

**ORDINANCE 2015-7 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING
CHAPTER 289 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED
“STREETS AND SIDEWALKS”**

WHEREAS, Chapter 289 of the Code of the Township of Berlin, entitled “Streets and Sidewalks,” regulates construction activities involving road opening and/or excavation within, on or upon sidewalks and municipal streets within the Township; and

WHEREAS, the Governing Body tasked the Township Engineer with reviewing Chapter 289 with respect to bonding, performance guarantees and/or maintenance guarantees and insurance requirements set forth therein; and

WHEREAS, as a result of such review, the Township Engineer has recommended certain changes to Chapter 289; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin, as follows:

SECTION 1: Chapter 289, entitled “Streets and Sidewalks,” Article I, entitled "Excavations," hereby deleted in its entirety and replaced with a new Article I as follows:

Article I Excavation

§289-1 Purpose

The purpose of this Article is to establish rules and regulations governing excavations, construction and maintenance of Township Rights-of-Way and to provide a uniform standard of construction and construction methods for individuals and utility companies seeking to utilize Township Rights-of-Way for such purposes.

289-2 Definitions

The words and phrases herein used, except where the same shall be clearly contrary to or inconsistent with the context of this article or the section in which used, shall be defined as follows:

ADDRESS OF APPLICANT

The mailing address of the individual, group, partnership or corporation for whom the work under the permit is to be performed

ADDRESS OF LOCATION OF PROPOSED WORK

The street address, or block and lot number where street address is not available, of the location where the proposed construction is to take place.

ALL SERVICE CONNECTIONS

Those pipes and conduits providing a utility service between the property line and the utility main.

APPLICANT

The name of the individual, group, partnership or corporation for whom the work under the permit is to be performed.

BACKFILL MATERIAL

All material used to bring the excavated area to subgrade condition.

CABLE CONDUIT

Those facilities and conduits under the jurisdiction of any licensed cable provider operating within the Township.

CARTWAY

The area which lies between the curblines, having a hard surface and is used for vehicular traffic.

CONSTRUCTION

The work required to be performed under the permit.

CONTRACTOR

The individual, group partnership or corporation undertaking to do the work requested on the permit.

CURB

That construction of concrete or bituminous concrete with a vertical face which defines where the pavement and planting strip meet.

DEPRESSED CURB

That portion of curb used for ingress and egress to the driveway and handicap ramp.

DRIVEWAY

Includes that portion of a right-of-way which provides access to an off-street vehicular facility through a depression in the constructed curb; or, when there is no constructed curb, that area in front of such vehicular facility as is well defined or as is designated by authorized signs or markings.

DRIVEWAY APRON

That area of the driveway between the sidewalk and the curb or curblines; or, where there is no sidewalk, that area between the property line and the curblines.

ELECTRICAL CONDUIT

Those facilities and conduits under the jurisdiction of any electric services provider operating and/or providing electric within and/or to the Township.

EMERGENCY

When the existing utility is leaking, broken, blocked or otherwise malfunctioning such that the health and safety of the public is endangered and immediate action is required.

EXCAVATED MATERIAL

All material removed or disturbed from its original location.

GAS MAINS AND SERVICE LATERALS

Those pipes and appurtenances under the jurisdiction of the PSE&G Company or the South Jersey Gas Company.

HANDICAP RAMPS

Those areas so designated or required by law where the sidewalk is ramped to meet a section of depressed curb or wheelchair traffic.

MAINTENANCE

Any work the Township requires to be performed prior to the release of the maintenance guarantee.

PAVEMENT

The type of material used for the construction of the cartway.

PERMIT

The document issued authorizing the required construction to take place.

PERMIT TERM or TERM OF PERMIT

Any permit issued in accordance with this Chapter shall be valid for a period of six (6) months from the date it is issued and may be extended for an additional three (3) month period upon written request to the Township Clerk prior to expiration of the original permit and subject to the approval of the Township Engineer or Director of Public Works.

PLANTING STRIP

That area between the property line and the curb or edge of pavement.

PLANTING STRIP INSIDE

That area between the sidewalk and property line.

PLANTING STRIP OUTSIDE

That area between the sidewalk and curb or edge of pavement.

