

# **County of Monmouth**

Regulations to Protect County Roadways  
And  
Related Facilities and Excavations



REGULATIONS TO PROTECT COUNTY ROADS, ROAD SURFACES, VIADUCTS AND BRIDGES, AND TO REGULATE THE TEARING UP OR EXCAVATING OF ANY ROAD UNDER COUNTY CONTROL AND TO PREVENT DAMAGE TO COUNTY ROADS AND TO KEEP COUNTY ROADS SAFE AND CONVENIENT FOR TRAVEL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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**SECTION 1. APPLICATION AND PERMIT REQUIRED.** No person, partnership, corporation, public utility, or public municipality, authority or entity shall hereafter occupy, tear up, open, excavate, borrow under or in any way impair traffic, signals, striping, pavement marking, loops, and conduit, the surface or subsurface of any portion of the right-of-way of any road, highway, street, avenue, viaduct or bridge in the County of Monmouth, owned, maintained or controlled by the Monmouth County Board of Chosen Freeholders, for any purpose whatsoever, without first making application for and receiving a written permit therefore, signed in the name of the Monmouth County Board of Chosen Freeholders by the Road Supervisor of the County of Monmouth.

**SECTION 2. INCLUDED WORK AND ACTIVITY.** The application and permit requirement shall also apply to any activity which might damage or otherwise interfere with public use, safety or travel upon any road, highway, street, avenue, viaduct or bridge in the County of Monmouth, owned, maintained or controlled by the Monmouth County Board of Chosen Freeholders.

Included work and activity shall encompass, but not exclusively, the transport of heavy or oversized loads or the **transportation of toxic, radioactive or other hazardous or dangerous** materials upon any said road, highway, street, avenue, viaduct or bridge. Also included shall be the construction of concrete curbs and/or gutters, grading of land and drainage and signing along streets or roads, as well as the creation or widening of a driveway or the **construction of a driveway or street at its connection with a county** road or bridge.

**SECTION 3. EMERGENCY WORK.** 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 Road Supervisor 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 work day 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.

**Emergency Excavation Weekends/ Holidays /After Hours**

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

**SECTION 4. WRITTEN APPLICATION.** All applications must be in writing. Application may be obtained from the Road Supervisor, Monmouth County Highway Department, Freehold, New Jersey.

All applications submitted shall provide the following information: the complete name and address. Or the applicant, provided that if the applicant is a corporation, the name and address of the registered **agent of the corporation shall also be** stated: the name and number of the county road or bridge affected; the nature, location and purpose of the proposed work; the estimated cost of the proposed work; a copy of all applicable site plan, soil erosion permit, tree removal permit, or a sworn statement that site plan approval, soil erosion and/or tree removal permits were not required; and a copy of all State, County and municipal permits or approvals required for the proposed work, including a copy of Monmouth County Planning Board action, as applicable, along with a sworn statement that all appropriate approvals from local, State and Federal jurisdictions have been obtained;

The application shall also be accompanied by an accurate sketch plan, submitted in triplicate, showing the location and extent of the proposed work. The Road Supervisor shall promptly review all applications and may require any other information as may be deemed reasonably necessary to permit a complete review of the application.

An application will be deemed complete when the above information, the permit fee, required plan approvals and any requested information are supplied to the Road Supervisor. The Road Supervisor shall act upon each completed application promptly. The Road Supervisor will then issue a permit, decline to issue a permit or may issue a permit with conditions deemed reasonably necessary to carry out the purposes of this Resolution.

**SECTION 5. PERMIT FEE.** A permit fee in the amount of \$250.00 shall be charged for the review on commercial/utility or \$50.00 for residents, and shall be submitted with the initial permit application. This fee shall be in addition to any other charges relative to proposed construction or work. No permit will be issued until all fees, deposits and bonding have been completed or paid.

**SECTION 6. DEPOSIT AND BONDING.** Following application approval, but prior to issuance of a permit or commencement Or any construction or work, an applicant shall remit a deposit to the Treasurer of the County of Monmouth and in accordance with a Schedule of Standard Road Restoration Deposits covering construction or work affecting county roads, viaducts or bridges. The Road Supervisor shall develop and maintain a Schedule of Standard Road Restoration Deposits which shall be developed in cooperation with the Monmouth County Engineer and shall be based upon generally prevailing construction costs in the County of Monmouth.

Any public utility, authority, entity or municipality of the State of New Jersey may, with the written approval of the Road Supervisor and in lieu of said deposit, file with the Board of Chosen Freeholders a bond in the amount Or \$10,000.00 and satisfactory to the Monmouth County Counsel in form and substance. The Road Supervisor shall withhold approval Or a bond in lieu of deposit where the requesting public utility, authority, entity or municipality has failed to meet satisfactory performance standards on past work.

