

**BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN**

ORDINANCE NO. 2025-08

**AN ORDINANCE AMENDING CHAPTER 13, "STREETS, SIDEWALKS AND
SANITATION," SECTION 13-1, AND TO ESTABLISH A STREET OPENING
MORATORIUM AND REQUIRE ENHANCED RESTORATION OF NEWLY PAVED
STREETS, TO AMEND THE SCHEDULE OF FEES, AND TO AMEND THE
PROCEDURE FOR ROAD OPENING PERMITS**

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, as follows:

SECTION 1. Findings and Purpose.

The Governing Body finds that newly paved or reconstructed streets represent a significant public investment. Frequent openings of these streets by utilities or contractors result in premature deterioration, unsafe conditions, and unnecessary costs to taxpayers. The purpose of this ordinance is to establish a moratorium on street openings following street improvements, while preserving limited exceptions for emergencies, and to require enhanced restoration standards where openings cannot be avoided. The Governing Body also finds that the fees for street openings need to be increased to cover the costs of inspections of the work performed under the permit.

SECTION 2. Amendment.

Chapter 13, Section 13-1 ("Street Openings and Restoration") is hereby amended to add a new subsection 13-1.8 Moratorium on Excavations Following Street Improvements, to read as follows:

§13-1.8 Moratorium on Excavations Following Street Improvements.

- a. Notice of Improvements.** Whenever the Borough Council enacts any ordinance or resolution providing for the paving or repaving of any street, the Borough Clerk or Borough Engineer shall promptly notify all public utility companies, state and county agencies, and abutting property owners that no excavation permits shall be issued for that street for a period of five (5) years following completion of the improvement, except as otherwise provided herein.
- b. Deadline for Work Prior to Improvement.** Applications for excavation permits to perform work prior to the paving or repaving shall be submitted promptly, and all such permitted work shall be completed no later than 45 days from the date of enactment of the paving ordinance or resolution.
- c. Five-Year Moratorium.** No excavation, opening, cut, or disturbance of the paved surface shall be permitted in any street paved or repaved within the preceding five years.
- d. Exceptions.**
 - 1. Emergency Circumstances.** Public utilities or others may proceed with necessary excavation work when emergency circumstances demand immediate action, provided that written notice is given is addressed to the Mayor and given to the

Borough Engineer, the Police Department, the Business Administrator, the Superintendent of Public Works, and the Borough Clerk prior to commencing such work. The notice shall be hand delivered or delivered by electronic mail. The notice shall state the location of the work, a description of the scope of work, and the details which constitute an emergency. A permit application and required fees must be filed on the next business day thereafter.

- 2. Hardship or Public Necessity. The Borough Engineer, after consultation with the Superintendent of Public Works, may grant a written waiver of the moratorium where the applicant demonstrates that no reasonable alternative exists and the work is in the public interest.**

e. Enhanced Restoration Requirements. Any excavation permitted within the moratorium period shall require restoration beyond the limits of the trench, up to and including curb-to-curb milling and resurfacing for the entire width of the roadway within the block, or as otherwise directed by the Borough Engineer.

f. Forfeiture of Rights. Any property owner abutting such improved street who fails to install necessary service connections prior to the paving shall forfeit the right to excavate the street for service connections for the duration of the moratorium, except as provided in subsection d.

SECTION 3: AMENDMENT

Section 13-1.3 is hereby amended as follows:

§ 13-1.3 Regulations Concerning.

a.

Street opening. No person shall make any street opening in or tear up or disturb the surface of the roadway of any street, park or public place without a written permit therefore, provided however, that any public utility corporation having pipes, conduits or rails in any public street or place shall not be required to obtain any other permit than that provided for in paragraph k of this subsection.

b.

All permits required by this section shall be issued by the **Superintendent of Public Works** after written approval from the Borough Engineer, with a copy to the Borough Clerk. Permittee is to secure street openings dates and specifications from the superintendent of public works. A cash deposit in an amount sufficient to defray the costs of replacing the pavement excavated in case the applicant fails to replace such pavement in a manner acceptable to the superintendent of public works prior to the issuance of the permit. This deposit shall be then tendered to the borough clerk prior to the issuance of any permit and in no event shall the amount of the cash or bond deposit be less than \$1,000, which bond shall be in a form satisfactory to the borough attorney. Upon issuance of such a permit the **superintendent of public works** shall forward a copy to the **Borough Clerk and chief of police**.

SECTION 4: AMENDMENT

Chapter 13, Section 13-1.3c Fees is hereby amended as follows:

The following permit fees are established and shall be paid to the Superintendent of Public Works , before the permits are issued.

1. For Concrete Roadways:

- A. Up to 5 square yards - \$800.00
- B. Each additional square yard: \$100.00

2. For Bituminous Concrete, Macadam Roadways:

- A. Up to five square yards: \$300.00
- B. Each additional square yard: \$30.00

3. For Unimproved Streets

- A. Up to 5 square yards: \$75.00
- B. Each additional square yard \$10.00

SECTION 5. Severability.

If any section, subsection, or provision of this ordinance is declared invalid, the remaining provisions shall not be affected and shall remain in full force and effect.

SECTION 6. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. Effective Date.

This ordinance shall take effect upon final passage and publication as required by law.

Introduction and First Reading:

October 8, 2025

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Drimones		✓	✓				
Luciano	✓		✓				
Biegacz			✓				
Liang			✓				
Patel			✓				
Koutroubas			✓				
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
November 12, 2025**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Drimones				✓			
Luciano						✓	
Biegacz			✓				
Liang	✓		✓				
Patel		✓	✓				
Koutroubas			✓				
Mayor Park							


Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held November 12, 2025.**


**Beauty Nadim, RMC/CMR
Borough Clerk**