

BOROUGH OF HAMBURG

ORDINANCE NO. 17-2026

ORDINANCE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING CHAPTER 183-3 OF THE CODE OF THE BOROUGH OF HAMBURG

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, Sussex County, State of New Jersey, that Chapter 183 entitled "Security deposit and fee" of the Code of the Borough of Hamburg is hereby supplemented and amended as follows:

Section I

The Code of the Borough of Hamburg, Section 183-3 entitled "Security deposit and fee" under Streets and Sidewalks for road opening permits, shall be supplemented and amended as follows:

Pursuant to Section 183-3, shall reflect the following:

Before the issuance of any such permit, the applicant shall deposit with the Borough Clerk the following amounts:

A. The fee in the amount of \$200 to cover the cost of inspecting the work authorized by the permit. The Borough Engineer is hereby authorized to refuse the issuance of any permit if such refusal is in the interest of public safety, public convenience or public health. If a permit is refused by the Borough Engineer, an appeal may be taken to the Borough Committee. The Borough Committee, after hearing the applicant and the Borough Engineer and such evidence as may be produced, may either direct the issuance of such permit or sustain the refusal of the Borough Engineer.

Section II

Requirements for "moratorium" roads:

1. After the Borough has paved or repaved any street of the Borough of Hamburg, no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five years from the date of such paving, subject to the exceptions described herein
2. The Borough Clerk shall keep a list of all such streets subject to this five-year moratorium, which may be inspected in the office of the Borough Clerk.
3. Prior to the start of any such paving or repaving work, the applicant shall notify each utility company of said work so any in-progress or contemplated excavations may be completed before paving is started. Such notice shall state that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five years from the date of such paving. The notice shall also provide that applications for excavation permits for work to be done prior to

such paving or repaving shall be submitted promptly so that any work may be completed not later than 90 days from the date of such notification. Proof of notification shall be given to the Borough Engineer prior to the commencement of the work.

4. During such five-year period, the applicant must restore the street opening. Such restoration must include pavement restoration (milling and repaving) for the full width of the roadway to a distance of 100 feet around the area of the opening. Notwithstanding these requirements, the Borough Engineer may, in his/her sole discretion, waive the requirements of this subsection under the following circumstances:

(a) Where necessary, as determined by the Borough Engineer. For example, if there is an excavation on a small cul-de-sac of less than 100 feet in length within the Borough, or if such a distance will unreasonably interfere with an existing utility, the Borough Engineer may use his/her discretion in determining the overall distance of the restoration.

(b) If, in the judgment of the Borough Engineer, an emergency exists that makes it absolutely essential that the road be opened for purposes of a utility repair or replacement.

(c) When the owner(s) of a property applies for a construction permit to convert from oil heat to gas heat.

5. In any circumstance in which the Borough Engineer waives the curb-to-curb and/or 100-foot requirements above, the Borough Engineer shall require that the street opening be patched and restored via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway.

Section III

I. Requirements for non-moratorium roads:

a. For all streets that have not been paved within the last five years, if the street opening to be trenched is greater than or equal to 50 linear feet, upon completion of same, the applicant shall restore (milling and repaving) the entire street surface from edges to edges, or curb to curb, for the full length of the excavation to the nearest intersection or as directed by the Borough Engineer as described herein.

b. All sidewalks, when being restored or replaced as part of the operations hereunder, must also be restored pursuant to the Borough Engineer's standards.

c. The street surface shall be restored to the satisfaction of the Borough Engineer that it has been restored to its original condition.

CERTIFICATION

Notice is hereby given that the above Ordinance was introduced and passed on first reading at the meeting of the Mayor and Council of the Borough of Hamburg held on September 2, 2026 at 7:00 p.m., and will be considered for final passage at a regular meeting of said Mayor and Council to be held on October 5, 2026 at 7:00 p.m. or as soon thereafter as same can be considered, in the Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given the opportunity to be heard concerning the same. A copy of said Ordinance is on file in the Office of the Borough Clerk, Municipal Building located at 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection and acquisition during regular business hours



Beth Martin

Acting Municipal Clerk

TAKE NOTICE that the above titled ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Borough of Hamburg in the County of Sussex, held on September 2, 2026 and after posting and publication according to law, was again read and further considered for final adoption after a public hearing at the regular meeting of the Mayor and Council held on October 5, 2026 at which meeting said ordinance was adopted.

Beth Martin

Acting Municipal Clerk