ORDINANCE 2018-04

Borough of Metuchen
County of Middlesex
State of New Jersey

AN ORDINANCE AMENDING CHAPTER 166 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED “STREETS AND SIDEWALKS”

WHEREAS, Chapter 166 of the Code of the Borough of Metuchen regulates Streets and Sidewalks within the Borough of Metuchen; and

WHEREAS, the Borough of Metuchen has determined to revise its permit requirements relating to the repair and construction of sidewalks, curbs, aprons and ADA ramps within the Borough

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen that it hereby amends Chapter 166 of the Code of the Borough of Metuchen entitled, “Streets and Sidewalks”, specifically § 166-34, 166-35, § 166-36, § 166-37, § 166-39, and § 166-40 and to create § 166-41, entitled “Enforcement” and § 166-42, entitled “Violations and penalties” to read as follows:

Article 4. Construction and Maintenance of Sidewalks
[Adopted 9-26-1966 as Article III of Ch. 22 of 1966 Code; amended in its entirety
1988 by Ord. No. 88-7]

§ 166-34. Permit required.

Prior to the work of laying or repairing any sidewalk or curb, a permit therefor shall be obtained from the Zoning Official by the owner of the premises or the person performing such work. Dependent upon the proposed work, one of the following two permits shall be required: (1) Partial Sidewalk/Curb/Apron Permit or (2) Entire Sidewalk/Curb/Apron Construction, Replacement and/or an ADA Ramp Permit.

§ 166-35. Information; fees; deposit

A. Applications for said permit shall state the location of the proposed work, the name of the owner and the name of the contractor, if any. In addition, a refundable security deposit will be required before any such permit is issued. The amount of the deposit will be determined in accordance with the following schedule:

(1) Concrete sidewalks: $2.00 per square foot.

(2) Concrete curb: $2.50 per linear foot.
(3) Driveway apron: $4.00 per square foot. [Added 2-7-2001 by Ord. No. 2001-2]

(4) ADA Ramp: $4.00 per square foot.

B. These deposits shall be held by the Borough and all remaining amounts, if any, shall be returned to the permittee upon a satisfactory inspection by the Borough Engineer in accordance with § 166-40.

C. Correction of any deficiencies shall be done by the permittee. In the event that the permittee shall fail to correct any cited deficiencies within 45 days, or such additional period as agreed to by the Director of Public Works or the Borough Engineer based on a good cause request for an extension, the Borough may take action using the deposit funds to effect such repairs. Nothing contained herein shall limit the liability of the permittee to the Borough for the correction of these deficiencies to the amount of the security deposit. Should the cost of correction exceed the deposit, the permittee shall be liable to the Borough for the remainder which excess sum shall be deemed to be a lien on the appurtenant private property of the permittee to the extent allowed by law.

D. The permit fees shall be as follows:

(1) The permit fee for a Partial Sidewalk/Curb Apron Permit shall be $150.00 ($50.00 Permit/Application Fee and $100.00 Inspection Fee). The Inspection Fee is the cost of the inspection pursuant to this Chapter and is not to be construed as an escrow account, subject to a return. An additional inspection fee of $75.00 shall be assessed for a Partial Sidewalk/Curb Apron Permit for each inspections after the initial two inspections due to a failed inspection.

(2) The permit fee for an Entire Sidewalk/Curb/Apron Construction. Replacement and/or ADA Ramp Permit shall be $550.00 ($50.00 permit/application fee and $500.00 Inspection Fee Escrow). The $500.00 Inspection Fee Escrow shall be replenished in the event that multiple inspections are required and the cost of which exceeds the $500.00 Inspection Fee Escrow. In the event that there remains Inspection Fees in escrow after the final approval required herein by the Borough, said amounts shall be returned to the person or entity who made said payment to the Borough for the Inspection Fee Escrow.


§ 166-36. Expiration of permit

The permit required by § 166-34 shall expire at the expiration of one (1) year from the date of issuance thereof.

§ 166-37. Specifications
Any new sidewalk or curb constructed after January 1, 1988, or any present sidewalk or curb repaired thereafter shall conform with the specifications for such work as contained herein.

A. Curbs shall be constructed of concrete and shall extend, in depth, twenty inches from top to bottom.

B. Curb thickness shall be nine inches at the finished grade of the street and thence downward the entire depth. The thickness shall taper from the grade of the street toward the property line so that, at its top, the curb shall be eight inches thick.

C. The height of the curb above street grade at the curbline shall be six inches.

D. There shall be a 1 1/4 inch radius on the top of the curb facing the street and a 1 1/2 inch radius on the top of the curb toward the property.

E. The front face of the curb shall have a smooth rubbed finish to the street grade line.

F. Expansion joints shall be placed approximately every 20 feet; however, no expansion joints shall be placed in any driveway depression. A one-half-inch bituminous expansion joint shall be provided at least once in every one-hundred-foot section length of curb. Sawed joints two inches in depth may be provided in every other twenty-foot section of curb, in lieu, of the bituminous expansion joint.

G. In case of private driveways' crossing any sidewalk the curb may be depressed across the entire width of the driveway by providing a sloping section at either side with a slope of five inches per foot. The depressed portion of the curb shall maintain a full 20 inches of concrete.

H. All curb construction shall comply with current New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction and the Borough of Metuchen drawings pertaining thereto in design, materials, construction and workmanship.

