

**RESOLUTION RE: ESTABLISHMENT OF AN INTERIM POLICY AND APPLICATION FORM FOR COUNTY ROADWAY OCCUPANCY FOR BANNERS, CHARITABLE SOLICITATION, PARADES AND EVENTS**

**WHEREAS**, the County of Sussex is authorized, pursuant to N.J.S.A. 39:4-60 and 27:16-1 et seq. to permit banners, guide signs, charitable solicitations, gatherings and events such as parades within the County's highway system; and

**WHEREAS**, the Board of Chosen Freeholders of the County of Sussex has determined that it is in the best interest of the County and its taxpayers to revise its present policy regarding occupancy of its roadways for banners, guide signs, charitable solicitations, gatherings and events such as parades in light of public safety concerns for the traveling public and for the participants' safety; and

**WHEREAS**, the Division of Engineering is presently drafting a policy and procedure to regulate and permit these activities by Ordinance; and

**WHEREAS**, the Board of Chosen Freeholders desires to establish an interim policy and procedure to address upcoming events which may be scheduled before formal adoption of its Ordinance regulating these activities.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Sussex that it hereby adopts the attached interim policy and procedure to regulate banners, guide signs, charitable solicitations, gatherings and events such as parades within the County's highway system, a copy of which is attached hereto and made a part hereof; and

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Chosen Freeholders following the adoption of this Resolution shall cause a certified copy thereof to be served on each Municipal Clerk in the County within 10 days from the date of passage of this Resolution; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to the County Engineer; the Director, Division of Public Works; County Administrator; and Sussex County Counsel.

Certified as a true copy of the Resolution adopted by the Board of Chosen Freeholders on the 30<sup>th</sup> day of March, 2011.

*Elaine A. Morgan*  
 Elaine A. Morgan, Clerk  
 Board of Chosen Freeholders  
 County of Sussex

RECORD OF VOTE						
FREEHOLDER	AYE	NAY	ABST	ABS	MOVE	SEC
Crabb	✓				✓	
Space	✓					
Vohden	✓					✓
Zellman	✓					
Zeoli				✓		

ABST - Abstain

MOVE - Resolution Moved

ABS - Absent

SEC - Resolution Seconded

# **INTERIM POLICY AND PROCEDURE FOR ROADWAY OCCUPANCY PERMITS FOR BANNERS, DECORATIONS OR TEMPORARY ANNOUNCEMENT OR GUIDE SIGNS FOR PARADES AND GATHERINGS**

## **Purpose and Scope**

The purpose of this Chapter is to provide the procedures, standards, and conditions for the issuance of occupancy permits by the Division of Engineering. Roadway occupancy permits are required when any activity is undertaken over, under, or within any portion of County roadway right-of-way or property under the jurisdiction of the Division of Engineering. Additionally, a roadway occupancy permit is required for any activity which may interfere with the free and safe movement of normal traffic on a County roadway or when any activity will affect any portion of County roadway right-of-way or property under the jurisdiction of the Division of Engineering.

## **Requests for Permits**

A. Applicants shall direct requests for permits to:

Sussex County Division of Engineering  
Sussex County Administrative Center  
One Spring Street, 3<sup>rd</sup> Floor  
Newton, NJ 07860  
Phone: 973-579-0430 Ext. 1315

## **Definitions**

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- A. "Access permit" means a permit issued pursuant to N.J.A.C. 16:47, as amended and supplemented.
- B. "Application" means a document submitted to the Division of Engineering to initiate the permit process.
- C. "Applicant" means a private party or entity, municipality, or any public agency applying for a permit.
- D. "Banner" means a strip of material without rigid support that is painted or printed with text or graphics.
- E. "Freeholders" means Sussex County Board of Chosen Freeholders or such persons as the Freeholders may designate.