In addition to the deposit requirements, a permit holder shall **be required to provide a performance bond in a form** approved by the Monmouth County Counsel and in an amount established by the Monmouth **County Engineer using current unit price bids for similar work performed for the County of Monmouth an. calculated so as** to ensure sufficient funds for satisfactory restoration Or affected road, viaduct or bridge, **traffic signal, tree removal, landscape work** and guard rail replacement in the event of default.

**Restoration work deposits will be made as a combination** of cash and bond in accord with the following schedule:

<u>Cost of Restoration</u>	<u>Cash</u>
up to S 1,000.00	20 %
S 1001.00 to \$ 6, 000.00	10 %
S 6001.00 to S 20,000.00	5 %
over S 20,000.00	3 %

Road crossings, 3 x 3 utility openings and driveway/curb cuts will require 100 % cash deposits.

Said bonding shall be for a minimum of two (2) years, provided that for good cause the Road Supervisor may require bonding for a different period of time. In no case will a bond be released without prior approval of the Road Supervisor.

SECTION 7. **RETURN OF DEPOSIT.** Upon completion, all construction and work shall be inspected by the Road supervisor. If found satisfactory, the deposit of the permit holder shall be certified for return in accordance with the time provisions under which it was given and the Monmouth County . Treasurer shall be so notified. If disapproved, the deposit shall be retained or so much of it as the Road Supervisor deems necessary. The permit holder will be given notice of any retained deposit and the reasons therefore by the Road Supervisor.

SECTION 8. **INSURANCE.** A permit holder shall furnish the Road Supervisor with satisfactory evidence, in writing, that the permit holder has in force, and will maintain in force during the performance of the proposed permit activities and for one (1) year following completion of permit activities, liability insurance, naming the Monmouth County Board of Chosen Freeholders, its agents, employees and servants, as an insured. The insurance provided shall be in an amounts not less than \$300,000 for any one person, and \$1,000,000 for any one accident, and shall include property damage insurance of not less than \$100,000, duly issued by an insurance company authorized to do business in this State. All insurance shall provide that written notice of cancellation must be given to the Road Supervisor at least thirty (30) days prior to effective cancellation date.

SECTION 9. **ADDITIONAL SUBMISSION AND APPROVAL OF PLANS.** Detailed plans must also be filed with the County Engineer for approval, accompanied by all State and local permits, in the following circumstances: wherever it is necessary to cross over, through or under existing bridges, culverts or storm sewers: any construction or grading work which would affect or alter an existing drainage pattern onto a County road; any work within three hundred (300) feet of an existing county traffic signal installation; and any construction or work which would require a detour or temporary signing. The plans must outline the proposed method Or crossing, grading, drainage calculations, traffic signal precautions, detours and signing, as applicable.

Detailed plans Of any construction or grading work which would affect existing **trees or landscaping or which provide** for added trees or landscaping shall be submitted to the Monmouth County Shade Tree Superintendent for approval. .

Detailed plans of all construction proposed at waterways and bridges **shall be submitted to the New Jersey Department of Environmental Protection**, and to the United States Environmental Protection Agency and Army Corps Or Engineers, if applicable, for approval, after which an approved copy shall be forwarded to the County Engineer.

The County Engineer may refer any plan to the Monmouth County Board of Chosen Freeholders for review and comment prior to approval.

The Monmouth County Shade Tree Superintendent may refer any plan to the Monmouth County Board of Chosen Freeholders for review and comment prior to approval.

No permit shall be issued and no work of any kind whatsoever shall be performed until all plans required under this section have been approved by the County Engineer, the Monmouth County Shade Tree Superintendent, the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency and Army Corps of Engineers, as applicable.

The County Engineer and the Monmouth County Shade Tree Superintendent may require any other information as may be deemed reasonably necessary to complete review. The County Engineer and the Monmouth County Shade Tree Superintendent shall act upon each completed application promptly and shall then approve, disapprove or approve with conditions the plans submitted.

No permit will be issued for work relating to a subdivision or site plan unless prior approval Or the **Monmouth County** Planning Board has **been received**.

SECTION 10. **SUB-SURFACE PLANS REQUIRED.** Users of sub-surface **street space shall maintain accurate drawings and plans, showing the** location and character of all underground structures including abandoned installations. Corrected maps shall be filed with the County Engineer promptly after new installations, changes or replacements are made.

SECTION 11. **FIVE YEAR RESTRICTION NOTICE.** Whenever the Monmouth County Board of Chosen Freeholders enacts any resolution providing for the paving or repaving of any county road, the Road Supervisor may be required to promptly serve written notice thereof to each owner of any sewer, main, conduit, or other utility in or under said county road and to the owner and tenants of any real property abutting the said affected county road.