I. Concrete shall be 4,500 pounds per square inch, air entrained.

J. In cases where downspout water is discharged at the curb, three-inch pipe must be placed under the sidewalk and a three-inch plastic insert through the entire thickness of the curb. This will outlet the water into the gutter. Outlet openings shall be placed three inches from the top of the curb in areas designated by the Borough Engineer.

K. Curb radii of less than a fifty-foot arc and all driveway curb depressions shall be reinforced with a minimum of two, one-half-foot reinforcement rods. Reinforcement rods shall be constructed in a manner acceptable to the Borough Engineer. Curb radii exceeding a fifty-foot arc shall be installed without reinforcement rod.

L. All sidewalks and curbing shall be constructed, reconstructed and repaired in accordance with this article and according to the following specifications:

1. New sidewalks constructed on streets of the Borough of Metuchen shall be of concrete construction and shall comply with the current New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction. Sidewalks shall be scored in general into four-foot sections. A one-half-inch bituminous expansion joint shall be provided at least once in every five-section length of sidewalks. A one-half-inch bituminous expansion joint shall be provided where the sidewalk meets a curb, driveway, concrete private walkway or

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building and at such other places as may be directed by the Borough Engineer. All utility poles, traffic posts, water hydrants, fire hydrants, sign posts and other objects positioned within the sidewalk must be separated with a one-half-inch bituminous expansion joint providing a clearance of six inches of concrete for each object positioned within the sidewalk.

(2) The thickness of all finished walks shall be at least four inches, except where crossing a driveway in which case the thickness shall be six inches, laid on an approved four-inch to eight-inch stone base. All sidewalks shall maintain a 1/4 inch per foot slope toward the curb. The front edge of the sidewalk shall be elevated one inch above the top of the curb and the back edge shall be one inch higher than the front edge. Finished sidewalks shall have a broomed abrasive surface.

(3) Sidewalks shall not be constructed with a curb as a single integral unit.

M. Where sidewalks are a part of the driveway the sidewalk shall maintain grade, with no depression, as to provide a safe and easy walkway. That portion of the driveway that provides access to private property between the curb and the sidewalk shall be constructed of concrete with a minimum thickness of six inches reinforced with wire mesh. A one-half-inch bituminous expansion joint shall be provided where the driveway abuts the sidewalk and/or curb. That portion of the sidewalk that constitutes the driveway shall be six inches in thickness and reinforced with six by six #10/10 wire mesh. Driveways shall be installed as directed in Chapter 110, Land Development.

N. All details of construction not mentioned in this article shall be in accordance with approved engineering specifications.

§ 166-38. Establishment of grade

All sidewalks shall be laid at the grade established by ordinances of the Borough.

§ 166-39. Line and grade

In all cases where requested, the line and grade for any sidewalk shall be approved by the Borough Engineer.

§ 166-40. Inspections

The construction and repair of all sidewalks and curbs shall be subject to an inspection by the Director of the Department of Public Works or the Borough Engineer and shall be finished to the reasonable satisfaction of the Director of Public Works or the Borough Engineer as the case may be. The Director of Public Works or the Borough Engineer shall prepare a list of deficiencies, if any, and shall forward or hand a copy to the permittee.
§ 166-41. Maintenance

Sidewalks and curbs shall be maintained at all times in a safe condition and in such a manner and condition as to avoid any hazard or damage to any pedestrian, person or vehicle lawfully using same. The maintenance of the curb and sidewalk immediately adjacent to a property is the responsibility of the owner of that adjacent property.

§ 166-42. Construction or repair by Borough

The Mayor and Council shall have the authority to construct or repair any sidewalks or curb adjacent to any property located in the Borough so that the same conforms with this article and to assess the cost thereof to the adjacent owner. Such action by the Mayor and Council shall be in conformity with state law regarding special assessments.

§ 166-43. Enforcement

The Zoning Officer, Director of the Department of Public Works, the Borough Engineer, the Building Code Official, Police Department, or other Sub-Code or Code Official, as their jurisdiction may arise, shall be responsible for the enforcement of these subsections of this Chapter.

§ 166-44. Violation and Penalties

Any person who shall violate any of the provisions of this article or any order promulgated hereunder shall, upon conviction, be punished by at least a minimum fine of $100.00 and a maximum fine not exceeding $2,000.00 in addition to compliance with the requirement of applying and obtaining the required permit. Each day on which a violation of this ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine. Nothing herein shall limit the rights and remedies of the Borough of Metuchen for a violation of this Ordinance pursuant to this Chapter and prescribed by law.

BE IT FURTHER ORDAINED that all provisions of Chapter 166 not specifically amended herein shall remain in full force and effect; and

BE IT FURTHER ORDAINED that all provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption, final approval and publication, pursuant to law.
Introduction: March 5, 2018
Date of Publication: March 8, 2018

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on February 19, 2018

________________________
Susan D. Jackson, RMC
Borough Clerk

Adopted: March 19, 2018
Date of Publication: March 22, 2018

________________________   By: ______________________
Susan D. Jackson, RMC     Jonathan M. Busch
Borough Clerk       Mayor

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ATTEST:

BOROUGH OF METUCHEN

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Susan D. Jackson, RMC
Borough Clerk

By: Jonathan M. Busch
Mayor