Provisions herein and including a full curb to curb 2" depth milling and overlay at a minimum of 100 feet beyond the opening, or by using the infrared pavement restoration process, or as specified by the County Director of Public Works and/or the County Engineer.