

Code Enforcement
(201) 945-3040



Telephone
(201) 943-0857
(201) 945-9090

Facsimile
(201) 943-1120

BOROUGH OF FAIRVIEW
DEPARTMENT OF PUBLIC WORKS
723 FAIRVIEW AVENUE
FAIRVIEW, NJ 07022

NOTE TO ALL BUILDERS:

Your road opening connections must be checked by our Department before you close up the excavation.

Without this approval, you will have to reopen the road for an inspection and possibly forfeit the road opening bond.

Please initial here that you have read the above: _____

Thank you,

Fairview Department of Public Works
723 Fairview Avenue
Fairview, NJ 07022
201.943.0857
201.943.1120 Fax

BOROUGH OF FAIRVIEW
59 ANDERSON AVENUE
FAIRVIEW, NEW JERSEY 07022
(201) 943-3300

CALL BEFORE YOU DIG
(800) 272-1000
FOR UTILITY LOCATIONS

APPLICATION FOR ROAD OPENING PERMIT

Block _____ Lot _____ Date _____

Applicant _____
(Name, Address & Phone)

Owner of Property _____
(Name, Address & Phone)

Location of Opening _____
(As shown on diagram below.)

Purpose of Opening _____

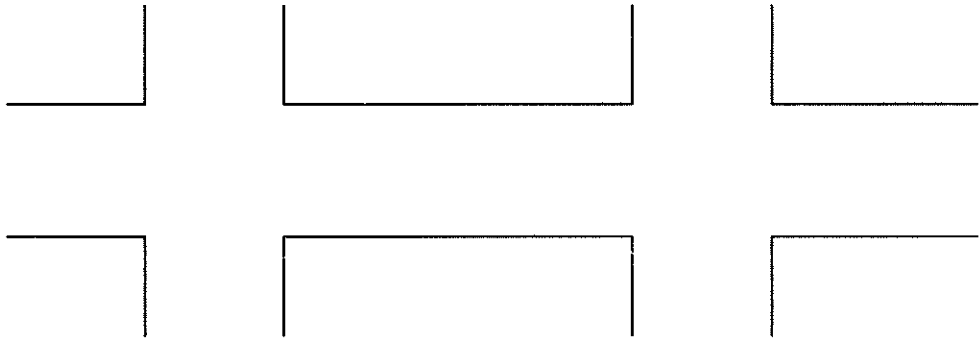
Utility Markout Confirmation No. _____ (L) _____ (W) _____ (SY) _____
Size of Roadway Opening
(Submit 4 prints if work exceeds 20 sq. yds.)

Restoration of Pavement By _____
(Name, Address & Phone)

Work Will Start On _____ (Date) Permanent Pavement Completed On _____ (Date)

The applicant agrees to comply with all applicable rules and regulations as specified in the Code of the Borough of Fairview.

Signed: _____



Applicant to indicate North point, location of opening, and house number.

DO NOT WRITE BELOW LINE

Amount of Deposit \$ _____ Permit No. _____

Approved _____
Superintendent - Department of Public Works (Date)

Approved _____
Borough Engineer Representative (Date)

Copies To: Borough Clerk
Chief of Police
Permittee

Documents Needed for Escrow Deposits

1. FOR W-9 FORMS: _____ (if Existing within 12 months not needed)

2. WHAT BOARD? _____

3. IS THIS NEW? _____

4. CELL NUMBER: _____ Land Line: _____

5. Project Location: _____

Company Name: _____

Company Address:

Owner Name:

Owner Address:

Email Address:

Additional Information if needed:

Code Enforcement
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DEPARTMENT OF PUBLIC WORKS
723 FAIRVIEW AVENUE
FAIRVIEW, NJ 07022

ROAD OPENING INSPECTION REPORT

Date: _____ Location: _____

Time: _____ Inspected by: _____

Inspection #1: _____

Approved: Yes: _____ No: _____

Date: _____ Location: _____

Time: _____ Inspected by: _____

Inspection #2: _____

Approved: Yes: _____ No: _____

Date: _____ Location: _____

Time: _____ Inspected by: _____

Inspection #3: _____

Approved: Yes: _____ No: _____

Public Works Superintendent

Inspector

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 15-2 STREET OPENINGS AND EXCAVATIONS.

