



BOROUGH OF DEMAREST
 118 SERPENTINE ROAD, DEMAREST, NJ 07627
 (201) 768-0167 x147

Julie Falkenstern
Borough Clerk
boroadmin@demarestnj.gov

PERMIT APPLICATION
for Construction/Repair of Curbs, Sidewalks, and Driveways

Owner Name: _____

Address: _____

Block: _____ Lot: _____

Phone: _____ Email: _____

Contractor: _____

Address: _____

Phone: _____ Email: _____

Description of Work (upon what portion of premises, duration of job, and material to be used):

Note: Curbs, driveways, patios and sidewalks must be installed according to the Borough Engineer's specifications.

Note: Please review Borough Code Chapter 150 Streets and Sidewalks Article II Constructions and Repair of Curbs, Sidewalks and Driveways, and adhere to all specifications.

For Borough Use Only

PERMIT FEE: \$25.00

INSPECTION FEE: \$20.00

PERMIT ISSUE DATE

BOROUGH CLERK

INSPECTION DATE

DPW or ENGINEER

ARTICLE II
Construction and Repair of Curbs, Sidewalks and Driveways
[Adopted 5-18-1981 by Ord. No. 517]

§ 150-13. Permit required. [Amended 10-19-1981 by Ord. No. 520 ; 12-15-1986 by Ord. No. 629]

No concrete curbs, sidewalks or driveways shall be laid or repaired within the Borough of Demarest except upon the issuance of a permit by the Borough Clerk.

§ 150-14. Permit fee. [Amended 10-19-1981 by Ord. No. 520 ; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A permit fee of \$25 shall be charged for a permit to lay curbs, sidewalks or driveways in the Borough.

§ 150-15. Application for permit; contents.

Any person desiring to lay or repair a concrete curb, sidewalk or driveway within the Borough shall first apply for a permit therefor from the Borough Clerk, which permit shall specify the lot and block where the work is to be done, the owner of the lot and block and by whom the work shall be done.

§ 150-16. Inspection fee. [Amended 10-19-1981 by Ord. No. 520]

An inspection fee of \$20 shall be charged in addition to a permit fee.

§ 150-17. Maintenance of sidewalks.

The owner or occupant of premises abutting any concrete sidewalk shall maintain such sidewalk at all times in a good and passable condition at a grade which will prevent water accumulating thereon and shall maintain the sidewalk so that the joints thereof are even. The surface of all concrete sidewalks shall be kept properly roughened so as not to become smooth or slippery.

§ 150-17.1. Borough authorized to assume responsibility for maintenance of sidewalks upon failure of abutting property owner; procedures. [Added 8-23-2010 by Ord. No. 979]

- A. In the event that it is determined by the Borough official having charge of street affairs that there is a need to repair or replace a sidewalk so as to meet the standards required by § 150-17, he or she shall cause a notice, in writing, to be served upon the owner or occupant of the abutting land, requiring the necessary specified work to said curb or sidewalk to be done by the owner or occupant within a period of not less than 30 days from the date of service of such notice.
- B. Whenever a property is unoccupied and the owner cannot be found within the municipality, the notice may be mailed, postage prepaid, to his or her post office address, if it can be ascertained; in case the owner does not reside in Demarest or his or her post office address cannot be ascertained, then the notice shall be published for four weeks, at least once a week, in a newspaper published in the Borough or, if no such newspaper exists, a newspaper

published in New Jersey and circulating in the Borough.

- C. If the owner or occupant of the abutting land does not comply with the requirements of the notice within the specified time period, the Borough official responsible for street affairs shall file proof of service or publication of the required notice with the appropriate Borough department, and then may cause the required work to be done, utilizing any Borough funds available for that purpose.
- D. The amount of the cost incurred by the Borough for the repair, maintenance and/or replacement of a sidewalk pursuant to this article shall be certified by the Borough official responsible for street affairs to the Borough Tax Collector, and, upon filing of the certification, the amount of the cost of said work shall become a lien upon the abutting lands in front of which such work was done to the same extent that assessments for local improvements are liens under the Borough Code or general law, and shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.
- E. The Borough Attorney may also institute a legal action to recover the amount due against the owner of the abutting property in any court having competent jurisdiction thereof. The certified amount shall be prima facie evidence of the existence of a debt due from the owner to the municipality, pursuant to N.J.S.A. 40:65-14.
- F. The liability of a property owner pursuant to § 150-17.1 shall be in addition to his or her liability for the fine imposed by § 150-29.

§ 150-18. Repair and/or replacement of sidewalk by property owner. [Amended 10-15-1990 by Ord. No. 692 ; 1-5-1992 by Ord. No. 711]

- A. All sidewalks and driveway aprons shall be constructed of concrete, built in one course and placed on a bed of coarse sand or gravel not less than four inches deep after compaction.
- B. In the event that any sidewalk, curb or drive apron construction or maintenance will involve the removal of any tree or part thereof, including roots, situate between the edge of the sidewalk and the curb or within the shade tree easement as defined in § 163-1, the owner shall comply with the provisions set forth in § 163-3C.

§ 150-19. Construction standards for sidewalks and driveway aprons.

