

## **ORDINANCE NUMBER 09-2022**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 14, Streets and Sidewalks, to Include Provisions for Utility Work and to Amend the Fees*

# **Chapter 14 Streets and Sidewalks**

### **§ 14-1 STREET OPENINGS.**

#### **§ 14-1.1 Permit Required for Street Opening.**

**[1990 Code § 14-1.1; Ord. No. 09-2011]**

It shall be unlawful for any person to make any opening through or under the surface of any public City street or right-of-way for any purpose whatsoever without first obtaining a permit from the City. This includes construction of new sidewalks as well as openings in the cartway.

#### **§ 14-1.2 Application.**

**[1990 Code § 14-1.2; Ord. No. 09-2011]**

An application for the permit shall be made in writing to the City Clerk and shall be forwarded to the City Clerk for process. The application, accompanied by a plot plan, diagram or drawing, shall set forth the exact location, nature and extent of the opening to be made together with a statement of the purpose or purposes thereof. The drawing shall be drawn to scale. The Public Works Director shall respond within 48 hours to the Office of the City Clerk advising of his approval and/or requirements of all applications. When traffic is of a concern, the City Clerk shall forward the application to the Police Department for review and consideration of the need for a traffic plan.

#### **§ 14-1.3 Fees.**

**[1990 Code § 14-1.3; Ord. No. 2007-29; Ord. No. 09-2011; Ord. No. 05-2016]**

a. The application shall be accompanied by a fee as designated in the following fee schedule:

a. Sidewalk Permit, a fee of \$50.00

b. Street Opening Permit, a fee of \$100.00

c. Utility Fees:

i. Emergency Repair, fee of \$100.00

ii. Planned Main Upgrades

1. \$1,000 per street or cartway (Note: the consideration for the increase in fees for utilities was based on the average number of properties on a street in the downtown area (between 13 and 22)).

2. Engineering Services: the Utility will enter into an agreement to reimburse the city for all engineering services related to their project. This will cover pre and post construction review and meetings.

b. If the application is for a project costing in excess of \$15,000 then the application shall include

an escrow agreement, a preliminary fee of \$5,000 (previously \$1,000.00) to cover costs to review and inspect the project by the City Engineer and a performance bond in the amount of 10% of the costs as certified by the City Engineer based on documentation submitted by the applicant. 20% of the bond shall be in cash.

- c. The City of Lambertville imposes a five year moratorium on all road work completed within the city limits. This moratorium can be waived under the following conditions:
- Action of the governing body;
  - Emergency Repair Work;

If the moratorium is waived by the governing body, the applicant shall, in addition to complying with all requirements of the City Engineer and the Public Works Director, post a maintenance bond guaranteeing the work for a period of two years.

**§ 14-1.4 Discharge of Bond.**  
**[1990 Code § 14-1.4; Ord. No. 09-2011]**

When the Public Works Director or City Engineer is satisfied that the street opened has been replaced in the same or as good condition as it was before the opening, on the account of which the bond was given, the Director shall direct the City Clerk to cancel or discharge the bond.

If the Public Works Director or City Engineer finds that the street has not been replaced in the same or as good condition as it was before the opening, the Director shall give notice to the applicant to correct same within 30 days. If the applicant fails to correct same within 30 days, the cash bond shall be utilized by the Public Works Department to correct the same. In the event of a corporate bond, the City Clerk shall be authorized to take the necessary steps to collect payment from the bonding company.

**§ 14-1.5 Construction of a New Driveway.**  
**[1990 Code § 14-1.5; Ord. No. 2003-22]**

The fee for the construction of a new driveway shall be \$50 per unit. If this requires a public hearing before the governing body, the applicant will post escrow in the amount of \$1,500 to cover professional services for the review of the application.

- a. Standards for a New Driveway.
1. The use of the property must be in conformity with the Zoning Ordinance.
  2. The driveway shall be located a minimum of three feet from any property line.
  3. The driveway shall be a minimum of nine feet wide and 18 feet long not including that portion located within the street right-of-way.
  4. The total lot coverage as stipulated in the Zoning Ordinance shall not be exceeded.
- b. Notice to Public. Any application for the creation of a new driveway that has not been subject of a public hearing before either the Planning Board or the Zoning Board of Adjustment or is

located within the Historic District of the City of Lambertville as designated by the State of New Jersey shall be accompanied by proof of publication of a notice in official newspaper of the City that the applicant has applied for permission to construct a driveway and that the Mayor and Council will hold a public hearing on the application at the next regular meeting and that any interested party can be heard at that time. The applicant must obtain a list of property owners within 200 feet of the property upon which the driveway is proposed. A notice of the filing of the application and the date of the public hearing shall be served on each property owner on the list by certified mail or personal service at least 10 days before the scheduled hearing.

- c. Hearing. The comments from the Public Works Director, Police Director and adjacent property owners will be considered by the Mayor and City Council in deciding on the application.
- d. After favorable decision of the Mayor and City Council, the City Clerk is authorized to issue a permit for the construction of the new driveway subject to the conditions, if any, imposed by the Mayor and City Council.

INTRODUCTION AND FIRST READING: April 21, 2022

PUBLIC HEARING AND SECOND READING: May 19, 2022