§ 15-2.1 Purpose.

[Ord. No. 99-22 § 13-2.1]

The purpose of this section is to establish regulations and fees for the opening of municipal streets within the Borough of Fairview.

§ 15-2.2 Definitions.

[Ord. No. 99-22 § 13-2.2]

The following terms shall, for the purposes of this section, have the meanings here indicated.

EXTENSIVE OPENING

Shall mean an opening, tearing up or excavating, for any purpose, of a Borough road of 100 feet or more of roadway length, or where connecting lateral openings are made at average intervals of less than 100 feet along the roadway length, or an opening which disturbs 20% or more of the curb to curb width of the pavement area.

OWNER

Shall mean any person, corporation, public utility or other entity on whose behalf a street opening is performed by a permittee.

PERMITTEE

Shall mean any person, firm, or corporation granted a permit hereunder.

PUBLIC UTILITY

Shall mean Bell Atlantic New Jersey, or its successor corporation or corporations, Public Service Electric and Gas Company, United Water New Jersey, Cablevision of Hudson County, Time Warner Cable or any other entity having either the power of eminent domain or subject to the regulations by the Public Utilities Commission of the State of New Jersey.

SMALL OPENING

Shall mean any opening, tearing up or excavating, for any purpose, of a Borough road, which is not an extensive opening and generally not larger than 48 inches by 48 inches or 16 square feet in size.

STREET

Shall mean any street, road or other public way dedicated to and accepted by the Borough of Fairview, and shall include all of the area thereof lying within the bounds of the curbing, or in the absence of curbing, the dedicated right-of-way.

§ 15-2.3 General Requirements.

[Ord. No. 99-22 § 13-2.3]

a. Permit Required.

1. No person, persons or corporation, municipal or private, nor any utility company, public or private, shall for any purpose open, tear up, excavate, bore, tunnel or drive under or in any way impair the surface or subsurface within the paved or unpaved limits of any street in the Borough of Fairview without first obtaining a road opening permit from the Superintendent of the Department of Public Works.

2. Only such persons, firms or corporations to whom or to which permits have been granted shall be permitted to perform such work and then only in the manner herein required and only as specifically allowed in the permit. Assignment of rights under any permit issued herein is prohibited; the permitted is always responsible for performance under this section.
- b. Nothing contained in this section shall be construed as requiring the issuance of a permit for the performance of any work done by the Borough of Fairview or under a contract with the Borough for the repair, maintenance and/or construction of waterlines, sanitary sewers, storm drains or street improvements.
- c. No permit applicant shall begin work until he receives the authorization number from the Underground Plant Location Service and the appropriate utility. Applicant must comply with the requirements of N.J.S.A. 2C:17-4 and 2C:17-5, which provide, among other things, that the applicant give to any person or corporation engaged in the distribution or transmission of manufactured, mixed or natural gas or synthetic natural gas, liquefied natural gas or propane gas in the area of the proposed excavation written notice of the proposed excavations and ascertain from such person or corporation the location of all such gas lines or pipelines within 200 feet of the proposed excavation.
- d. Nonopening of Road. No street, road or paved area constructed, reconstructed or repaved within three years of the time that the road is sealed can be excavated, built or patched except in the case of emergency, which includes but is not limited to gas leaks.

§ 15-2.4 Application Requirements.

[Ord. No. 99-22 § 13-2.4; New]

- a. Form.
 1. Applications for a street excavation shall be provided by the Department of Public Works. Applications shall be filed at least one week prior to the commencement of any work. The application shall specify the name and address of the applicant; the specific location of the proposed excavation and the width, length and depth thereof; the type of road or other surface; and the individual(s), firm or corporation for whose benefit the excavation is to be made and shall be accompanied by a nonrefundable fee for the issuance of the permit as hereinafter provided, together with the charges as hereinafter set forth.
 2. Applications for extensive openings shall require, in addition to the above, information regarding:
 - (a) All improvements;
 - (b) Typical details and sections of construction procedure;
 - (c) Plans, profiles and other details necessary to accurately depict the work.

Standard details used by public utilities and accepted and approved by the Superintendent of the Department of Public Works or the Borough Engineer may be used to satisfy the requirements of Subsections a, 2(b) and (c) preceding.