RECONSTRUCTION

The removal and replacement of an existing structure, facility, area or appurtenance as required under the permit.

REPAIR

The restoring, patching as may be required of both a temporary and permanent nature for the protection of the public and the structure, facility area or appurtenance.

REPLACEMENT

The placing back of an existing structure, facility, area or appurtenance in accordance with current Township specifications.

RIGHT-OF-WAY

That area which is dedicated to the right of the public.

SANITARY SEWER MAINS AND SERVICE LATERALS

Those pipes and appurtenances under the jurisdiction of the Township.

SERVICE LATERALS

All utility connections between the right-of-way and the main under the jurisdiction of the utility company. Township or private ownership.

SEWERAGE AUTHORITY MAINS

Those pipes and appurtenances under the jurisdiction of the Camden County Municipal Utilities Authority.

SIDEWALK

That area designated for pedestrian traffic having a hard service.

STANDARD SPECIFICATIONS

All written documents, plans, sketches made pertaining to the method or manner of performing the construction or quality and quantities of material to be utilized.

STORM DRAINS

Those pipes and appurtenances which carry stormwater and/or groundwater, including roof drains, underdrains, yard drains and sump pump discharge pipes within the right-of-way.

STREET

Any municipal roadway, including but not limited to any street, avenue, boulevard, road, parkway, highway or other way owned by the Township from right-of-way line to right-of-way lines.

TELEPHONE CONDUIT

Those facilities and conduits under the jurisdiction of any telephone services provider operating within the Township, including any local or long distance telecommunications carrier.

TOWNSHIP

The Township of Berlin.

WATER MAINS

Those pipes, hydrants and appurtenances under the jurisdiction of the Borough of Berlin Water Department and/or any other water company supplying water to the Township.

WORK OF MAJOR SCOPE

All new construction and/or replacement of existing utility mains.

§289-3 Permit required; Exceptions

- A. It shall be unlawful for any person, partnership, limited liability company, corporation or other business or association to excavate, cut, break into, damage or open any of the roads, streets, avenues, highways and/or Rights-of-Way of the Township of Berlin or easements granted thereto without first obtaining a permit pursuant to the requirements of this Article.
- B. A Right-of-Way permit is required for the following work and /or construction to be performed on, over, under, in or about any Township Right-of-Way or Township-owned facility or easement:
 - (a) construction, reconstruction, replacement, repair, maintenance, servicing, or installation of sidewalks, driveway aprons, curbs, handicap ramps, sanitary sewer mains and laterals, water mains, hydrants and service laterals, gas mains and service laterals, telephone conduit, electrical conduit, cable conduit, sewerage authority mains, all service connections, storm drain mains, inlets and basins and pavement extensions;
 - (b) temporary storage of equipment materials;
 - (c) any other operations, except Township-contracted projects, which may cause abnormal wear to or deface or damage existing structures, pavement, curbs, sidewalks or driveway aprons or Township shade trees.
- C. The requirements of this Chapter shall not apply to the following:
 - (1) installation of new or replacement poles, guys or overhead wires and cables, provided that the utility company performing such work shall contact the Township Engineer or the Director of Public Works either prior to the placement of a pole or guy, or in the case of emergency within 24 hours of said placement, and identify the specific location of the required work to verify the location of all municipal utilities within the work area;
 - (2) construction, reconstruction, replacement, repair, maintenance, servicing or installation to be performed on, over, under, in or about any streets, roads or Rights-of-Way under the jurisdiction of Camden County, it being the applicant's sole responsibility to obtain all necessary permits and/or

approvals from the County of Camden for work to be performed in such areas;

- (3) work to be performed on, over, under, in or about a street or Right-of-Way in any subdivision approved by the Berlin Township Planning Board prior to the Township accepting said street or Right-of-Way for maintenance purposes; and
- (4) any such work covered under an independent or separate contract with the Township.

§289-4 Application Procedures; Approval or Denial

A. All persons, partnerships, limited liability companies, corporations or other businesses, associations or government entities or agencies required to obtain a permit under this Chapter shall file with the Township Clerk one (1) application (in duplicate) for each opening in an envelope marked "Application for Right-of-Way Permit," which form shall be kept on file in the office of the Township Clerk and shall be made available upon request, along with an application fee as follows:

- (1) for each opening for the repair, reconstruction and/or replacement of existing sidewalk, driveway and/or driveway apron - \$50.00 per opening;
- (2) for each opening for new construction of sidewalk, curb, street, driveway, driveway apron and/or for any other opening - \$300.00 per opening.

