To Whom It May Concern:

*The enclosed Street Opening Packet contains the following:*

1. Application for Street Opening Permit
2. W-9 Form
3. Ecode360 Chapter 330 Streets and Sidewalks; Article V Street Openings

*The Codebook defines:*

1. Road Definitions
2. Permit Required
3. Application for Permit
4. Fees and Exceptions
5. Bond Requirements
6. Duties of Permittee
8. Violations and Penalties

Please read the attached information carefully before filing your application for a street opening. Also, see the amended application regarding the deposit and fees.

Return completed application, W-9 form and fees to the Borough Clerk’s Office, located at the above address. These fees are required for each opening and must be separate checks, made out to the Borough of Westwood. Any questions, dial 201-664-7100, ext. 100.

Sincerely,

BOROUGH OF WESTWOOD

Jean-Marie Vadovic, Deputy Borough Clerk
BOROUGH OF WESTWOOD
101 WASHINGTON AVE
WESTWOOD, NJ 07630

APPLICATION FOR A STREET OPENING PERMIT
Issuing Agent: Karen Hughes, Borough Clerk

(Please type or Print)

STREET ADDRESS: ____________________________________________________________
(Adjacent to Opening)

Block: ___________________________ Lot: ___________________________

PURPOSE OF OPENING: (Utility Being Installed): ________________________________

SIZE OF OPENING: (In Feet): L ______ W ______ D ______ Sq. ft. __________
(Length x width)

DATE OF PROPOSED CONSTRUCTION: __________________________ Sq. ft: __________

NATURE OF ROAD SURFACE: ___________________________ TIME: __________

CONTACT PERSON: __________________________________________________________

CONTACT PERSON ADDRESS: __________________________________________________

BUSINESS PHONE: __________________________ 24 HR. EMERGENCY PHONE: _______

CELL: ________________________________________________________________

*IS A POLICE OFFICER NECESSARY TO CONTROL TRAFFIC: YES ______ NO ______
(If so, contact the Westwood Police Department at 201-664-7100 ext. 152)

BASIC ORDINANCE REQUIREMENTS (ORD. #20-15) CHAPTER 330 CODE OF WESTWOOD

PERMIT FEE: $200 each individual opening paid by Cash or Certified Check to the Borough of Westwood

**DEPOSIT FEES:

<table>
<thead>
<tr>
<th>CLASS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A – IMPROVED ROAD</td>
<td>$750</td>
</tr>
<tr>
<td>Concrete</td>
<td>($7.50 per sq. ft. over 100)</td>
</tr>
<tr>
<td>B – IMPROVED ROAD</td>
<td>$500</td>
</tr>
<tr>
<td>Macadam</td>
<td>($5.00 per sq. ft. over 100)</td>
</tr>
<tr>
<td>C – UNIMPROVED ROAD</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>($2.50 per sq. ft. over 100)</td>
</tr>
</tbody>
</table>

PERFORMANCE BONDS: 100% based on Borough Engineer's Cost Estimate and Released when all construction has been accepted by the Borough and a Maintenance Bond posted.

MAINTENANCE BONDS: 25% of the cost estimate and valid for two years from the date of acceptance of work.

INSURANCE REQUIREMENTS: The applicant must provide a certificate of insurance to the Borough Clerk indicating liability of not less than $100,000 for any one person; $300,000 for injuries to more than one person and an aggregate of $100,000 for property damage for a single incident.
NEW JERSEY ONE-CALL CONFIRMATION NUMBER: Pursuant to N.J.S.A. 48:2-73 et seq requires that the applicant to provide a confirmation number assigned to the notice of intent to dig within a public right-of-way issued by New Jersey One-Call@1800-272-1000.

REPAIRS: Restoration of all road openings shall be to a newly paved condition prescribed by the standards set forth by ordinance and by Borough Engineer.

AFFIRMATION: I (we) have read the Borough of Westwood Street Excavation Ordinance(# 19-8) in its entirety and agree to perform this work in accordance with the provisions described.

DATE ________________ SIGNATURE __________________

Applicant to Indicate North Point

SKETCH OF WORK TO BE PERFORMED

NAME OF APPLICANT: __________________________________________

ADDRESS: ______________________________________________ TELE. PH.# __________________________________________

NEW JERSEY ONE-CALL CONFIRMATION NUMBER: __________________________________________

SIGNATURE OF APPLICANT: __________________________________________

OFFICIAL USE ONLY

REMARKS:

____________________________________________________________

____________________________________________________________

RECOMMENDED FOR APPROVAL: __________________ PERMIT #: __________________________________________

APPROVED: ______________________________ AMOUNT OF BOND: ______________________________
Request for Taxpayer Identification Number and Certification

➤ Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.
   □ Individual/solo proprietor or single-member LLC
   □ C Corporation
   □ S Corporation
   □ Partnership
   □ Trust/estate
   □ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership).
   Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.
   □ Other (see instructions)

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
   Exempt payee code (if any) __________
   Exemption from FATCA reporting code (if any) __________
   (Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions. Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)
Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see What Name and Number To Give the Requester for guidelines on whose number to enter.

