

ORDINANCE AMENDING CHAPTER 296 STREETS AND SIDEWALKS OF THE CODE OF THE BOROUGH OF LINDENWOLD

WHEREAS, the Municipal Governing Body of the Borough of Lindenwold wishes to ensure consistency in its provisions, and

WHEREAS, a review of the various sections of Chapter 296, has been reviewed in order to ensure the safety and conditions of the roads in the Borough of Lindenwold , and

WHEREAS, the Mayor and Governing Body has approved the recommendations to Chapter 296-46 Failure to Comply with the Code of the Borough of Lindenwold as follows:

§ 296-1 **Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

MAINTENANCE GUARANTEE

A security in the form of either a bond, letter of credit, cash or a certified check posted by the applicant to guarantee the proper maintenance of the reconstruction of the work as described on the application and permit forms for a period of two years after final acceptance

§296-10 Maintenance bond.

In addition to the posting of a performance surety, and as a condition to the release of same, the applicant shall also post a maintenance surety: either a bond, letter of credit, cash or a certified check and in the ~~penal~~ sum of 15% of the performance surety. The maintenance bond will serve to guarantee that the road as reconstructed will remain in good condition and free of defects after acceptance, as follows: The applicant shall be responsible for all maintenance and repairs required at the site resulting from the neglect, failure, action or inaction of the applicant, for a period of **two** years after the date of acceptance for which have a depth of four or more feet from the road surface; or for a period of **two** years after the date of final acceptance for all other work which requires a permit as set forth herein.

§296-20 Street surface restoration

B. Permanent restoration.

(1) All openings shall be completed with six inches of compacted DGA, three inches of FABC base course, Mix 1-2, and two inches of FABC surface course, Mix 1-5 and the edges sealed with AC 120 or approved equal. . All openings shall be repaved from curb line to center line a minimum of 4ft wide. All openings that cross the center line shall be repaved the full width of the road from curb line to curb line, a minimum of 4ft wide.

(2) Any opening that is within 4ft of a prior opening shall be restored as a single opening, incorporating the existing repair into the restoration.

(3) Any emergency opening occurring in a street repaved within the previous ten calendar years shall be infrared sealed.

(4) Any road in the Borough which has been resurfaced in the last ten years for which a new road opening permit is issued shall include the requirement that the party performing the work must resurface the road from curb to curb and from street corner to street corner.

(5) Multiple road openings occurring within **60** feet of one another shall be restored as a single opening. Pavement between openings shall be milled (milling depth shall be two inches) or removed and replaced from curb to center line of roadway. Multiple openings down the middle of the road shall be restored as a single opening, milled or removed and replaced across the full width of the road from curblin to curblin. Openings shall be sealed as indicated above.

(6) All openings shall be inspected by the Borough. The applicant shall mark out proposed restoration and notify the **Borough Official or designee** a minimum of 24 hours prior to final restoration to schedule the inspection. Failure to schedule the final inspection will result in a \$500 fine and removal of all paving materials and reinstallation at the applicant's cost. Upon acceptance of the restoration, the Borough shall issue a dated acceptance letter to the applicant. The applicant shall be responsible for all future restoration of the opening for a period of five years from the date of the acceptance letter.

(7) Final restoration shall occur within **two weeks after 90 day waiting period**. Extensions of time are subject to the discretion of the Borough and must be submitted in writing. Failure to complete the restoration within the prescribed time period will result in the forfeiture of the performance bond posted by the applicant.

§296-31 General Requirements

F. Applicant must contact the Construction Office for the Code Official or designee prior to submitting permit application for Road Moratorium list and Planned Reconstruction list.

If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, as to this end the provisions of the Ordinance are hereby declared to be severable.

This ordinance shall take effect immediately upon passage and publication as required by law.

INTRODUCED: March 23, 2022

ADOPTED: April 13, 2022

Richard E. Roach, Jr.
Mayor

Deborah C. Jackson
Borough Clerk