3. No work may commence by the permittee until the date set forth in the issued permit.
- b. Emergency Road Opening.
 1. In the event that an emergency condition exists requiring immediate action by any person, firm or corporation required to obtain a permit pursuant to this section, the person may immediately cause the roadway to be entered and emergency measures taken without first obtaining a permit, provided that:

- (a) A true emergency exists and the person(s) doing the work notifies the Fairview Police Department prior to start of work; the Police Department shall log the emergency.
 - (b) A permit is applied for within 72 hours of the road opening or on the next business day, whichever is more practical.
 - (c) All work is to be performed in accordance with the provisions of Subsections 15-2.5, 15-2.6, 15-2.7 and 15-2.8.
 - (d) The Superintendent of the Department of Public Works or the Borough Engineer shall be notified within 24 hours of a road opening. If a road opening commences on a Saturday or Sunday as a result of emergency road work, the Police Department of the Borough of Fairview shall be notified prior to start of work, and the Superintendent of the Department of Public Works or the Borough Engineer shall be notified on the morning of the first business day thereafter.
2. The Borough reserves the right to issue a written stop-work order where same is deemed appropriate by the Superintendent of the Department of Public Works or Borough Engineer.
- c. Review of the Application of Small Openings. Prior to the issuance of a permit, copies of the application therefore shall be referred to the Superintendent of the Department of Public Works or the Borough Engineer who shall, within five working days, note any objections to the issuance of a permit or any conditions which shall be satisfied prior to or be imposed as conditions upon the issuance of the permit, as appropriate.
 - d. Applicant. The applicant must be a licensed contractor or agent of a public utility, whether corporate, individual, or partnership, who will be actually engaged in the performance of the work to ensure the safety of the public and that the work is done in accordance with Borough specifications. The application shall be made for and on the behalf of the owner for whom such work is being done and shall be countersigned by such owner. Permits will not be issued directly to private owners or developers without specific written approval of the Mayor and Council.
 - e. Agreement. The owner shall agree, as a condition of the issuance of a permit, that any facilities, pipes or poles or other object(s) to be installed within the Borough right-of-way pursuant to the permit shall be promptly relocated at the owner's expense, except where otherwise provided by law, as required by the Borough of Fairview, to accommodate the installation of Borough facilities. Such agreement shall be in writing and contained on the face of the application form and permit.
 - f. Review of Application for Small and Extensive Openings. All small and extensive openings shall first be reviewed and approved by the Superintendent of the Department of Public Works, and extensive openings shall subsequently be reviewed and approved by the Borough Engineer prior to the issuance of a permit.
 - g. Issuance. Street opening permits shall be issued by the Department of Public Works once reviewed and approved as provided for herein; provided, however, that no permit shall be issued until an application fee and an engineering fee, as described in Subsection 15-2.10 of this section, have been paid to the Department of Public Works.

§ 15-2.5 Work Requirements.

[Ord. No. 99-22 § 13-2.5]

- a. Generally. The New Jersey Department of Transportation 1989 Standard Specifications for Road and Bridge Construction and Standard Roadway Construction/Traffic Control/Bridge Construction Details, dated September 1995 with all amendments and supplements, shall govern all of the work performed under Borough of Fairview road opening permit, except as supplemented below.

