

Contractor _____ Phone _____
Paving Co. _____ Phone _____

BOROUGH OF WEST CAPE MAY
Cape May County, New Jersey
APPLICATION FOR ROAD OPENING PERMIT

Applicant's Name _____ Date _____

Address _____

For permission to open _____
(as shown on diagram below)

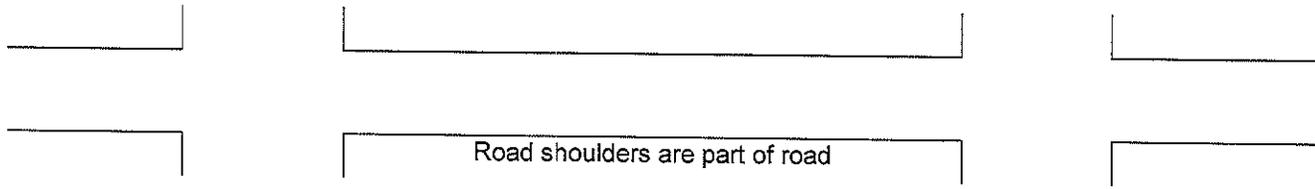
For the purpose of _____

Total area of opening _____ Width _____ Length _____ Depth _____

Anticipated start date _____ Completion date _____

Please note no street openings are permitted between Memorial Day and Labor Day

Remarks _____



The applicant agrees to comply with the regulations governing road and street openings in West Cape May (Ch. 17-1 found at <http://clerkshq.com/default.ashx?clientsite=WestCapeMay-nj>) as well as all laws, ordinances and resolutions relating to said work and the acceptance of the permit shall be deemed an agreement to abide by all of its terms and conditions. Prior to commencing work, applicant must submit a Certificate of Insurance.

Applicant's Signature: _____

ROAD OPENING PERMIT

OFFICE USE ONLY
Permit Fee: _____
Bond/Escrow: _____
Deposit: _____
Final Restoration Fee, If applicable: _____

Date _____
Permit No. _____
(Void 30 days from issue)

Borough of West Cape May

Suzanne M. Schumann, Municipal Clerk

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

► 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	
Print or type. See specific instructions on page 3.	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. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> 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. <input type="checkbox"/> 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) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
	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.

Social security number													
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Part II Certification

Under penalties of perjury, I certify that:

- 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
- 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
- I am a U.S. citizen or other U.S. person (defined below); and
- 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 Here	Signature of U.S. person ►	Date ►
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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-INT (interest earned or paid)

- 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 XVII STREETS AND SIDEWALKS

17-1 EXCAVATING STREETS.*

***Editor's Note:** Prior ordinance history includes portions of Ordinance No. 64-82. See also Chapter VII, Section 7-6A for Construction on Streets and Highways.

17-1.1 Permit Required.

It shall be unlawful for any person, firm, association, corporation or other legal entity to open, tear up, dig into, break up, excavate, tunnel under or in any disturb the surface of any public street or road owned, maintained or under the jurisdiction of the Borough of West Cape May without first obtaining a permit from the Borough Clerk. (Ord. No. 317-02 § 1)

17-1.2 Permit Application.

Every application for a permit pursuant to subsection 17.1-1 shall be in writing, set forth by the applicant, and set forth with the following:

- a. The name and address of the applicant;
- b. The name and address of the party for whom the work is being done;
- c. The name and address of the contractor performing the work, with proof of current Borough of West Cape May Contractor License;
- d. The purpose for which the opening or excavation is made;
- e. The location of the opening and type of road surface to be opened;
- f. The length, width and depth of the proposed opening;

- g. The estimated day of commencement and estimated date of completion of the proposed work;
- h. Certificate of Insurance pursuant to subsection 4-3.8.

17-1.3 Permit Duration.

All permits shall expire and become void thirty (30) days from the date of issue unless renewed in writing by the Borough Clerk, provided however, that the Borough shall not relinquish any rights of action the Borough may have against the applicant by reason of the granting of the extension. (Ord. No. 317-02 § 3)

17-1.4 Application Fee.

A nonrefundable fee of twenty-five (\$25.00) dollars shall be paid to the Borough Clerk at the time of application. (Ord. No. 317-02 § 4)

17-1.5 Review and Inspection Deposit Required.

A deposit of four hundred (\$400.00) dollars shall be paid to the Borough Clerk at the time of application for all excavation of less than or equal to six (6) square yards. If said area to be opened, disturbed, or undermined exceeds six (6) square yards, the additional yardage shall be classified as "excess yardage" and an additional deposit shall be paid by the applicant for all yardage in excess of six (6) square yards at a rate of twenty (\$20.00) dollars per square yard. The area to be opened, disturbed or undermined shall be measured and determined by the Borough Engineer.