Part II Certification
Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out Item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, Item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign and Date

General Instructions
Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form
An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

• Form 1099-DIV (dividends, including those from stocks or mutual funds)
• Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
• Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
• Form 1099-S (proceeds from real estate transactions)
• Form 1099-K (merchant card and third party network transactions)
• Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
• Form 1099-C (canceled debt)
• Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.
Chapter 330. Streets and Sidewalks

Article V. Street Openings

[Adopted 6-18-2019 by Ord. No. 19-8[1]]
[1] Editor’s Note: This ordinance also repealed former Art. V, Street Openings, adopted 8-30-1994 by Ord. No. 94-15, as amended.

§ 330-26. Permit required.

A. It shall be unlawful for any person, persons, firm or corporation to tear up any of the road surfaces of, or make any excavation in, any of the public streets, avenues, highways or public places in the Borough, for the purpose of constructing surface or subsurface improvements or for the purpose of laying, examining, replacing or repairing of gas mains, water mains, sewers, sewer connections, telephone conduits, electrical outlets, or for any other purpose, except and until the consent, permission and approval thereto, in writing, of the Borough Administrator or the Borough Clerk, after consultation and review by the Superintendent or Foreman, or his designee, of the Department of Public Works and/or the Borough Engineer is first had and obtained.

B. In case of an unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to person and property, hereinafter referred to as "emergency," any utility (water, gas, electric, cable, telephone, sewer, etc.), resident, property owner or lessee shall not be required to provide the above information in advance of the work, but shall do so within 24 hours thereafter, provided that:

(1) A true emergency exists and the person(s) doing the excavation notifies the Borough Police Department; the Police Department shall log the emergency; when notified of an emergency, the dispatcher, via their Department's chain of command, will inform the Superintendent of Public Works, the Borough Clerk, and the Borough Administrator;
[Amended 11-24-2020 by Ord. No. 20-15]

(2) An application for a permit is filed with the Borough Clerk within 24 hours of the street opening or on the next business day, whichever is more practical;

(3) Said utility, resident, property owner or lessee makes the payment required by § 330-27; and

(4) The excavation is performed in accordance with the provisions of this article.


A. All applications for permits referred to in this article shall be made in writing to the Borough Clerk at least five business days in advance of the proposed road opening, unless it is an emergency, and shall:

(1) Specify the name and address of the individual, firm, corporation or utility for whose benefit the excavation is to be made.
(2) Specify the name and address of the excavation, construction and/or restoration contractor(s).

(3) Identify specific location of the proposed excavation and the width, length and depth thereof.

(4) Confirm Borough jurisdiction of the work area and provide a list of all federal, state, local governmental/quasi-governmental agencies having jurisdiction thereover, and, if such agencies require approval, whether such approval has been obtained and provide copies thereof.

(5) Identify the type of road surface.

(6) Identify the location of any and all utilities, storm drains, sanitary sewers or sewer mains within 10 feet of the limits of the proposed opening.

(7) Identify excavation start date and expected duration and method of repair.

(8) Identify the applicable fees for the issuance of the permit as hereinafter provided, together with the charges as hereinafter set forth.

(9) Include a signed statement by the applicant agreeing to indemnify the Borough and hold it harmless from and against any claim, liability, damage and/or expense, including any attorney fees, arising out of the granting of the permit or from any negligence or fault of such applicant, his servants or agents in connection with any of the excavation performed under or in connection with such permit.

B. A nonrefundable fee of $200 shall accompany every application to offset the cost of processing the application and inspection subsequent to the road repair.

C. Street opening permits shall be valid for one year from date of issuance. A permit may be extended for up to six months if the permit holder is actively digging in the street at the time of the expiration of the permit. If the permit holder needs to reopen the street to continue work after the expiration date of the original permit, a new permit is required.
[Added 6-22-2021 by Ord. No. 21-11]

§ 330-27.1. Deposits required; performance guarantee.