1. No Borough road shall be closed to traffic without prior written consent of the Police Department. In the event that a road is closed, uniformed Police may be required to act as traffic directors, and the proper traffic control devices shall be erected and maintained in accordance with standards described in the Manual on Uniform Traffic Control Devices, 1988 Edition. All costs of providing uniformed Police shall be the responsibility of the permittee or the owners. The Borough will bill the permittee for such services at the prevailing rate specified annually by the Borough. In the event that a detour is deemed necessary by the permittee, application shall be made to the Chief of Police, who shall determine the necessity for such detour and the route to be followed. In emergency situations, notification by phone to the Police Department shall be done prior to start of work.
2. Any work under an issued permit must be commenced within three months from the date of issue and completed 45 days from commencement, or the permit shall be deemed void, and reapplication shall be required. The Superintendent of the Department of Public Works or the Borough Engineer may grant a single forty-five-day completion extension past the original permit expiration date.
3. Work commenced under a permit shall be continued expeditiously during normal working hours until completed.
4. The applicant shall notify the Superintendent of the Department of Public Works or the Borough Engineer 24 hours in advance of the actual commencement of any work on an extensive opening, or on the same day for a minor opening.
 - b. Guard. The applicant shall keep the work site properly guarded both day and night and shall have lights, barriers and adequate safety devices as described in the Manual on Uniform Traffic Control Devices placed thereat and maintained throughout the performance of the work and shall interfere as little as possible with the traffic along the street or road within the Borough, and only that part of any such street or road as is set forth in the permit shall be opened.
 - c. Cover and Protection. All utilities shall be constructed with adequate depth of cover protection for the utilities in the event that further Borough road construction, repair or modification necessitates excavation, undercutting or installation of facilities in the area where the utility is located. This location will in no way relieve the utility owner of the responsibility of relocating the utility at the utility owner's expense in case of conflict with future construction, reconstruction or modification of related facilities, except as otherwise specified herein.
 - d. Protection of Existing Structures. It shall be the responsibility of the permittee to give other notice of the proposed street opening to any person, firm or corporation whose pipe, conduits or other structures are laid in the portion of the street to be opened. The notice shall be given to all utilities by calling the Garden State Underground Plant Location Service at telephone number 1-800-272-1000 three working days before the commencement of the opening, or as provided by law, and the permittee shall restore the same, at his own expense, to the condition it was in prior to commencement of work.
 - e. All excavations shall be completely backfilled at the end of each working day unless it would constitute a hardship to the permittee or where the size of the excavation makes it impossible to backfill at the end of each working day, in which event a waiver may be granted by the Superintendent of the Department of Public Works or the Borough Engineer. In the event that a waiver is granted, the contractor or owner shall cover the excavation with heavy one inch thick steel plates secured to existing pavement to prevent rattles and movement and erect appropriate barriers and lights around the entire excavation and arrange to provide appropriate security protection, if such security is necessary, at his own cost, and such other safeguards as may be needed to protect the public from an open excavation. If steel plates are placed for over a weekend or for an extended period, all edges are to be macadam-sealed and sloped. In no event shall an excavation be left open for more than 72 hours unless an emergency exists and permission has been secured from the Chief of Police, Superintendent of the Department of Public Works and Borough Engineer or their designated representatives.

§ 15-2.6 Repair and Cleaning of Streets and Property.

[Ord. No. 99-22 § 13-2.6]

- a. The permittee shall be liable for any damage to the roadway leading to or adjacent to the work site.
- b. The permittee shall, on a continuing basis, maintain all streets and other property affected by the construction in a clean condition free from all rubbish, excess earth, rock and other debris. Upon completion of all work under the permit, the permittee shall again clean the affected property and remove all debris and unused material. In the event that the permittee fails to act as provided herein, the Borough, upon 24 hours' notice to the permittee, may clean and remove all rubbish, excess earth, rock, debris and unused material and charge the permittee the cost thereof. If the permittee fails to reimburse the Borough for the costs incurred, the costs shall be deducted from the permittee's deposit held by the Department of Public Works.

§ 15-2.7 Inspections.

[Ord. No. 99-22 § 13-2.7]

The Superintendent of the Department of Public Works or Borough Engineer shall periodically inspect all road openings and the repair and resurfacing thereof for the purpose of determining compliance with the conditions imposed on the issuance of the permit and the specifications. The Borough may, upon the recommendation of either of them:

- a. Order a temporary stop to any road paving.
- b. Order that the applicant perform or correct work in accordance with the direction of the Borough.
- c. Order a stop to any work and revoke the permit, in which event the Borough of Fairview shall complete the work, or cause it to be completed, and either declare the applicant's deposit forfeited or notify the applicant's surety of an intent to file claim on the bond, or both to the extent necessary to complete the work.
- d. Authorize the correction of any work after notification to the permittee and after the neglect or the refusal of the permittee to make such corrections within 24 hours and, after the completion of same, either declare the permittee's deposit forfeited or notify the permittee's surety of an intent to file a claim on the bond, or both to the extent necessary to make the necessary corrections.
- e. Take any other action deemed reasonable under the circumstances to protect the Borough's interests.

§ 15-2.8 Specifications.