Such notice shall notify such owner or tenant that no permit shall be issued for openings, cuts, or excavations in the said county road for a period of five (5) years after the date of enactment of such resolution without consent of the Road Supervisor. Such notice shall also notify such owner and tenant that applications for permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the **work covered by the permit may be completed** not later than forty-five (45) days from the date Of enactment of such resolution. If service of the notice cannot be made by mail or personally, notice may be given by attaching a copy thereof to the premises and by further posting signs at both ends of the proposed construction or reconstruction.

**The Road supervisor may also be ,required to** publish notice of proposed paving or repaving of any county road in one or more newspapers circulating in the area where the work is proposed to be done, notifying all owner and tenants that any excavation must be completed not later than forty-five (45) days from the date of the enactment Of the County resolution authorizing the paving or repaving. Within said forty-five (45) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this resolution, as may be necessary to install or repair sewers, mains, conduits, or other utility installations.

In the event any owner or tenant of real property abutting said County road shall fail within said forty-five (45) days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said County road, shall be forfeited for a period Of five (5) years from the date Of enactment; of said resolution. During the said five year period no excavation permit shall be issued to open, cut, or excavate in said county road unless the Road Supervisor determines that an emergency exists which makes it absolutely essential that the excavation permit be issued or that the said proposed work can be completed, with such conditions as the Road Supervisor may require, without undue impairment Or the paving or repaving completed.

SECTION 12. **WEATHER RESTRICTED OPENINGS.** No permits will be issued for openings in excess of ten (10) square yards in area, except for emergency openings, during the period from the first day Of December to the last day of March. The Road Supervisor may issue a permit **during the above time period upon an affirmative showing by** the permit holder that the scope Or work and weather will allow the work to be completed in a manner consistent with the intent of these regulations.

SECTION 13. **NOTICE TO PUBLIC UTILITIES.** A permit holder must notify all utility companies seventy-two (72) hours prior to any county road opening, as regulated by statute.

SECTION 14. **NOTICE OF WORK.** A permit holder shall notify the Road Supervisor twenty-four (24) hours prior to beginning the opening of any county road or commencement of any work

or activity covered by permit and likewise upon the completion Or the work or activity. The Road Supervisor may require a different notice period which shall be set forth in a permit issued.

**SECTION 15. TIMELY COMPLETION OF WORK.** The permit holder shall complete all proposed construction within the time or schedule specified in the permit or written extension thereon. Once work has commenced, it shall continue with due diligence and without interruption until completed.

Where the permit holder is not making progress satisfactory to the Road Supervisor, or violates any provision Or an issued permit, or fails to complete the work within the time or schedule specified in the permit, the Road Supervisor may revoke the permit.

Except as otherwise set forth in the permit, all work shall be completed within one (1) year from the date a permit is issued. A **permit shall automatically expire and become null** and void as authority to perform work upon the expiration Or one (1) year. A permit may be continued under the same terms and conditions beyond the originally stated period, or one (1) year if no period is stated, if a written request is made to the Road Supervisor and approved prior to expiration. The Road Supervisor may require a new application for permit if a written request for extension of time is not timely received prior to expiration.

If a permit is revoked, the Road Supervisor may have replaced or repaired the affected portion of county road, highway, or bridge, at the expense of the permit holder, using its own repair force or independent contractor. Written notice of intent to make such repairs shall be given to the permit holder. Actual costs for such work shall be deducted first from deposit and bonding and any balance collected from the permit holder.

**SECTION 16. CONSTRUCTION METHOD REQUIREMENTS.** All work pursuant to an issued permit shall be in accordance with and shall conform to the New Jersey Department of Transportation 1983 Standard Specifications for Road and Bridge Construction, and as amended. All other standard procedures and requirements applicable to work or activity under permits shall be maintained by the Road Supervisor and available from **the Road Supervisor's office.**

**All work under an issued permit shall be in** a workmanlike manner. In **all cases the county road shall be restored to the condition** that prevailed prior to the commencement of the work.

Trenches shall not be kept open when work is not in progress. If work is stopped overnight or for more than 24 hours, the trench must be temporarily back-filled.

**SECTION 17. INSPECTION FEES.** The ' Road Supervisor may cause all work **being done by a permit holder to be** inspected by any agent of the County. The permit holder shall be obliged to pay for the actual costs of said inspection, which costs shall be presented in writing. All inspection charges, if not paid by the permit holder upon notice, shall first be deducted from the deposit, and if the deposit is insufficient, the balance shall be collected from the permit holder. Refer to Section 30 for holiday and emergency weekend work.

**SECTION 18. REPAIR OF TEMPORARY WORK.** If the Road Supervisor determines that any temporary work is not being properly maintained, the Road Supervisor may make or order to be made the necessary repairs by Highway Department employees or by independent contractors. Actual costs for such ordered work shall be recovered from the deposit and any bond and the permit holder shall be liable for any deficiency.

