

**BOROUGH OF GARWOOD**  
**ORDINANCE NO. 23-17**  
**Adopted: July 27, 2023**

Introduced:	July 13, 2023
Motion:	Councilman Graham
Seconded:	Councilwoman Herz

Public Hearing:	July 13, 2023
Motion:	Councilman Lazarow
Seconded:	Councilman Kearney

**AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 146, ENTITLED “STREETS AND SIDEWALKS”, ARTICLE I “EXCAVATIONS, OBSTRUCTIONS AND OPENINGS”.**

**WHEREAS**, the Borough of Garwood (the “Borough”) has previously adopted Chapter 146 of the Code of the Borough of Garwood which established and governs the permits and fees on the modification of streets and sidewalks for the Borough; and

**WHEREAS**, the Borough is seeking to update the fees and conditions for permits in order to be comparable with other similar and surrounding municipalities; and

**WHEREAS**, the Borough Council has determined it appropriate to amend said Ordinances;

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Garwood that Chapter 146 of the Borough Code of the Borough of Garwood entitled, “Streets and Sidewalks”, Article I “Excavations, Obstructions and Openings” is hereby amended as follows (additions underscored, deletions struck-through):

**§ 146-1 Permit required.**

No person, firm, corporation, public utility or authority shall hereafter tear up, open or excavate any portion of the right-of-way of any street in the Borough of Garwood owned, maintained or controlled by the Borough of Garwood for any purpose whatsoever without first making application for and receiving a permit therefor signed in the name of the Borough of Garwood by the Borough Engineer or such other person as the Borough Engineer shall designate in a writing filed in the Office of the Borough Clerk.

**§ 146-2 Application for permit.**

Application for permits shall be made in writing to the Borough Engineer, shall set forth the name and address of the applicant and shall describe the location of the intended excavation, opening, tunnel or obstruction; the size and purpose thereof; time for completion of the work; the name and address of the person to perform the work; the person ordering the work, and the person responsible for restoring the permanent pavement. A diagram, in triplicate, indicating the nature and extent of the excavation, opening, tunnel or obstruction shall accompany this application. A separate permit shall be required for each and every opening or street block unless otherwise agreed by the Borough Engineer. The applicant shall sign the application and shall be bound for all obligations of the permit and shall be referred to hereafter as the permittee. A permit shall not be transferred unless authorized in writing by the Borough Engineer. Permits are valid for 60 days, all work must start within 30 days of permit being issue and completed within 60 days.

**§ 146-3 Fees.**

No permit shall be granted except upon payment by the applicant of the following fees:

A. Road opening permits.

(1) Application fee.

(a) Normal: ~~\$30~~ \$50.

- (b) Nonreported opening: ~~\$90~~ \$250.
- (2) Permit fee.
  - (a) Up to 20 square feet: ~~\$50~~ \$125.
  - (b) Between 20 and 80 square feet: ~~\$100~~ \$250.
  - (c) Additional over 80 square feet: ~~\$0.50~~ \$3 per square feet.
  - (d) Multiple openings are a minimum of: ~~\$50~~ \$100 each.
  - (e) Each 30-day permit extension: \$25
- (3) Inspection fee: ~~\$75~~ \$150.
- (4) Cash bond.
  - (a) Up to 43 square feet: ~~\$800~~ \$1,000.
  - (b) Over 43 square feet: ~~\$18.75~~ \$24 per square feet per opening.
  - (c) Multiple openings are a minimum of \$800 each.
  - (d) Newly paved roads (five years or less): \$0 to \$10,000 as determined by Borough Engineer.

B. Curb permits.

- (1) Application fee: ~~\$20~~ \$30
- (2) Permit fee.
  - (a) Depressed curb (driveway opening): \$50 ~~\$75~~.
  - (b) Full height curb: \$0.50 per linear foot; ~~\$50~~ \$75 minimum.
- (3) Inspection fee: ~~\$75~~ \$150.
- (4) Cash bond.
  - (a) For a single driveway: ~~\$12~~ \$15 per linear feet.
  - (b) All others: ~~\$12~~ \$15 per linear feet.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

ATTEST:

*Catherine D. Cameron*

Catherine D. Cameron, R.M.C.  
Borough Clerk

APPROVED:

*Jennifer Blumenstock*

Jennifer Blumenstock, Mayor

<u>RECORDED VOTE</u>	<u>INTRODUCTION:</u>	<u>ADOPTION</u>
COUNCILWOMAN HERZ	AYE	AYE
COUNCILMAN KEARNEY	AYE	AYE
COUNCILMAN LAZAROW	ABSENT	AYE
COUNCILWOMAN NOLDE	AYE	AYE
COUNCILWOMAN SALMON	AYE	AYE
COUNCIL PRESIDENT GRAHAM	AYE	AYE