[Ord. No. 99-22 § 13-2.8]

Small road openings may be permanently paved after a thirty to sixty-day normal settlement period, or as directed sooner or later than that period by the Borough Engineer or Superintendent of the Department of Public Works.

No extensive road opening shall be permanently paved until a final inspection has been made by the Borough Engineer or Superintendent of the Department of Public Works and final approval given.

- a. For All Openings.
 1. The existing pavement must be saw-cut or blade cut vertically in a straight line to the full depth of the pavement before excavation begins.
 2. The material excavated from the trench opening may be replaced as backfill unless found to be

unsuitable by the Superintendent of the Department of Public Works or Borough Engineer. Unauthorized excavated materials must normally be removed from the work site within five calendar days after the day of excavation, or within 24 hours at the direction of the Superintendent of the Department of Public Works or Borough Engineer.

3. The backfill of stone or bank run sand shall be furnished from outside sources, except as authorized pursuant to Subsection 15-2.8a2.
 4. The uncompleted length of road opening (not having a surface course of stabilized base at the end of the work day) allowed under a permit at any one time shall not exceed 50 linear feet unless a special need can be established by the permittee and approval to exceed this limitation is secured from the Superintendent of the Department of Public Works or Borough Engineer. Such special need shall be noted in writing on the permit application to the Superintendent of the Department of Public Works or Borough Engineer before such permission is granted, except in unusual cases and/or emergencies. In that event, such special needs shall be documented in writing after approval is granted.
 5. Where existing manholes are located in the road shoulder areas, a minimum of two inches of bituminous concrete Mix No. I-5 shall be placed for four feet on both sides of the manhole casting over four inches of quarry-processed stone. The width of the bituminous concrete Mix No. I-5 shall vary to the dimensions of the existing shoulder.
 6. All backfill shall be placed in eight to twelve-inch layers, with each layer thoroughly compacted by mechanical means to the satisfaction of the Superintendent of the Department of Public Works or Borough Engineer. The Superintendent or Borough Engineer shall have the right to require a compaction test to be performed by an independent laboratory at the expense of the permittee.
 7. After proper compaction, the entire area of the opening shall be paved with the temporary pavement, maintaining a smooth transition with the adjoining paved areas.
- b. Asphalt Pavement Openings.
1. For openings in asphalt-surfaced pavements or penetration macadam pavements, backfill material shall be deposited and compacted as described in Subsection a, preceding to a level similar to the bottom of the adjoining subbase course, but not less than six inches below the surface level of the adjacent paved surfaces.

The Superintendent of the Department of Public Works or the Borough Engineer may direct that for extensive openings the subbase course shall be quarry-processed stone of not less than four inches compacted thickness.

The base course shall be bituminous-stabilized base course Mix No. I-2 not less than three inches compacted thickness constructed in a single lift.

The pavement surface shall be placed and compacted flush with the finished surface of the existing pavement and shall be maintained at this level by the permittee by the addition of bituminous concrete Mix No. I-5 until final settlement has occurred.

After a thirty to sixty-day normal settlement period, or as directed sooner or later than that period by the Borough Engineer or Superintendent of the Department of Public Works, a final pavement surface course will be applied wherever necessary to maintain a flush and level surface.

The final pavement surface course shall be bituminous concrete Mix No. I-5 with all joints between the existing pavement and the bituminous concrete surface course to be sealed with a tack coat.

During the winter months, if bituminous stabilized base material is not available, cold mix bituminous concrete may be substituted with the provision that this material is removed and replaced with bituminous base material when these materials become available.

- c. Concrete Pavement Surface Openings. For all openings in concrete surfaces, the trench backfill shall be compacted in one foot layers to a level four inches below the top of the adjacent paved surface. A four-inch compacted depth of bituminous concrete Mix No. I-2 pavement shall then be placed, compacted level with the existing pavement, and shall be maintained by the permittee to a pavement level by adding additional bituminous material until final settlement has occurred, the temporary bituminous concrete pavement shall be removed and the opening excavated to a depth of 10 inches, and a pavement of Class B concrete 10 inches in depth shall be constructed level with the existing pavement surface. A layer of heavy six-by-six No. 6 gauge wire mesh reinforcing shall be placed in the opening at a point for eight inches below the finished elevation.
- d. Nonpaved Area. All grass or graveled area or sidewalk areas disturbed within the Borough right-of-way shall be reconstructed, topsoiled, seeded and mulched within 14 days of completion of excavation. All concrete areas will be thoroughly compacted. These limits may be waived by the Superintendent of the Department of Public Works or the Borough Engineer only when abnormal temperatures or inclement weather necessitates the same.
- e. All work shall be guaranteed for a period of at least 12 months from its completion and acceptance by the Superintendent of the Department of Public Works or the Borough Engineer.