- F. "Complete Application" means an Application satisfying Division of Engineering form and content requirements set forth in this Chapter, thereby making it acceptable for Division of Engineering review.
- G. "Day" means calendar day, unless otherwise specified.
- H. "Decorations" means an ornament, other than a banner.
- I. "Division of Engineering" means the Sussex County Division of Engineering.
- J. "Design standards" means standards for design based on one or more of the following:
1. "Manual on Uniform Traffic Control Devices for Streets" (MUTCD), 2003 edition, Rev. 1 and 2, as amended and supplemented, or superceding editions, incorporated herein by reference. The MUTCD is available on the Federal Administration website at: <http://mutcd.fhwa/dot/gov/> or on the AASHTO website at: <http://bookstore.transportation.org/>.
  2. "A Policy on Geometric Design of Streets," 5th edition, or superceding editions, as amended and supplemented, incorporated herein by reference, available from the American Association of and Transportation Officials (AASHTO), Suite 249, 444 North Capitol St., NW, Washington, DC 20001, or on the AASHTO website at: <https://bookstore.transportation.org/>.
  3. "New Jersey Department of Transportation Sample Plans," 2001, as amended and supplemented, or superceding editions, incorporated herein by reference, available from the Engineering Documents Unit at 609-530-5587 or on the website at: <http://www.state.nj.us/transportation/eng/CADD/E/pdf/SamplePlansEnglish.pdf>.
  4. "New Jersey Department of Transportation Standard Roadway Construction/Traffic Control/Bridge Construction Details," 2001, as amended and supplemented, or superceding editions, incorporated herein by reference, available from the Engineering Documents Unit at 609- 530-5587 or on the 's website at: <http://www.state.nj.us/transportation/eng/CADD/E/index.shtml#StandardDetailsEnglish>.
- K. "Expiration" means the formal termination of a permit.
- L. "Extended lot line" means a line, radial or perpendicular to the centerline, at each end of the frontage, extending from the right-of-way line to the curbline.

- M. "Roadway" means a public right-of-way, whether open or improved or not, including all existing factors of improvements.
- N. "Roadway occupancy permit" or "permit" means any permit issued under this Chapter.
- O. "Maintenance" means continuous work required to hold component factors covered by a permit against deterioration due to wear and tear and thus to preserve the general character of the original component factors without alteration.
- P. "Private utility" means a utility owned and operated by private citizens or concerns.
- Q. "Public utility" shall have the meaning established at N.J.S.A. 48:2-13, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 48:5A-1 et seq., as amended and supplemented, incorporated herein by reference.
- R. "Repair" means limited or minor replacement of one or more component factors covered by a permit that may be required because of storm or other cause to restore a condition requiring only maintenance.
- S. "Rights-of-way" means County roadway property and property rights, including easements, owned and controlled by the County.
- T. "Right-of-way line" means the outer edge of County roadway property, separating property from the abutting lots owned by others.
- U. "Shoulder" means the portion of the roadway that lies between the edge of the traveled way and curblines, excluding auxiliary lanes.
- V. "Sidewalk area" means that portion of the right-of-way that lies between the curblines and right-of-way line, regardless of whether a sidewalk exists.
- W. "County roadway" means a road owned, taken over, controlled, built, or maintained by the Division of Engineering.
- X. "County roadway system" means the network of County roadways.
- Y. "Traveled way" means the portion of the roadway providing for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

- Z. "Utility" means a privately, publicly or cooperatively owned line, facility or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with drainage, or any other similar commodity, including any fire or police signal system or street lighting system which directly or indirectly serves the public.

### **General Restrictions**

- A. The County shall not assume any cost involved in the activities authorized by an occupancy permit, unless the permittee is under contract to the County and working on County rights-of-way or property under the jurisdiction of the County at the written request of the County.
- B. No person shall use any part of County roadway rights-of-way or property under the jurisdiction of the County for any private purpose or uses associated with private purposes. The sidewalk area shall be kept clear of buildings, sales exhibits, signs, parking areas, service equipment, vehicles, and appurtenances.
- C. No person shall erect advertising signs or devices on or overhanging rights-of-way or property under the jurisdiction of the County. No person shall use County roadway rights-of-way or property under the jurisdiction of the County for the display of merchandise. The County shall not authorize the erection and maintenance on public property of signs other than those that regulate, direct, or warn, or as otherwise allowed by State law.
- D. No person shall place, maintain, or display upon or in view of any County roadway, any unauthorized traffic sign, device, or other contrivance, that purports to be or is an imitation of, or of such a nature as to be mistaken for, an official traffic sign, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official sign. No public authority shall permit any traffic sign, or any traffic signal bearing thereon or on its support, any commercial advertising on a County roadway.
- E. A permittee, in the conduct of activity authorized by a permit, shall conduct the activity in a manner that does not interfere with any County structure or facility, on, over, or under the County roadway, or with any concurrent activity being done as part of an improvement project, unless the permit authorizes the interference.
- F. The Division of Engineering shall not authorize activity within the limits of rights-of-way or property under the jurisdiction of the County that would adversely affect the stability, appearance, or designed function of itself or of its component or auxiliary structures.