B. In addition to any other information required by the application, all applicants also shall provide the following:

- (1) an explanation of the scope of work sought to be completed which also identifies the probability of damage to any trees, highway structures or private property;
- (2) a diagram, sketch or plan showing the location of the work to be performed in relation to all adjoining property lines, the nearest intersection and all curbs or edges of pavement within the work area and showing the dimensions of the area to be opened and the depth of excavation;
- (3) an analysis of the impact of the proposed work upon any Township shade trees located within the proposed area of work and a proposal for addressing or mitigating such impacts;
- (4) a proposal for addressing work zone safety and the maintenance and protection of vehicular and pedestrian traffic; and

- (5) in cases where the applicant is proposing Work of Major Scope, the Township Engineer, in his sole discretion, can require complete engineering plans and specifications in lieu of a diagram or sketch.
- C. Upon receipt of an application that complies with the above requirements, the Township Clerk shall forward the application to the Township Engineer or Director of Public Works, who shall review the application and plans.
- (1) If, after review of the application and plans, the Township Engineer or Director of Public Works determines the requested work can be performed without substantial detriment to the Township Right-of-Way and without creating excessive disturbances to traffic or exceptionally dangerous conditions, the Township Engineer or Director of Public Works, as the case may be, shall mark the plans either "approved" or "approved as noted" and return same to the Township Clerk for issuance of a permit pursuant to Section 289-5.
 - (2) If, after review of the application and plans, the Township Engineer or Director of Public Works determines the requested work would cause substantial or undue damage to a Township Right-of-Way or create excessive disturbances to traffic or exceptionally dangerous conditions not commensurate with the benefits to the applicant, the Township Engineer or Director of Public Works shall deny the application and return same, along with a written explanation of the reasons for denial, to the Township Clerk for issuance of a notice of denial pursuant to Section 289-5.
 - (3) The Township Engineer or Director of Public Works shall not approve, either conditionally or unconditionally, any application or plans submitted by any applicant where the Township Engineer or Director of Public Works determines the applicant has failed to properly perform work under another permit issued in accordance with this Article or where the applicant has failed to reimburse the Township for recoverable costs billed under the terms and conditions of a previous permit that was issued in accordance with this Article.
- D. When it is determined an emergency exists which requires work to be performed immediately and without the ability to apply for and obtain a permit or modify an existing permit as otherwise required hereunder, the Township Engineer and Director of Public Works must be notified of the cause for said emergency work within twenty-four (24) hours of the commencement of such work and a permit must be obtained from the Township Clerk within three (3) calendar days of the commencement of said work.

§289-5 Issuance of Permit or Notice of Denial

- A. Upon receipt from the Township Engineer or Director of Public Works of an application and plans marked "approved" or "approved as noted," the Township Clerk shall notify the applicant that the permit has been approved and that a permit will be issued upon the applicant's satisfaction of the performance guarantee requirements of Section 7 of this Article
- B. Upon receipt from the Township Engineer or Director of Public Works of an application and plans marked "denied," the Township Clerk shall issue a notice of denial to the applicant, which notice shall include the reason(s) for the denial.

§289-6 Commencement of Work; Construction Requirements; Defective Work

- A. No applicant or contractor shall commence any work governed by this Article until the applicant has received a permit pursuant to Section 289-5 and has provided evidence satisfactory to the Township Engineer and/or Township Solicitor of the applicant's satisfaction of the insurance requirements of Section 289-8.
- B. All work performed under a permit issued in accordance with this Article shall comply with the construction procedures and requirements established by the Township Engineer, as same may be amended from time to time. A copy of said construction procedures shall be maintained on file with the Township Engineer and Director of Public Works and shall be available for inspection and copying upon delivery of a written request for same.
- C. In the event the application shall fail to complete the permitted work or to correct defective conditions within ten (10) days of receipt of notice issued by the Township Engineer or Director of Public Works, which notice shall be sent via certified mail, return receipt requested and via electronic mail where applicant has provided an email address on the application, the Township may perform the work and/or necessary repairs. In the event of an emergency caused by incomplete work or defective work, the Township may perform any such work as is necessary to remedy the emergency without prior notice to the applicant. The Township shall provide the applicant written notice of said work within twenty-four (24) hours of the commencement of same. Any costs incurred by the Township to rectify said emergency condition shall be reimbursed from any funds on deposit and/or from the performance guarantee or maintenance guarantee posted by the applicant pursuant to Section 289-7, as the case may be.