**SECTION 19. NOTICE TO CORRECT DEFICIENCY.** In the event the Road Supervisor does not approve the work performed under the permit, or does not approve any portion or stage Or the said work, the permit holder shall be so notified and given a reasonable opportunity to correct the deficiency.

Upon failure to correct said deficiency, the Road Supervisor shall cause the proper repairs to be made by Highway Department employees or by independent contractors. The deposit made by the permit holder, along with any bond, shall be applied to the actual cost thereof and the permit holder shall be held liable for any - deficiency.

SECTION 20. **STOP WORK ORDERS.** If the Road Supervisor disapproves Or any portion of the work done under permit, or if! the work is being performed without permit, the Road Supervisor may direct that a Stop Work Order be issued and Day enforce same. All permit holders shall be required to consent to immediately stop work upon written notice to stop work given by the Road Supervisor. Any failure to stop work as directed shall result in forfeiture of deposit.

SECTION 21. **ENFORCEMENT AND PENALTY.** A)The Road Supervisor may take all necessary steps to enforce the provisions of this resolution and may request the assistance of State and Local law enforcement officials and the Monmouth County Sheriff to enforce Stop Work Orders issued. Any person, firm or corporation violating any of the provisions of this resolution shall be treated as a disorderly persons and shall be subject to a fine in an amount not to exceed Two Hundred Dollars (\$200.00) or imprisonment in the county jail for a period not exceeding ninety (90) days, or both. 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. B) Failure to notify the County of Monmouth of any excavation regardless of date, time and / or emergency condition shall result in a penalty/ fine of a minimum of \$1,000.00 for every inspection in addition to the required permit application fee.

Any action authorized by this resolution to be taken by the Road Supervisor or the County Engineer may be performed and taken by any duly designated agent thereon

SECTION 22. **RESPONSIBILITY FOR FUTURE IMPROVEMENTS.** If future installation Or drainage or the re-grading, resurfacing and/or realignment and widening Or pavements is affected or prevented by the presence of the underground structures covered by a permit, then the cost Or making the necessary changes in said structures or relocating said structures, so as to permit installation Or the proposed drainage or to permit re-grading and/or realignment and widening Or pavements, shall be borne by the permit holder.

In the initial application, the permit holder shall be required to accept responsibility for such future costs or to agree to perform all necessary changes or reallocations of such structures without cost to the County of Monmouth.

SECTION 23. **PROTECTION OF PUBLIC.** It shall be the duty of the permit holder to properly guard any excavation by the erection of suitable barriers, signs, lights and other safety devices. All work shall be done in accordance with the current Manual On Uniform Traffic Control Devices, and amendments thereto, issued by the U.S. Department of Transportation, Federal Highway Administration and shall comply with current federal and state requirements regulating safety and methods of construction.

A permit holder shall be liable for any neglect to safeguard the traveling public and others affected by work performed. If the excavation extends the full width Or the County road, only one-half Or it shall be made at one time, and shall be back-filled before the other half is excavated, so as not to require detour of traffic or to interfere with traffic.

Work under permit shall be carried on only within such hours allotted by the Road Supervisors any hour restriction shall be stated upon the permit issued. If work cannot ~. completed within the times specified, open trenches shall be back-filled to allow traffic to proceed safely.



If **traffic conditions, the safety and convenience of the traveling public or the public interest require that the excavation** work be performed as emergency work, the Road Supervisor, with the consent of the County Engineer, shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permit holder twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

**SECTION 24. AVOIDANCE OF INCONVENIENCE To PUBLIC.** Each permit holder shall conduct and carry out the approved activity or work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of or persons using neighboring property. The permit holder shall take all appropriate measures to reduce noise, dust and unsightly debris to the fullest extent practicable in the performance of the excavation work.

**SECTION 25. APPLICABILITY TO COUNTY WORX.** The provisions of this resolution shall not be applicable to any excavation work under the direction of County authorities by employees of the County or by any contractor to the County performing work for and on behalf of the County.

**SECTION 26. LIABILITY OF COUNTY.** This resolution shall not be construed as imposing upon the County or any official or employee thereof **any liability or responsibility for damages to** any person injured by the performance of any work **for which a permit is issued** hereunder; nor shall the County or any employee thereof be deemed to have assumed any such liability or responsibility by reason of the issuance of any permit or inspections authorized hereunder or the approval of any work.

All permit holders shall be required to hold the County harmless for any and all damages resulting from said work and the inspection thereof.

**SECTION 27. SURVIVAL OF PROVISIONS.** If any section or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 28. REVOCATION OF INCONSISTENT PROVISIONS.** All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

**SECTION 29. EFFECTIVE DATE.** This resolution shall take effect immediately upon its passage, publication and approval according to law.