No permit shall be granted unless the sums hereinafter set forth shall be paid to the Borough Clerk. These sums shall be held by the Borough Clerk until 18 months after the completion of each improvement as a security deposit to guarantee the completion of the improvement and maintenance thereof for 18 months thereafter, pursuant to the terms of the application, in a good and workmanlike manner and in accordance with the specifications and standards of the Borough to the satisfaction of the Mayor and Council. Eighteen months after such completion, the Borough shall return the deposit to the applicant, provided that the work has been properly completed and maintained. Upon failure to complete and maintain the improvement to the satisfaction of the Borough, the Borough may complete and maintain the improvement, using the moneys so deposited or so much thereof as is necessary for such purpose, returning the balance of the deposit, if any, to the applicant after 18 months from the date of completion. If the security deposit is insufficient to pay for the cost of remediating the work, the person or entity responsible shall be obligated to reimburse the Borough for any excess costs which may be collected in accord with the Borough Code.

§ 330-27.2. Insurance.

The applicant shall present evidence satisfactory to the Borough Attorney or Risk Manager of insurance sufficient to indemnify and save harmless the Borough, its officials, employees, agents and servants against and from all suits and costs of every kind and from all personal injury or property damage resulting from negligence or from any phase of operation performed under the permit.

https://ecode360.com/print/WEO1577guid=13952292,13852293,13852299,35066598,35066599,37512884,13852303,13852316,35066600,35066601,... 2/6
§ 330-27.3. Repair of collateral damage.

[Added 6-22-2021 by Ord. No. 21-11]
Damage to sidewalks, aprons and curbs occurring during a street opening may be repaired under the authority of the street opening permit. The permittee is liable for any accidents that occur while the sidewalk/apron/curb is damaged. All street-opening-related sidewalk damage repairs must be performed in accordance with the standards of Chapter 330, Article I, Sidewalk Construction, including inspection by the DPW Superintendent.


The permit deposits shall be in the following amounts for each opening excavated, up to 100 square feet of area disturbed:

A. For openings on any road paved with concrete: $750 plus $7.50 per square foot over 100 square feet.

B. For openings on any road paved with macadam: $500 plus $5 per square foot over 100 square feet.

C. For openings on any unimproved road or unpaved portion of improved roads: $250 plus $2.50 per square foot over 100 square feet.

D. Regulated utilities governed by the New Jersey Board of Public Utilities pursuant to N.J.S.A. Title 48 are exempted from this section; refer to § 330-30, Utility road opening.

§ 330-29. Safeguards.

All excavations, earth, stone, lumber, pipe or other material shall be safely and securely barricaded and further guarded at night by at least two lights, one at each end of the excavation or material, and in any other manner as the Superintendent (or Foreman or his designee) of Public Works may deem necessary for the reasonable protection of the public from injury.


Not more than 1/2 of the trench shall be excavated at one time where the trench will run from one side of the pavement to the other, and the part so excavated shall immediately be backfilled under the supervision of and to the satisfaction of the Superintendent of Public Works (or Foreman).


A. The backfilling of the trench shall proceed in the following manner, namely: earth, sand, gravel or broken stone removed from the trench shall be replaced in layers not exceeding 12 inches in depth, and shall be properly compacted. The work of refilling shall continue in this manner until the material is brought up to within 24 inches of the finished pavement; any rocks larger than six inches in diameter shall be removed. The first layer shall be three-quarter-inch quarry-processed (QP) rock. The backfilling shall be continued until the top thereof, after being thoroughly compacted, shall be one inch higher than the pavement. No animal or vegetable matter or refuse shall be used or permitted in the backfill, and all refuse or surplus material from the trench shall be removed from the work area immediately after the trench has been excavated. After the fill has thoroughly settled, the road surface shall be restored to a like-new condition.
B. The person or entity conducting this work shall remain responsible for the repair of the resurfaced repair work for a period of five years and shall repair same if required by the Superintendent (or Foreman) of Public Works.

C. Roadway restoration shall be in accord with the engineering details set forth in the Appendix which may be found at the end of this chapter.\[1\]

[1] Editor's Note: Said appendix is included as an attachment to this chapter.

D. Any restoration of a trench or series of openings more than 15 linear feet in the aggregate on any one street or portions of a street shall include restoration in accord with the engineering details found in the Appendix[2] as applicable and shall also include the milling and resurfacing of the roadway from curb to curb for the length of the opening. The milling and resurfacing of the roadway will be supervised by the Borough's Engineer. The supervision costs will be paid for by the applicant of the road opening permit.

[Amended 11-24-202] by Ord. No. 20-15

[2] Editor's Note: Said appendix is included as an attachment to this chapter.