§289-7 Performance Guarantees and Maintenance Guarantees

- A. Prior to issuance of a permit, the applicant shall post or deposit with the Township a bond or other form of performance guarantee in a form approved by the Township Solicitor for the purpose of protecting the Township against loss in the event the applicant fails to complete the work or fails to make required repairs or restoration of damages. The performance guarantee required in this Section A

shall remain in effect and shall not be released until the applicant has posted a maintenance guarantee as required by Subsection C below. The amount of the performance guarantee shall be calculated by the Township Engineer or Director of Public Works as follows:

- (i) Street pavement opening: \$1,500.00 for 10 square feet of opening or less plus \$10.00 per square foot for each square foot in excess of 10 square feet of opening;
 - (ii) Curb opening: \$250.00 for 10 linear feet of opening or less plus \$25.00 per linear foot for each linear foot in excess of 10 linear feet of opening;
 - (iii) Sidewalk opening: \$250.00 for 5 square feet of opening or less plus \$50.00 per square foot for each square foot in excess of 5 square feet of opening; and
 - (iv) Driveway apron opening: \$350.00 for first 5 square feet of opening or less plus \$70.00 per square foot for each square foot in excess of 5 square feet of opening.
- B. When an applicant applies for and/or maintains more than one (1) permit at a time, the applicant may post an annual blanket bond, in an amount acceptable to the Township Engineer or Director of Public Works and in a form acceptable to the Township Solicitor, to avoid the inconvenience and expense of obtaining individual bonds for each permit.
- C. Upon completion of the permitted work, including all required restoration work to the satisfaction of the Township Engineer or Director of Public Works, applicant shall be responsible for proper maintenance of that portion of the street over which the permit has been issued, including backfilling and pavement restoration to compensate for settlement. The applicant shall post a maintenance bond or other form of maintenance guarantee in a form approved by the Township Solicitor for the purpose of protecting the Township against loss in the event the work performed by the applicant is defective and/or fails thereby requiring repair work. The amount of the maintenance guarantee shall be calculated by the Township Engineer or Director of Public Works at a rate equaling 15% of the actual and final cost of the work performed by the applicant. All maintenance guarantees shall remain in effect for a period of one (1) year commencing on the date of acceptance of the work by the Township after the Township Engineer and/or Director of Public Works' final inspection and approval of the work performed by the applicant.
- D. Any utility under the jurisdiction of the Board of Public Utilities may post with the Township a blanket corporate bond in a form acceptable to the Township Solicitor in the amount of \$25,000.00 in lieu of separate performance guarantees for each required permit and in lieu of the required maintenance bond for each

such permit. The term of the maintenance bond for such utilities shall be for a period of one (1) year commencing on the date of acceptance of the work by the Township after the Township Engineer and/or Director of Public Works' final inspection and approval of the work performed by such utility.

§289-8 Insurance Requirements

- A. The applicant shall purchase and maintain during the life of a permit the following types of insurance policies to protect the Township from claims for damages for personal injury, including accidental death, and/or claims for property damage which may arise from work performed under and in accordance with the permit, whether such operations are conducted by the applicant, any subcontractor of the applicant or anyone employed directly or indirectly by either of them.
- B. The types of policies and amounts of coverage afforded under such insurance policies shall be as follows:
 - 1. Commercial General Liability Insurance with limits of liability not less than \$1,000,000 per occurrence, \$2,000,000 aggregate for personal injury and \$250,000 per occurrence, \$500,000 aggregate for property damage;
 - 2. Automobile Insurance, comprehensive and collision coverage, with limits of liability not less than \$250,000 per occurrence and \$500,000 aggregate for personal injury and \$500,000 for property damage;
 - 3. Blanket Catastrophe Insurance with limits of liability not less than \$3,000,000; and
 - 4. Worker's Compensation Insurance in the amounts required by law.
- C. In the event the applicant is unable to procure any one or more of the required insurance policies in the minimum amounts set forth above, the Governing Body may approve a reduction in the insurance requirements so long as such reduction is recommended by the Township Engineer and Township Solicitor. Any applicant who is an individual property owner and who can demonstrate to the satisfaction of the Township Engineer that he or she is personally performing the work contemplated in this Article in lieu of paying a contractor to complete the work, may provide a Certificate of Insurance from their homeowner's insurance carrier naming the Township as an additional insured.