§ 15-2.9 Insurance; Deposits.

[Ord. No. 99-22 § 13-2.9]

- a. Insurance. The applicant shall present evidence satisfactory to the Borough Attorney of insurance sufficient to indemnify and save harmless the Borough, its 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 operations performed under the permit. The insurance shall provide limits of not less than \$1,000,000 of single limit or, in the case of a public utility, may be in the form of a certificate of self-insurance. Where there is an extensive opening, the Superintendent of the Department of Public Works or the Borough Engineer may request additional insurance if it is deemed necessary under the circumstances.
- b. Security.
 - 1. The Department of Public Works shall not issue a permit unless the applicant has deposited as security for faithful performance a certified check made payable to the Borough of Fairview or filed a bond with the surety satisfactory to the Borough Attorney, the amount thereof, to be based upon the security deposit fee schedule as contained in Subsection 15-2.10 of this section.
 - 2. In lieu of the security deposit required above, a public utility applicant may file with the Borough Clerk a corporate performance bond in the amount of at least \$20,000. This corporate performance bond must be an annual one and must be renewed annually.

In the event that a public utility applicant applies for a permit for road opening and/or road openings and the required security deposit fee set forth in Subsection 15-2.10 exceeds the \$20,000 the public utility applicant shall file a corporate performance bond in an amount equal to the difference between the \$20,000 and the required security deposit. For all nonpublic utility applicants, the surety bond shall be at least \$1,000. A certified check for a lesser amount may be deposited, however, in the amount provided by Subsection 15-2.10 for the work to be performed.

- 3. Upon satisfactory completion of all work permitted or required under the permit for extensive openings,

if the security deposit is \$2,000 or less, the Borough of Fairview will retain 100% of the security deposit as security for maintenance of the work for a period not to exceed one year from the date of completion, provided that if the security deposit is in the form of a certified check, the permittee may deposit a surety bond of \$2,000 satisfactory to the Borough Attorney in lieu of the certified check. If the security deposit is greater than \$2,000, then the Borough will release or refund 60% or more of the same with the approval of the Superintendent of the Department of Public Works or Borough Engineer, excepting it shall retain a minimum of \$2,000, and the surety bond will be deposited for the maintenance as set forth above. All bonds and certificates of insurance shall contain a provision that the same shall remain in full force and effect for a period of one year after the last work under any permit.

c. Application Fee and Escrow Deposit.

1. The applicant shall also pay, by separate money order, certified check or, if the applicant is a public utility as herein defined, by a corporate check, a nonrefundable application fee as set forth in Subsection 15-2.10 of this section. Applicant other than a public utility shall pay, by separate money order or certified check, a refundable escrow deposit fee for inspection and professional services as set forth in Subsection 15-2.10 of this section. Should the escrow deposit fee account at any time become insufficient to cover the actual or anticipated inspection and professional expenses, the fund shall be subject to increase on demand of the Superintendent of Public Works.
2. The Borough shall pay from the escrow deposit fee any costs incurred by its designated representatives or professional consultants for inspection or other engineering services or legal fees required in connection with the proposed opening or excavation at the rate established.

§ 15-2.10 Fees.

[Ord. No. 99-22 § 13-2.10; Ord. No. 03-43; Ord. No. 10-16; Ord. No. 12-1]

Fees shall be as follows:

a. Application Fee Nonrefundable (Other than Public Utilities):

1. Road Opening.

(a) Application Fee (minimum fee) (Includes 1 inspection): \$200.

Additional inspection: \$75 (per inspection).

(b) First five linear feet by three feet wide: \$25.

(c) From five linear feet to 25 linear feet by three feet wide to be defined as the longest dimension: an additional \$20.

(d) From 25 linear feet to 50 linear feet by three feet wide: an additional \$40.