## **Standards**

- A. All activity performed within County roadway rights-of-way or property under the jurisdiction of the County and all signs, markings or other traffic control devices used by the permittee shall be in compliance with the design standards defined at N.J.A.C. 16:41-2.1, unless otherwise specified in the permit.
  
- B. When performing activity within County roadway rights-of-way or property under the jurisdiction of the County, the permittee shall be responsible for the following:
  - 1. Having all required approved traffic control signs and devices on site before the actual start of the activity;
  
  - 2. Placing and maintaining, within County roadway rights-of-way or property under the jurisdiction of the County, all approved traffic control signs and devices during the activity period and removing same upon completion of the activity;
  
  - 3. Maintaining the uninterrupted flow of traffic at all times, unless otherwise specified in the permit;
  
  - 4. Not storing material and parking equipment on County roadway rights-of-way or property under the jurisdiction of the County except while the activity is underway, unless otherwise specified in the permit;
  
  - 5. Using traffic directors at every location when the permittee's equipment is entering, leaving, or crossing active traffic lanes, unless otherwise specified in the permit;

## **Submission of Permit Applications**

- A. Applications for occupancy permits are available from the Division of Engineering or the County's website at: <http://www.sussex.nj.us/Cit-e-Access/FormCenter/?TID=7&TPID=588>. Whenever the activities restrict the available pavement width or alter the normal traffic patterns, a request to close the lane or shoulder shall be included on the Application.

B. Roadway occupancy Form SC-120A

1. For an occupancy permit the Applicant's name, mailing address, and telephone number; the name of the entity on whose behalf the Applicant makes the Application; the type of permit for which the Applicant makes the Application; the number, municipality, county, exact location, direction, and reference point such as a street, stream, or milepost, at which the proposed activity is to be undertaken; and a description of the project the Applicant proposes to undertake;
2. The Application shall identify all County roadways by route number and shall identify direction of travel based on the general orientation of the County roadway, as designated by the County. These directions may differ from the orientation of the particular segment.

C. The County may require supporting documents as part of the Application as identified in N.J.A.C. 16:41-5.6(b).

**Detours off County roads or vice versa, which are for rerouting County traffic onto a street that is not a County road or vice versa shall be for a specific limited period of time. The permittee should plan and conduct the activity creating the detour in such a manner that maintains the movement of vehicular traffic in a safe and efficient manner.**

**Application Review Time Frames**

- A. The County shall process a completeness check of an Application within 30 days of the County's receipt thereof, in accordance with N.J.A.C. 16:41-5.6(a). Upon the County's determination that an Application is complete, the County shall have a maximum Application review time of 10 days within which to approve or deny the Application.
- B. The County's Application review time for a particular Application may be extended upon the written consent of the Applicant.
- C. Whenever the County requests supplemental information from the Applicant, the step in the process and its associated time frame shall restart once the County receives the information. When an Applicant fails to respond to a County request for supplemental information within 30 days of the request, the County shall consider the Application to have been withdrawn.



## **Application Process**

- A. The County shall determine if an Application is complete, based on whether an Application meets the criteria for the type of Application applied for, including whether the appropriate Application fee and all of the items listed in N.J.A.C. 16:41-5.7 have been submitted. If the Application is not complete, the County shall send written notice to the Applicant that shall contain a request for specific additional information.
- B. If the County approves the Application, the County shall send a proposed permit to the Applicant. If the County denies the Application, the County shall send the Applicant a denial letter that shall state the reasons for the denial and that shall refer to the design standards that support the denial.
- C. If the Applicant changes any aspect of the Application in response to County comments or in response to a statement of reasons for denial, the County shall not require a new Application and fee. If the Applicant unilaterally changes any aspect of the Application, the County shall require a new Application and fee.