§289-9 Indemnification

- A. An applicant's receipt and acceptance of a permit hereunder constitutes an agreement by the applicant and the applicant shall so be bound to hold the

Township harmless from any and all claims of any nature arising out of any work performed in accordance with said permit and/or covered thereby. The Township's issuance of a permit hereunder shall not be construed as a waiver of this indemnification requirements nor shall it constitute acceptance or assumption of liability in connection with any work performed in connection with such permit.

- B. The Township shall provide the applicant notice of any claim or lawsuit filed against the Township by reason of and/or alleging any negligence or default of any nature by the applicant. Thereafter, any final judgment against the Township or settlement reached by the Township shall be conclusive upon the applicant and the applicant shall be liable for payment of same as well as the Township's costs in connection with such claim or lawsuit, including all legal costs and reasonable attorney's fees incurred as a result of such claim or suit. The applicant shall pay all such amounts required under this Section within thirty (30) days of receipt of a demand for payment from the Township, which demand shall include a detailed explanation of the charges to be paid.

§289-10 Violations and penalties

Any person, partnership, firm, association or corporation violating the provisions of this article shall, upon conviction, be punished for such offense by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed ninety (90) days, or both.

SECTION 2: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by renumbering the sections thereof as follows:

<u>Old Article/Section Number</u>	<u>New Article/Section Number</u>
Article II	Article II
289-19	289-11
289-20	289-12
289-21	289-13
289-22	289-14
289-23	289-15
289-24	289-16(A) & (B)
289-25	289-16(C)
289-26	289-17
289-27	289-18
289-28	289-19
289-29	289-20
289-30	289-21
289-31	289-22

SECTION 3: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety

the content of new Section 289-11 (formerly Section 289-19) and replacing it with the following new language:

§289-11 Property Owner's Responsibility for construction and maintenance

It shall be the responsibility of an abutting property owner, at said owner's sole cost and expense, to set or reset, lay or relay, repair, replace, construct and maintain all curbs, sidewalks and driveway aprons in and on the right-of-way of any public street in the Township of Berlin the grade of which has been lawfully established or which may hereafter be established, except as may be provided in approved subdivisions wherein the developer is required to pay the cost thereof. Determination of the need for any such work shall be made by the Township Engineer and/or the Public Works Director in his or her sole discretion.

SECTION 4: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-12 (formerly Section 289-20) and replacing it with the following new language:

§289-12 Compliance with regulations required; supervision

All curbs, sidewalks and driveway aprons hereafter set, reset, laid, relaid, altered, repaired, replaced or constructed shall be done in compliance with the regulations of the Township of Berlin and under the supervision of the Public Works Director and/or Township Engineer, and/or his or her designee.

SECTION 5: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-13 (formerly Section 289-21) and replacing it with the following new language:

Section 289-13 Application for permit; information required.

Whenever any curb, sidewalk and/or driveway apron is to be set, reset, laid, relaid, repaired, replaced or constructed in the Township of Berlin, the property owner of the abutting lands or his contractor shall first apply to the Township Clerk for a permit under this Article. The application shall specify the grade, dimensions, mix materials and the method of construction, repair or replacement to be used. The Township Clerk or such officer or agent as the governing body may designate shall examine said specifications and register his or her approval or disapproval thereof. Upon approval thereof, a permit shall be issued to the applicant for such construction and/or repairs.

SECTION 6: Chapter 289, entitled "Streets and Sidewalks," Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-14 (formerly Section 289-22) and replacing it with the following new language:

Section 289-14 Permit fee.