(e) Extensive openings: \$75.

2. Boring, Tunneling or Driving Under Road: lump sum minimum of \$75.

3. Curb, Gutter, Apron, Sidewalk or Driveway: lump sum of \$15 when affected by excavation.

4. In lieu of individual application fees set forth above, public utilities as defined in Subsection 15-2.2 may pay a single annual fee of \$250.

5. Inspection Fee (minimum fee) (Includes up to 3 inspections): \$225. \$75 per hour will be charged for any additional inspection.

6. Performance Escrow (refundable): \$2,500 (Minimum - based upon value of improvements.) Determined by the Administrator and/or Superintendent of DPW. Public Utilities shall be authorized to submit a yearly Bond in an amount to be determined by the Superintendent of DPW
7. Fee for Failure to Apply for a Road Opening Permit (there shall be a forty-eight-hour grace period for emergency road opening): \$1,000.
- b. Security Deposit Fee for Guaranteeing Paved Area, Curb, Sidewalk, Driveway or Grass Area:
 1. Opening Paved Area, Curb, Gutter, Sidewalk or Driveway:
 - (a) Base charge: \$25.
 - (b) Charge for each square yard of trench opened: \$15.
 - (c) Charge for each square yard of paving: \$5.
 - (d) Charge for each linear foot of curb: \$7.
 2. Opened Shoulders and Roadside Areas:
 - (a) Base charge: \$25.
 - (b) Charge for each square yard of trench opened: \$5.
 3. Boring, Tunneling or Driving Under the Road:
 - (a) Base charge: \$25.
 - (b) Charge per linear foot of boring: \$1.
- c. An escrow deposit fee for engineering and legal costs will be required for all nonpublic utility applicants.
 1. All road openings, excavations, borings and other work as stated on the permit application:
 - (a) Base charge, including the first five square yards on any trench, driveway or sidewalk opened, torn up or excavated and including the first 20 linear feet of any curb or gutter torn up or excavated: \$1,000.
 - (b) For all work proposed on each application that exceeds the quantities delineated in Subsection c1(a) above, a work schedule shall be submitted to and approved by the Superintendent of Department of Public Works or the Borough Engineer, who shall estimate the total escrow fee required based thereon. If, at any time during the course of the work, it appears evident to the Superintendent of the Department of Public Works or the Borough Engineer that the escrow deposit fee is or will be insufficient to cover all costs of inspection and/or other professional services, additional escrow deposit fees shall be estimated by the Superintendent of Department of Public Works or the Borough Engineer and paid to the Department of Public Works, based on a revised work schedule to be submitted by the applicant. This procedure shall be repeated as often as necessary to guarantee sufficient escrow deposit fees being available.
 2. Actual payment from the escrow deposit fee fund shall be based upon the following rates:
 - (a) Professional engineering services: minimum fee of \$135 per hour.
 - (b) Attorney: minimum fee of \$95 per hour.

§ 15-2.11 Return of Deposit Upon Completion of Work.

[Ord. No. 99-22 § 13-2.11]

Upon the completion of any such work, the Superintendent of the Department of Public Works or Borough Engineer shall file a report, which report shall contain the date of completion, the amount of deposit, the cost to the Borough for resurfacing the area so excavated or opened, if the same shall have been necessary, and the balance, if any, due to the applicant. Upon receipt of the report by the Superintendent of the Department of Public Works, the balance due, if any, to the applicant on account of any deposit shall be forthwith returned.

§ 15-2.12 Enforcement.

[Ord. No. 10-16]

This section shall be enforced by the Fairview Police and/or the Department of Public Works Officials.

§ 15-2.13 Violations and Penalties.

[Ord. No. 99-22 § 13-2.12; Ord. No. 10-16; Ord. No. 12-1]

- a. Any person, company, firm or corporation who or which shall violate any of the provisions of this section shall, upon conviction of such violation, be subject for each offense to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 90 days, or both. In case of failure to restore payments or roads or streets as hereinabove provided, after written notice by the Superintendent of the Department of Public Works to do so, each day that such pavement, roads or streets remain unrestored shall constitute a separate offense.
- b. Fee for failure to apply for a road opening permit (There shall be a forty-eight-hour grace period for emergency road opening): \$1,000.