## **Application Checklist**

- A. Applicants shall submit, with the appropriate Application form specified in N.J.A.C. 16:41-5.1(a), and four copies of a detailed sketch or plan to the following scale: one inch equals 30 feet or one inch equals 50 feet. The County may require additional copies of the plans, depending on the nature and complexity of the particular Application.
- B. Plan sheet size shall not exceed 24 inches by 36 inches.
- C. Each plan sheet shall include a title block. The title block shall be located in the lower right corner of each plan sheet and shall include the municipality, county, date, name of the Applicant, and the type and the limits of the proposed activity.
- D. Each plan shall show the County roadway rights-of-way lines.
- E. The plans shall cover all areas where activity is proposed, and shall show pertinent existing and topographic features, and all proposed activities, including installations, removals, and modifications, in a manner that shall be readily distinguishable from existing features.
- F. Either the Applicant or County shall place an approval block on the key sheet or, if there is no key sheet, on every plan sheet submitted with the Application. The approval block shall contain the following statement:

The County of Sussex, hereby approves this plan  
Sussex County Division of Engineering

By: \_\_\_\_\_

- G. If the Applicant proposes to interrupt the flow of traffic or to restrict the available pavement width at any time, the proposed hours and days of the activity and any holiday activity shall be included in the traffic control plan.

**Permit Issuance Process**

- A. If the Application is approved, the County shall issue proposed permits authorizing activity on County roadway rights-of-way or property under the jurisdiction of the County. The approval of an Application does not give the permittee the right to construct, maintain, repair, and use the specified features within County roadway rights-of-way or property under the jurisdiction of the County. The proposed permit shall be signed by the entity listed in the following table. The signature shall indicate the signatory's acceptance of the terms and conditions of the proposed permit. If the Applicant does not return the signed proposed permit and the permit fee to the County within 30 days of the County transmittal to the Applicant, the County shall consider the Application to have been withdrawn. If the Applicant returns the permit fee and the proposed permit signed by the applicable signatory as indicated in the table below to the County within 30 days of the County's transmittal, then the County shall execute the permit within 10 days of its receipt by the County. When the permit is fully executed by both the County and the Applicant, the permittee has the right to construct, maintain, repair, and use the specified features within County roadway rights-of-way or property under the jurisdiction of the County under the terms and conditions of the permit, except that a utility opening permit does not authorize repair.
- B. If the signatory is signing other than in an individual capacity, the Applicant shall submit with the signed proposed permit an appropriate resolution authorizing the individual to sign on behalf of the permittee.

**Permit Conditions for all Roadway Occupancy Permits**

- A. The permittee shall complete the activity according to the terms and conditions of the permit.
- B. The permittee shall ensure that a copy of the permit is available for review at the activity site.
- C. The County may impose those site-specific terms and conditions it deems necessary, convenient or desirable when issuing permits.

- D. The permittee shall notify the County at least 72 hours before starting the activity. The permittee shall complete the activity in an expeditious and safe manner. In the preactivity notification, the permittee shall designate an individual to be available at all times. The permittee shall provide the name and phone number of this individual to the County.
- E. At least one week before starting the activity, the permittee shall send a letter specifying the starting date of the activity and a copy of the permit to the municipal clerk in each municipality where the permit authorizes the activity.
- F. All permits shall contain provisions for indemnification of the County, and its employees and officials. Permit forms with these provisions shall be available upon request from the County.

#### **Permit Conditions for Occupancy Permits**

- A. The County may require security in the form of a bond, check, or money order in an amount sufficient to guarantee or insure restoration of the area disturbed by the permittee, depending upon the extent of the activity and the County's past experience with the Applicant or permittee.
- B. If the County requires security, the permittee shall provide it, in the required form, to the County.
- C. If it becomes necessary for the County to effect repairs because of the failure of the permittee to do so, the County shall deduct the full cost of the repairs from the amount of the security. If the amount of the security is less than the cost of the repairs performed by the County or its contractor, the County shall bill the permittee for the balance due. If the permittee does not pay the full amount due within 30 days of billing, the County may initiate legal action.
- D. The following provisions apply to detours:
  - 1. The permittee shall be responsible for the cost of all maintenance and repairs to the roads over which the traffic diversion takes place;
  - 2. The permittee shall bear the expense of providing and maintaining approved signs, and other safety devices necessary to protect the traveling public throughout the time the detour is in use; and

3. All traffic handling shall be the responsibility of the permittee working in cooperation with local police officials, whose expression of ability and willingness to handle traffic proposed to be diverted shall be a permit condition. The County may require the permittee to retain full-time uniformed traffic directors, depending upon the traffic conditions particular to the activity location and the availability of local police support.

### **Permit Revocations or Modifications**

The County may revoke or modify any permit after the County determines that the conditions that existed at the time the County executed the permit have changed.

### **Acceptance of Permit**

The start or performance of any activity under a permit shall constitute full understanding and acceptance of, and agreement with, the terms and conditions of the permit and shall represent the express intention and obligation of the permittee to comply therewith.