- A. All sidewalks and driveway aprons shall be constructed of concrete, built in one course and placed on a bed of coarse sand or gravel not less than four inches deep after compaction.
- B. Construction of sidewalks and driveway aprons in residential zones shall meet the following specifications:
 - (1) The sidewalk shall be four inches in depth of slabs four feet by five feet with a one-fourth-inch pitch per foot of width, separated from adjoining slabs by a bituminous strip 1/4 inch by four inches extending to 1/4 inch below the finished surface of the sidewalk.
 - (2) The driveway apron shall be six inches in depth, divided in half and separated from the sidewalk and curb by a bituminous strip.

- (3) The compressive strength shall be 3,500 pounds per square inch after 28 days when tested under standard conditions.

§ 150-20. Construction standards for curbs. [Amended 10-17-1983 by Ord. No. 572]

Concrete curbs shall be six inches wide on top, nine inches at the bottom and 20 inches in depth. The vertical face shall be at the back of the curb, shall be divided into sections not longer than 10 feet and shall be built of a concrete which will show a compressive strength of 4,000 pounds per square inch after 28 days when tested under standard conditions.

§ 150-21. Location and arrangement of driveways.

Driveways should be so located as to avoid interference with normal vehicular and pedestrian traffic so that areas of traffic congestion will not be created. In accordance with this principle, driveways should be constructed where street alignment and profile are favorable, i.e., where there are no sharp curves or steep grades and where a sight distance in conjunction with driveway access would be adequate for safe traffic operation. Driveway locations should be avoided within intersections, rotaries and interchanges. Also to be avoided are locations that would interfere with the placement and proper functioning of street signs, signals, lighting or other devices that affect traffic operation.

§ 150-22. Authority of Borough Engineer to impose special conditions for driveways.

The Borough Engineer may impose special conditions in conjunction with the standard requirements where an access driveway requires an unusual design and is to the best interest of the welfare and safety of the traveling public.

§ 150-23. Construction standards for driveways crossing sidewalks.

That portion of the driveway crossing the sidewalk strip shall be portland cement concrete. No person shall lower the curb or change the grade of the sidewalk for the purpose of providing a carriageway or driveway across such sidewalk without the approval therefor from the Borough Engineer.

§ 150-24. Installation of driveway aprons; curb cuts.

All driveway aprons shall be installed to sidewalk specifications and grades. Where it is necessary to depress existing curbs, the full section of the curb shall be entirely removed and a depressed curb cut constructed in accordance with the standards set by the Borough Engineer. All work shall be done to the satisfaction and with the approval of the Borough Engineer.

§ 150-25. Inspection and approval of concrete forms.

Concrete shall not be placed in curb or sidewalk forms until the forms have been inspected and approved for line, grade and depth by either the Superintendent of Public Works or the Borough Engineer.

§ 150-26. Pouring and finishing concrete; prohibited time for pouring.

Concrete shall be finished in a workmanlike manner with a smooth wood float, shall be steel-troweled and broom-finished and shall be properly cured and protected against sun and frost. No concrete shall be placed from December 1 to March 1.

§ 150-27. Additional requirements for driveways; noncompliance.

- A. No blacktop, macadam or asphalt pavement shall be laid over existing hard-surface sidewalks.
- B. All such driveways shall be at the same grade or level as existing sidewalks and highways where they intersect such sidewalks and highways and shall be constructed in such manner as not to obstruct or block existing surface drainage or to encroach upon the road area.¹

§ 150-27.1. Inspection of driveways, curbs and sidewalks. [Added 6-2-1986 by Ord. No. 621]

- A. Upon completion of the construction of a private driveway, curb or sidewalk, it shall be inspected by either the Superintendent of Public Works or the Borough Engineer to ensure compliance with this article. In the event of failure of the property owner to complete the construction of such private driveway, curb or sidewalk in strict compliance with the terms hereof, the Superintendent of Public Works or the Borough Engineer may, after filing due proof of service or publication of the notice as set forth in N.J.S.A. 40:65-14, cause such work to be done as shall either restore the property to its original condition or ensure compliance with the terms hereof.
- B. When the Superintendent of Public Works or the Borough Engineer causes work to be done pursuant to Subsection A hereof, the Superintendent of Public Works or the Borough Engineer will certify to the Tax Assessment Collector the amount of the cost of such work, including therein the cost of advertising, financing, inspection, engineering expense and legal expense. The amount so determined shall be and become a lien upon the abutting land in front of which such work was done to the same extent that assessments for local improvements are liens in the Borough of Demarest.

§ 150-28. Applicability of provisions. [Added 10-19-1981 by Ord. No. 520]

The provisions of this article shall not be applicable to any construction which is the subject matter of a subdivision or site plan approval where construction standards are covered by a developer's agreement.

§ 150-29. Violations and penalties. [Amended 4-18-1983 by Ord. No. 562 ; 7-15-1991 by Ord. No. 703]

Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject to a fine not to exceed \$1,000 or to imprisonment in the county jail for not more than 90 days or to a period of community service not exceeding 90 days, or all of the above, in the

1. Editor's Note: Former § 150-27C of the 1983 Borough Code, dealing with inspections, was repealed 6-2-1986 by Ord. No. 621.

discretion of the Judge imposing the same.