Additional engineer fees accrued as a result of review or inspections are the applicant's responsibility. Any unused deposit will be returned upon final inspection and applicant's written request. (Ord. No. 317-02 § 5)

17-1.6 Performance and Maintenance Surety.

Prior to issuing any permit for any work in a public street, certain performance and maintenance guarantees must be posted with the City Clerk.

a. *Performance Guarantee.*

1. The performance guarantee shall be in the form of a certified check drawn in favor of the Borough of West Cape May for one hundred (100%) percent of the total estimated construction costs. The estimated construction costs of the proposed work shall be based upon current market values, and said estimate shall be prepared by the applicant and submitted to the Borough Engineer, who shall determine the guarantee amount. A corporate guaranty bond or surety bond issued by a company authorized to do business in the State of New Jersey in a form satisfactory to the Borough Solicitor, may be substituted for a certified check, if the full amount of the total estimated construction costs exceeds twenty thousand (\$20,000.00) dollars. Said corporate guaranty bond or surety bond shall remain in effect until such time as all work has been inspected and accepted by the Director of Public Works and this requirement must be stated on the bond.

2. In lieu of the above mentioned performance guarantee, applicants may post an annual performance guarantee of fifty thousand (\$50,000.00) dollars. The form of surety shall be approved by the Borough Solicitor.

b. *Maintenance Guarantee.*

1. In addition to the posting of a performance guarantee, and as a condition to the release of same, the Borough of West Cape May may, at its discretion, require the applicant to post a maintenance guarantee in the form of a certified check drawn in favor of the Borough of West Cape May, in the penal sum of fifteen (15%) percent of the performance guarantee.

2. Applicants posting and continually maintaining a performance guarantee in accordance with paragraph a,2 above will not be required to post a separate maintenance guarantee.

c. The applicant shall be responsible for all maintenance and repairs required at the site for a period of one (1) year following completion of construction. The purpose of posting the sureties above is to guarantee to the Borough that any construction, excavation or road opening will be performed and completed in an acceptable fashion consistent with the provisions of this section. In the event that the Borough determines that the excavation, construction or restoration and refilling has not been performed consistent with the requirements of this section, the Borough shall be entitled, after reasonable notice to the applicant, to correct such deficiencies, to take the performance and/or maintenance guarantees or cash posted by the applicant and utilize them to correct any deficiencies, and have the area restored to its proper condition.

d. *Return of Performance and Maintenance Guarantees.*

1. When the work is complete, the Borough Engineer shall examine it, either approve or disapprove it, and notify the Borough Clerk. Upon acceptance by the Borough of the work for which the performance guarantee was posted, the Clerk shall notify the West Cape May Chief Financial Officer that the unused portion of the performance guarantee may be returned to the applicant at which time the Chief Financial Officer will return the unused portion of the performance guarantee to the applicant. If less than the full amount of the performance guarantee

is being returned to the applicant, the Chief Financial Officer shall provide the applicant with an itemization of the authorized charges which were made against the performance guarantee as such charges were authorized by the Department of Public Works.

2. Upon expiration of the period of one (1) year next following completion of construction, the Clerk shall notify the Chief Financial Officer that the unused portion of the maintenance guarantee may be returned to the applicant at which time the Chief Financial Officer will return the unused portion of the maintenance guarantee to the applicant. If less than the full amount of the maintenance guarantee is being returned to the applicant, the Chief Financial Officer shall provide the applicant with an itemization of the charges which were made against the maintenance guarantee as such charges were authorized by the Department of Public Works.

(Ord. No. 317-02 § 6; Ord. No. 458-10)

17-1.7 Issuance of Permit.

a. The Borough Clerk, upon receipt of the completed application and the fees referred to herein above, shall forward said application to the Borough Engineer for his examination and review.

b. The Borough Engineer shall examine said application and authorize or deny issuance of permit.

c. The Borough Engineer shall specify on authorized permits, that the permit is good for a thirty (30) day period from the date of issuance. He shall further specify on the permit that such work shall be completed and restored within forty-eight (48) hours after work has commenced or within a duration of time which, in his opinion, is reasonable and fair. The applicant shall notify the Borough Engineer twenty-four (24) hours before the commencement of any work so that appropriate inspection can be made where required.

d. The Borough Clerk, upon receipt of authorized permit from the Borough Engineer, will issue said permit to the applicant.

(Ord. No. 317-02 § 7)

17-1.8 Transferability.

Every permit shall apply only to the person to whom it was issued and shall not be transferable. (Ord. No. 317-02 § 8)

17-1.9 Rules, Regulations and Conditions Upon Which All Work is to be Performed.

Every applicant under any permit issued pursuant to this section shall fully comply with the following rules and regulations.