E. Any restoration of racadam which is not milled and paved shall be completed using infrared paving to ensure a smooth transition from the adjoining surface to the satisfaction of the Superintendent of Public Works.

[Amended 11-24-202] by Ord. No. 20-15

§ 330-29.3. Interference with gutter flow or traffic; permits.

It shall be unlawful for any person, firm or corporation to place any stones, earth, ashes, lumber, pipe or other materials of any description whatsoever upon any road or street so as to interfere with the flow of water along the gutters or so as to interfere with traffic on the road or street. Any unlawful exercise of this privilege shall be deemed a violation of this section and be punishable by a fine of $50 to $200. Nothing herein shall apply to leaves or vegetative waste. The purpose of this section is to prevent construction-related material from obstructing or interfering with the flow of water.

§ 330-29.4. Enforcement.

It shall be the duty of the Borough Superintendent of Public Works, Building Code Official, Property Maintenance Official, Borough Police Department, or any other officer as the Mayor and Council may designate to ascertain whether permits have been issued covering each operation and to supervise all excavations, backfilling and restoration as provided herein.


A. All utilities registered by the New Jersey Board of Public Utilities under Title 48 which opens roads in the Borough of Westwood shall pay a nonrefundable application fee of $200 per opening. Said payment shall be sent to the Borough Clerk within 24 hours of completion of the utility work related to the road opening.

B. Roadways opened by utilities shall be returned to a like-new condition as set forth in § 330-29.2. Infrared heat paving shall be used to the satisfaction of the Superintendent of Public Works, Foreman or his/her designee.

C. Roadway material shall be of the same material as the roadway: e.g., concrete roads shall be repaired with concrete and asphalt with asphalt.

D. Within 90 days of completion of all road opening repair, the Borough shall advise the utility if the closing is satisfactory or not, and if not, a directive of corrective action shall be included. Repairs made subsequent to notice from the Borough of unsatisfactory repairs shall be concluded within
30 days of notice. If repairs are not made within 30 days and/or the repair is not done to the satisfaction of the Borough Superintendent of Public Works (or Foreman) or his/her designee, then the Borough may cause the repair work to be done and use the escrow to pay for same. In such event, the utility shall replenish the escrow within 30 days of notice from the Borough.

E. All utilities servicing the Borough of Westwood shall post a cash bond in the amount of $2,500 with the Borough Clerk to be held in a noninterest escrow account to be held in perpetuity to pay the cost of application fees and repair to road openings done in an unsatisfactory manner. If this bond is diminished by utilization for restoration or payment of application fees, the utility shall deposit additional funds sufficient to bring the balance of the cash bond to $2,500 within 10 days of receipt of a notice of deficiency sent by the Borough.

§ 330-31. Utility companies; disturbance of recently repaved or installed roads.

A. Utility companies, including those engaged in the installation of gas, water and electric lines, shall report to the Department of Public Works, quarterly, their intentions, with regard to prospective work requiring future street openings in the community, for the purpose of coordinating such activity with pavement projects anticipated by the Borough of Westwood.

B. Except in the case of an emergency, the Borough of Westwood shall have the right to schedule street openings with utilities companies in a manner which will create the least disturbance to pavement courses, in furtherance of which purpose the Borough of Westwood shall provide to the utilities a schedule of expected street construction and resurfacing.

C. In the event an applicant seeks to disturb a road which has been repaved or installed within the preceding five years, and the municipality shall have given notice of intent to repave by ordinance or actual notice to the applicant, the fees shall be doubled for the permit and bond. In addition, the applicant shall be required to mill and repave the entire width of the road to achieve a cosmetic and surface match. The milling and resurfacing of the roadway will be supervised by the Borough's Engineer. The supervision costs will be paid for by the applicant of the road opening permit.

[Amended 11-24-2020 by Ord. No. 20-15]


Any contractor or other employer requiring additional traffic management services on any project or event occurring in the Borough of Westwood shall utilize the Westwood Police Department for such services.

§ 330-33. Violations and penalties.

A. Any person, firm or corporation violating any of the provisions of this article, or neglecting or refusing to comply with any of the terms or conditions hereof, shall, upon conviction, be liable as follows:

1) Failure to deposit a performance bond: the amount set forth in § 330-28 plus $500.

2) Opening a roadway without a permit and/or failing to comply with the provisions for filing an application for emergency work within 24 hours of conducting the work or the first business day thereafter: the amount set forth in § 330-28 plus $1,000.

3) Failure to restore any roadway as required: the amount set forth in § 330-28 plus $500.
B. Each and every nonconformance of this article, or each day that any provision of this article shall have been violated, shall be construed as a separate and distinct violation thereof.