A permit fee of \$5.00 shall be paid for a permit to repair or replace sidewalks, curbs and driveway aprons. A permit fee of \$50.00 shall be paid for a permit to construct new sidewalks, curbs or driveway aprons.

SECTION 7: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting in the entirety the content of new Section 289-15 (formerly Section 289-23) and replacing it with the following new language:

Section 289-15 Notification by Township Clerk; duty of owner.

The owners of lots, tracts and parcels of land fronting or abutting on any public street in the Township of Berlin shall, at said owners' own cost and expense, set, reset, lay, relay, alter, repair, replace, construct and maintain curbs, sidewalks and driveway aprons within the public right-of-way when notified to do so by the Township Clerk, Code Enforcement Officer, Director of Public Works or such other Township personnel authorized to do so by the governing body pursuant to a resolution adopted by the governing body.

SECTION 8: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the entirety of new Section 289-16 (formerly Sections 289-24 and 289-25) and replacing it with the following new language:

Section 289-16 Improvements to be specified by resolution; Notice and hearing.

- A. Whenever the governing body shall determine that the construction, repair, alteration or replacement of any curb, sidewalk and/or driveway apron is necessary, it shall, by resolution, specify the improvements to be made. Upon adoption of such resolution by the governing body, the Township Clerk shall cause a notice, in writing, to be served upon the owners or occupiers of the lands so designated, requiring the necessary specified work to said curb, sidewalk and/or driveway apron to be done within a period of time not less than thirty (30) days from the date of service of such notice.
- B. No such resolution shall be adopted until after notice has been given to the affected owner or occupier of said property and a public hearing is held thereon. Said notice shall be given, by certified mail, at least ten (10) days prior to the hearing. If the owners cannot be ascertained with reasonable certainty, then said notice shall be published in a newspaper in a newspaper with regular circulation within the Township once each week for four (4) consecutive weeks with the last publication appearing at least thirty (30) days before the hearing required by this Section. Proof of service of any such notice shall be filed within ten (10) days thereafter with the Tax Collector of the Township of Berlin.

- C. Every notice provided pursuant to this Section shall contain a description of the property affected thereby sufficiently definite to identify same, the official plate, block and lot of the property as shown on the Tax Map, the name or names of the owner or owners as they appear in the last municipal tax duplicate and a brief description of the required improvements and/or repairs.

SECTION 9: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the words "shall not comply" in the first sentence of new Section 289-17 (formerly Section 289-26) and replacing them with the words "do not comply."

SECTION 10: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the words "not exceeding 10" in the first sentence of new Section 289-18 (formerly Section 289-27) and replacing it with the words "not exceeding five (5)."

SECTION 11: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the first sentence of new Section 289-20 (formerly Section 289-29) and replacing it with the following new sentence:

The governing body may each year include in its annual budget an appropriation for curb, sidewalk, and/or driveway apron repairs and/or replacement in addition to any existing maintenance fund, out of which appropriation all costs of construction and/or repairs of curbs, sidewalks and/or driveway aprons during the year may be charged when it becomes necessary for the governing body to make such repairs and/or construction pursuant hereto.

SECTION 12: Chapter 289, entitled “Streets and Sidewalks,” Article II, entitled "Sidewalk and Curb Construction" is hereby amended, revised and/or supplemented by deleting the words "curbs and/or sidewalks" in new Section 289-21 (formerly Section 289-30) and replacing them with the words "curbs, sidewalks and/or driveway aprons."

SECTION 13: The balance of Chapter 289, entitled “Streets and Sidewalks,” is hereby amended, revised and/or supplemented by renumbering the remaining sections as follows:

<u>Old Article/Section Number</u>	<u>New Article/Section Number</u>
Article III	Article III
289-32	289-23
289-33	289-24
289-34	289-25
289-35	289-26
Article IV	Article IV
289-36	289-27
289-37	289-28

SECTION 14: Except as set forth in Sections 1 through 13 above, the balance of Chapter 289 shall not be affected by this Ordinance.

SECTION 15: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 16: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 17: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Introduced: September 14, 2015

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on September 14, 2015 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on October 26, 2015 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk