Posted 10/7/2026

CITY OF PATERSON, NJ
NOTICE OF PENDING ORDINANCE

The following Ordinance was introduced and passed upon first reading at the Regular Meeting of the Municipal Council of the City of Paterson, in the County of Passaic, New Jersey, held on TUESDAY, SEPTEMBER 15, 2026. It will be further considered for final passage upon a public hearing at the Regular meeting of said Municipal Council Meeting to be held on TUESDAY, NOVEMBER 10, 2026 at 7:00 p.m.

During the weeks prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office in City Hall to the members of the general public who shall request the same.

Publish at the direction of: Edith G. Gil,
City Clerk

FULL ORDINANCE

AN ORDINANCE AMENDING PATERSON CODE CHAPTER 435, ARTICLE III, "STREET OPENINGS & EXCACATIONS" ENTITLED TO REVISE AND EXPAND THE CONTENTS OF PERMIT APPLICATIONS, ESTABLISH ADDITIONAL DUTIES AND RESPONSABILITIES OF PERMITTEES, AND INCREASE PENALTIES FOR NONCOMPLIANCE

WHEREAS, the City Council recognizes that the City of Paterson invests substantial public funds each year in the construction, reconstruction, resurfacing, and maintenance of its streets, sidewalks, curbs, and other public infrastructure, and finds that preserving the useful life of these public improvements is essential to protecting taxpayer investments and ensuring the safety and welfare of the public; and

WHEREAS, the City Council finds that street openings and excavations performed by utilities, water and sewer utilities, electric, gas, telecommunications and cable providers, private contractors, developers, governmental agencies, and other entities frequently occur after roadways have been newly paved or otherwise improved, and that such work, if not properly coordinated, planned, and restored, can significantly reduce the lifespan of public infrastructure and increase long-term maintenance costs borne by the taxpayers of the City; and

WHEREAS, the City Council further finds that additional documentation, inspection, and certification requirements are necessary to ensure that roadways and other public improvements disturbed by permitted work are restored in a timely manner and to a condition equal to or better than that which existed prior to commencement of the work; and

WHEREAS, the purpose of this Ordinance is to enhance accountability, improve enforcement, protect public assets, and ensure that the costs and responsibilities associated with roadway restoration are borne by the permittee rather than the taxpayers of the City of Paterson;

WHEREAS, the City Council finds that effective oversight, inspection, enforcement, and remedial measures are necessary to promote compliance with permit conditions, protect public infrastructure, ensure the proper restoration and maintenance of public streets and rights-of-way, and safeguard the health, safety, and welfare of the residents of the City of Paterson;

NOW, THEREFORE BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF PATERSON that the Paterson Code shall be hereby amended as follows, with additions indicated by underlining and deletions indicated by [brackets]:

SECTION I:

ARTICLE I
§ 435-1 through§ 435-5

UNCHANGED

ARTICLE II
§ 435-6 through § 435-24

UNCHANGED

ARTICLE III

§ 435-25 through § 435-28

UNCHANGED

§ 435-29 - Contents of permit application.

The application for a permit shall contain:

A. An agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the City and the laws of the State of New Jersey in relation thereto.

K. All work within the public right-of-way by utilities, water and sewer utilities, electric, gas, telecommunications and cable providers, private contractors, governmental agencies, developers, or any other entity shall be coordinated through the Department of Public Works Engineering Office before commencement of work. Permittees shall cooperate with the Engineer to coordinate construction activities, minimize unnecessary street openings-, and reduce impacts to recently reconstructed or resurfaced roadways.

L Permittees shall conduct all work in a manner that minimizes damage to public streets, sidewalks, curbs, utilities, and other public infrastructure. Excavations shall be limited to the minimum area necessary, and permittees shall employ construction methods that preserve the structural integrity and useful life of City infrastructure to the greatest extent practicable.

§ 435-32 through § 435-84

UNCHANGED

§ 435-85 - Violations and penalties.

A. In case any person shall violate any provision of this article, any permit issued by the City to such person under this article shall be revoked, and such person, upon conviction before the courts, shall be sentenced to pay a fine of not more than [$1,000] $2,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days, or any combination thereof, and costs of prosecution.

B. The penalty provided for in Subsection A of this section and the imposition thereof shall not constitute a bar to or be deemed in substitution of the exercise of any right or power or remedy of the City provided for in this chapter or in any other provision of this Code of the City of Paterson applicable to the subject matter of this chapter. The remedies in this section may be pursued cumulatively, concurrently, and independently of one another, and independently of whether a prosecution under Subsection A is commenced, pending, or concluded.