- a. Protection of traffic must be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways.
- b. The application to whom such a permit is issued shall, within the stated time limited in such permit, replace the earth and pavement in the excavation in such a manner that the same shall be left in as good condition as it was before the excavation was commenced. Except as otherwise stated herein, all street work performed shall be in accordance with the applicable provisions of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction including all amendments. Reference to articles or sections hereinafter refer to said State highway specifications.
- c. Trenches shall be backfilled in layers and a vibratory tamper must be used. Ninety-five (95%) percent compaction shall be required. Puddling of backfill is strictly prohibited. Should there be a deficiency, additional backfill material shall be supplied by the permittee. Whenever the Borough Engineer shall deem the material unsatisfactory for backfill, the permittee shall provide acceptable material for the backfill.
- d. *Street Restoration Specifications.*
 1. Gravel.
 - (a) Gravel shall be installed six (6") inches thick. The gravel shall consist of compact soil aggregate, Type I-5. The use of a recycled asphalt product (RAP) or recycled concrete product may be substituted for the soil aggregate as long as it meets the NJDOT requirements for I-5 materials. The Borough Engineer may, at his discretion, submit samples of the soil aggregate for a gradation analysis, with the costs of said analysis borne by the application.
 2. Temporary Restoration.
 - (a) Less than one hundred (100) square feet.
 - (1) For openings in asphalt roadways that are less than one hundred (100) square feet, the temporary restoration will consist of the installation of six (6") inches of soil aggregate, Type I-5, to a level of six (6") inches below the level of adjacent paved surfaces. A four (4") inch lift of stabilized hot mix asphalt intermediate course, Mix I-2, followed by a two (2") inch lift of bituminous concrete cold patch installed to grade.
 - (2) These temporary surfaces shall be in place for a period of not less than forty-five (45) days to allow sufficient settlement to occur. Should settlement continue to occur, the Borough Engineer shall determined when the work is acceptable for final restoration. The permittee shall

be responsible for all maintenance deemed necessary by the Borough Engineer until such time as the final restoration is complete.

(b) Greater than one hundred (100) square feet.

(1) For openings in asphalt roadways that are greater than one hundred (100) square feet, the temporary restoration will consist of the installation of six (6") inches of soil aggregate, Type I-5, to a level of six (6") inches below the level of the adjacent paved surface. A six (6") inch lift of hot mix asphalt intermediate course, Mix I-2, shall then be installed to grade.

(2) These temporary surfaces shall be left in place for a period of not less than forty-five (45) days to allow sufficient settlement to occur. Should settlement continue to occur, the Borough Engineer shall determine when the work is acceptable for final restoration. The permittee shall be responsible for all maintenance deemed necessary by the Borough Engineer until such time as the final restoration is completed.

3. Final Restoration.

(a) Less than one hundred (100) square feet.

(1) For openings less than one hundred (100) square feet, the final restoration will involve the removal of the top two (2") inches of bituminous concrete cold patch. All edges shall be saw cut six (6") inches beyond the actual trench width disturbed to produce a clean edge and said edges shall be prepared with an asphaltic tack coat. A two (2") inch lift of hot mix asphalt surface course, Mix I-5, shall then be placed to a level even with the existing road grade.

(b) Greater than one hundred (100) square feet.

(1) For openings greater than one hundred (100) square feet, the trenches shall be milled to a depth of two (2") inches to a distance of at least twelve (12") inches beyond the actual trench width to produce a clean edge. All edges shall be coated with an asphaltic tack coat prior to a two (2") inch lift of hot mix asphalt surface course, Mix I-5, being placed to a level even with the existing road grade.

4. No surface water shall be entrapped or ponded on the resurfaced areas. If any ponding occurs, the permittee will be responsible for performing whatever remedial action is required by the Borough Engineer.

e. If more than three (3) individual excavations would be required within a fifty (50') foot length, a single trench must be used rather than the individual excavations. Final restoration will require a minimum of one-half (1/2) width of the cartway. The trench shall be milled to a depth of two (2") inches to a distance of at least twelve (12") inches beyond the actual trench limit from the centerline of the cartway to the curblineline. (See detail at end of chapter.) All edges shall be coated with an asphaltic tack coat prior to two (2") inch lift of hot mix concrete course, Mix I-5, being placed to a level even with the existing road grade.

f. By the acceptance of such a permit, the applicant shall be deemed to have agreed to comply with the terms hereof, and upon his failure to do so to pay on demand any cost of expense that the Borough may incur, including, but not limited to engineering fees, attorney fees, and costs, by reason of any shrinkage or settlement in the excavated area resulting from such excavation if such shrinkage or settlement shall occur within twelve (12) months from the time the surface thereof is restored.

g. All work shall be conducted so as not to interfere with existing utilities, water mains, sewer, gas, electrical or telephone conduits, or the surface connections thereof; or so as to damage any existing trees or roots thereof until or unless permission of the appropriate authority has been obtained by the applicant.

