

**NOTICE IS HEREBY GIVEN** that Ordinance #13-20 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 20<sup>th</sup> day of August, 2013, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 17<sup>th</sup> day of September, 2013 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

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Karen Hughes, Borough Clerk  
Borough of Westwood

## **ORDINANCE 13-20**

### **AN ORDINANCE AMENDING CHAPTER 330 STREETS AND SIDEWALKS, ARTICLE I SIDEWALK CONSTRUCTION**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that Chapter 330 Streets and Sidewalks, Article I Sidewalk Construction, be amended as follows:

#### **§ 330-5.1. Application for permit.**

A. No person, firm, or corporation shall construct, replace or repair a sidewalk, curb or driveway within the limits of any public street, highway, or other public property without first obtaining a permit to do the same from the Superintendent of the Department of Public Works or his or her designated representative. The entity obtaining the permit shall be deemed the "permit holder" or "permittee" for the purposes of this article.

B. All work performed by a permit holder within the public right-of-way shall comply with any and all requirements of the Americans with Disability Act, including any subsequent updates and revisions.

C. Such permit shall be valid for an effective period not to exceed 30 consecutive calendar days. Such effective period may be extended, if so requested by the permit holder prior to the expiration thereof, for such additional period as the Superintendent may authorize.

D. The fee for said permit shall be \$25.

E. Said application shall show or include the following information:

1. The name, address, telephone number, and email address of the applicant (permit holder).
2. The name, address and telephone number of the owner of the property in front of which or for whom the work is to be performed.
3. The location of the property.
4. The extent and nature of the work to be done.
5. The date or dates when the work is to be done.
6. A signed statement by the applicant that he agrees to perform the work for which the permit is granted strictly in accordance with the conditions of the permit and this article.
7. A signed statement by the applicant that the Borough is to be saved harmless from any loss, injury or damage arising out of the granting of the permit or from any negligence or fault of said applicant, his servants or agents in connection with any of the work done under or in connection with said permit.

#### **§ 330-5.2. Notice of work; permitted days.**

A. The permittee shall not begin or carry on any part of the work provided to be done, except in the event of an emergency, without first notifying the Superintendent not less than 24 hours in advance and obtaining his approval therefor.

B. No work provided to be done under said permit shall be performed on Saturdays, Sundays or holidays except with the prior approval of the Superintendent or in the event of an emergency.

**§ 330-5.3. Exhibit of permit.**

The permit must be in possession of the parties actually doing the work and must be exhibited to the Superintendent or to any authorized representative of the Borough upon request.

**§ 330-5.4. Revocation of permit.**

The Superintendent shall have the right to revoke or cancel the permit at any time should the permittee fail to comply with any of the terms, agreements, covenants and conditions thereof.

**§ 330-5.5. Transferability.**

The permit shall not be assigned or transferred except upon the prior written consent of the Superintendent.

**§ 330-5.6. Inspections Required; tree roots; additional inspection fee**

The Superintendent shall inspect all work performed by the permittee.

A. Tree roots. Upon removal of existing sidewalk, permittee shall call for an inspection if tree roots are present. The DPW Superintendent shall at that time evaluate the need for any removal of roots and/or trees. At no time shall a homeowner or contractor remove any trees or roots without an inspection by the Department of Public Works. The Borough reserves the right to decide when a tree and/or root meet the criteria for removal. If the removal of a tree and/or root is required the DPW will contact the appropriate utility agencies to request the required markouts to prevent any damage to wires and/or any buried utilities. This process may take up to three (3) full days after calling before the markout is done and excavation can begin. The trimming of Borough trees is prohibited pursuant to Chapter 195-134.

B. Frame out of new form by permittee may be done after approval has been given.

C. Permittee must contact the DPW 48 hours in advance to schedule an inspection prior to the pouring of any concrete.

D. Permittee or permittee's contractor may call for an inspection. The cost for two inspections is included in the permit fee. Additional inspections required due to the permittee or contractor calling before the site is ready for inspection, or work that does not meet specification and must be redone, shall incur an additional fee of \$25 per site visit.

**§ 330-5.7. Cleanup.**

A. The permittee shall clean up and remove promptly from the site of the work, upon completion thereof, all surplus excavated material and debris and shall leave the site of the work in a neat and orderly condition.

B. Where topsoil, seeded areas or sod are disturbed in the course of the work, the permittee shall restore such ground surface to its original condition.

**§ 330-5.8. Work to be performed expeditiously.**

The permittee, at his own expense, shall carry out the work as expeditiously as possible and in such manner as to cause the least possible inconvenience and to permit the use of the sidewalk by pedestrians and the roadway by vehicles and the flow of water along the gutters.

**§ 330-5.9. Protective barricades.**

Pedestrian and vehicular traffic is to be adequately protected by the permittee by means of suitable protective barricades and lights around the work, and the work is to be arranged so as to cause a minimum of inconvenience and hazard to such pedestrian and vehicular traffic.

**§ 330-5.10. Limitations of placing concrete.**

A. Cold weather concreting. Anytime when the ambient temperatures are expected to fall below 4° C. during the placement or cure time of concrete for curbs and/or sidewalks, the permit holder shall provide measures to maintain the concrete surface temperature above 29° C.

B. Hot weather concreting. Anytime when the ambient temperatures are expected to be above 25° C. during the placement or cure time of concrete for curbs and/or sidewalks, the permit holder shall undertake all necessary measures to cool the concrete, including but not limited to using water-reducing admixtures, cooling the aggregate, using chilled water, preventing adsorption by wetting underlying subgrade or wood forms, or any other method approved by the Superintendent.

C. If a permit holder is unable to maintain the requisite temperatures in accordance with hot or cold weather concreting requirements, the work shall be suspended until suitable weather conditions exists.

**§ 330-13. Violations and Penalties**

A. Violations of this article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty, of the Code of the Borough of Westwood.

B. This chapter shall be enforced by the DPW Superintendent and the Police Department

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

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

Adopted: \_\_\_\_\_

Approved:

Attest:

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John Birkner, Jr., Mayor

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Karen Hughes, Borough Clerk