C. In addition to the penalties provided in Subsection A, and independent of whether a conviction under Subsection A occurs, the City may:

i. Issue a stop-work order;
ii. Require immediate restoration by the violator;
iii. Perform emergency restoration where public safety requires it;
iv. Recover from the violator all permit fees, inspection fees, deposits, and other charges that would have been payable had the required permit been timely obtained, regardless of whether the work has been completed or a permit can subsequently be issued;
v. Recover all actual costs, including but not limited to, engineering, inspection, administrative and restoration costs incurred by the City as a result of the violation, first applying any available bond proceeds, with the violation remaining liable for any shortfall;
vi. Require the violator to submit an after-the-fact permit application and all plans, photographs, certifications, and other documentation necessary for the City to inspect, evaluate, and approve the work, provided that acceptance of such application shall not legalize the prior work or waive any violation, fine, fee, cost, or remedy;
vii. Deny or withhold future permit application from the violator until all violations and City Costs have been resolved; and
viii. Pursue any other remedy authorized by law.

All permit fees, inspection fees, charges, and actual City costs recoverable under this subsection are regulatory or compensatory in nature, shall constitute a debt owed to the City, and shall be

recoverable in addition to, and shall not be credited against, any fine or penalty imposed under Subsection A.

D. Unpaid City Costs shall constitute a debt to the City, due 30 days after an itemized bill and collectible by civil action with interest; where the violator owns the abutting property, unpaid City Costs shall also become a lien on that property, collectible like local improvement assessments, in addition to the civil action remedy.

SECTION II: All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION III: If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

B. The proposed commencement date and anticipated completion date for the work covered by the permit. The permittee shall promptly notify the Engineer of any material change to such dates and, upon request, provide an updated schedule for completion of the work.

C. Two copies, when required by the Engineer, of plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of proposed excavated surfaces, the location of the excavation work and such other information as may be prescribed by the Engineer.

D. Current color photographs, in a form and manner satisfactory to the Engineer, depicting the existing condition of all roadways, sidewalks, curbs, driveways, and other public improvements that are proposed to be disturbed, excavated, opened, occupied, traversed, or otherwise affected by the work. Such photographs shall be submitted prior to the commencement of any work and shall be of sufficient quality and scope to document the pre-construction condition of the affected area.

§ 435-30
UNCHANGED

§ 435-31 - Duties and responsibilities of permittees; fees.

Every person obtaining a permit shall:

A. Pay a permit fee for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The minimum excavation permit fee shall be in an amount varying with the type, amount and age of the surface to be opened, dug or excavated under the permit issued, as follows:
(1) On roadways constructed, reconstructed or resurfaced within three years prior to the issuance of the excavation permit, $500, in addition to any inspection costs related to the proposed opening.
(2) On all other roadways, $100, in addition to any inspection costs related to the proposed opening.
(3) On sidewalk areas, $50, in addition to any inspection costs related to the proposed opening.

B. Pay an inspection fee based on the cost of inspection, plus 15%.

C. Make a deposit as required by§ 435-37 of this article.

D. Furnish a certificate of insurance as required by § 435-38 of this article.

E. Provide a faithful performance bond as required by§ 435-39 of this article.

F. Submit, when required by the Engineer, a list of owners and tenants of all property abutting the area where the work authorized by the permit is to be performed.

G. Present evidence that all materials, labor and/or equipment which are needed to complete such undertaking as authorized by the permit are available.

H. Keep the original copy of the permit at all times while such work is in progress and show such permit upon demand to any authorized representative of the City.

I. Within seven (7) days following completion of the work authorized by the permit, submit to the Engineer current photographs, in a form and manner satisfactory to the Engineer, depicting the completed condition of all roadways, sidewalks, curbs, driveways, and other public improvements disturbed, excavated, opened, occupied, traversed, or otherwise affected by the work.

J. Within seven (7) days following completion of the work authorized by the permit, submit a written certification, signed by an authorized representative of the permittee, certifying that all roadways, sidewalks, curbs, driveways, and other public improvements disturbed, excavated, opened, occupied, traversed, or otherwise affected by the work have been restored to the same or better condition than existed prior to commencement of the work and that such restoration was performed using commercially reasonable materials and methods consistent with applicable industry standards, City specifications, and permit requirements. The certification shall identify the materials used in the restoration and such additional information as may be required by the Engineer.

SECTION IV: The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of Paterson.

SECTION V: This Ordinance shall take effect upon passage, approval and publication as required by law.

SECTION VI: The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

SECTION VII: The City Clerk and the Corporation Counsel may correct any clerical errors in the printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify in writing to the Municipal Council as to the specifics of the clerical correction no later than seven (7) days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next Regular Meeting. The said certifications shall also be prominently posted no later than the date of the next Regular Meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the City Clerk.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to strengthen oversight and accountability for street openings and excavations within public rights-of-way by enhancing permit requirements, documentation, inspection, and enforcement measures to ensure the timely and proper restoration of public roadways and infrastructure and to protect the health, safety, and welfare of the public.