h. No blasting of any kind shall be allowed unless approved by the Borough Engineer or his designee. All blasting shall be done in strict compliance with all applicable State and local laws and regulations.

i. No excavation of any street or road shall be started on Thursday or Friday unless it can be completed and the surface restored by 6:00 p.m. Friday, except in the case of emergency or where the applicant has received permission from the Borough Engineer or his designee.

j. All work shall be done in a workmanlike manner and as expeditiously as possible and in such a manner as to cause the least possible public inconvenience, and the applicant shall notify all neighboring property owners if the work will in any way affect such neighbors' property.

k. Upon completion of all work the applicant shall forthwith remove all debris, equipment and materials and shall thoroughly restore the premises of the excavation to a clear condition. At all times, the applicant shall comply with the requirements of the Borough Engineer or his representative.

(Ord. No. 317-02 § 9)

17-1.10 Revocation of Permit.

a. In addition to any other remedies available to it, the Borough, through the Borough Engineer or his designee, may revoke a permit for any of the following reasons:

1. Violation of any provisions of this section or other applicable laws.
2. Carrying on the work under the permit in a manner which endangers life or property, or in which creates any condition which is unhealthy, unsanitary, or constitutes a nuisance.

b. No permit shall be revoked until the person to whom it has been issued has been afforded notice and opportunity to be heard. When any permit is revoked, the Borough Engineer or his

designee may reinstate same by certifying to the Borough Clerk that the conditions that caused the revocation have been corrected.

(Ord. No. 317-02 § 10)

17-1.11 Newly Paved Streets.

No permit shall be issued for any street opening which would disturb the pavement of any road having been constructed, reconstructed or overlaid until a period of five (5) years after the completion of said construction, reconstruction or overlay, except in the case of an emergency or hardship as described below. The five-year period as articulated herein shall be calculated from the last day of the month in which said road construction, reconstruction or overlay was completed, as established by the Borough Engineer, and run five (5) years thereafter.

a. *Emergency Opening.* In the event that an entity shall be required to open a street and/or roadway as a result of an emergency, said emergency opening shall be reviewed by the Borough Engineer and if the said Engineer shall determine that no such emergency existed, then the entity so opening the street and/or roadway shall have a fine imposed upon such entity in the amount of one thousand (\$1,000.00) dollars for the first nonemergency opening, a five thousand (\$5,000.00) dollar fine for a second nonemergency opening, and a ten thousand (\$10,000.00) dollar fine for a third nonemergency opening.

b. *Hardship Condition.* In the event in which the property owner has a hardship condition which requires a street opening permit to be issued contrary to this subsection, the Borough of West Cape May may grant relief upon the following:

1. Recommendation of the Borough Engineer, and
2. Majority vote of the West Cape May Board of Commissioners.

c. *Roadway Restoration.*

1. In the event that an emergency or hardship requires the opening of a roadway that has been resurfaced by the Borough within the previous five (5) years, a full width restoration will be required. The restoration will consist of six (6") inch dense graded aggregate base course, and a six (6") inch hot mix asphalt base course, Mix I-2, brought to existing grade, within the excavated area. A full width curb to curb, milling two (2") inches in depth to extend twenty (20') feet beyond the limit of excavations will be performed after proper settlement in the trench area. The allowable time for the settlement shall be forty-five (45) days unless otherwise directed by the Borough Engineer. The final surface course shall be a two (2") inch hot mix asphalt surface course, Mix I-5. See detail at end of chapter.

2. Trench restoration may be permitted under special circumstances and at the option of the Borough of West Cape May and the Borough Engineer for openings having a minimum impact on the longevity and serviceability of the street in question. See detail at end of chapter. *

(Ord. No. 317-02 § 11)

***Editor's Note:** The detail referred to herein may be found on file in the office of the Township Clerk.

17-1.12 Prohibition.

Beginning the Friday before Memorial Day and ending the day after Labor Day of each year, any and all street openings within the Borough shall be prohibited and no permit for a street opening shall be issued during this period of time. In the event of an emergency, or a danger to person or property, as determined by the Borough, a street opening permit may be issued during the restricted time period. (Ord. No. 412-08 § 1)

17-1.13 Exemptions.

Street openings and excavations performed by the Borough of West Cape May or agents of the Borough of West Cape May are exempt from the provisions of this section. (Ord. No. 317-02 § 12; Ord. No. 412-08 § 2)

17-1.14 Penalty.

Any person, firm, or corporation violating any provisions of this section shall, upon conviction thereof before the Judge of the Borough of West Cape May Court, be subject to a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars or to imprisonment in the County jail for a period not exceeding ninety (90) days, or both. Penalties for violating the emergency road opening provisions are contained above in the newly paved streets section (subsection 17-1.11) of the Borough Code.

(Ord. No. 317-02 § 13; Ord. No. 412-08 § 2)