



BOROUGH OF FLORHAM PARK

ORDINANCE # 19-14

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING Part II GENERAL LEGISLATION, ARTICLE III, STREET OPENINGS, CHAPTER 208, STREETS AND SIDEWALKS TO ADD SECTION 208-2(C), IMPLEMENTING A FIVE (5) YEAR ROAD OPENING MORATORIUM

WHEREAS, the Borough Council, for the health, safety and welfare of its neighborhoods and communities, has considered the impact of multiple road openings following the Borough's paving and re-paving work performed on Borough roads, streets or Borough controlled rights-of-ways; and

WHEREAS, the Borough Council has also considered the future repair cost and the aesthetic degradation of pavement on a recently paved road due to subsequent road openings; thus impacting the Borough and its citizens when entities create a road opening or excavate on a Borough road, street or Borough controlled right-of-way upon which a permanent pavement has been placed within less than five (5) years from the date of application;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Florham Park, County of Morris and State of New Jersey as follows:

SECTION 1.

Part II General Legislation, Article III Street Openings, Chapter 208, Streets and Sidewalks, is hereby amended to add Section 208-2(C), regarding a Five (5) Year Road Opening Moratorium as follows:

- A. Prior to the start of any paving or repaving work on any Borough road, street or Borough controlled right-of-way, the Director of Public Works or the Borough Engineer shall notify each utility company, resident, and business impacted by paving or re-paving work, of said work so any excavations, trench and patch repairs may be completed before paving is started. Such notice shall provide that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of five (5) years from the date of such paving unless appropriate pavement restoration requirements are met. 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 ninety (90) days from the date of such notification.
- B. During such five (5) year period, any permit issued to open, cut, or excavate in such a Borough road, street or Borough controlled right-of-way shall require a road opening permit in accordance with §208-3. Additionally, the Director of Public Works or the Borough Engineer shall ensure that any street opening on any Borough Road, street or Borough controlled right-of-way paved within five (5) years is restored satisfactorily using appropriate pavement restorations

methods to include Milling and Paving, Infrared Pavement Restoration, or any other acceptable pavement restoration technology approved by the Borough Engineer.

- C. The distances of pavement restoration in either direction of the opening will be determined by the Borough Engineer and Director of Public Works based on proximity to other Borough roads, streets or Borough controlled rights-of-way or utility concerns.
- D. Proof of Insurance. Any contractor hired to perform a street or roadway excavation in the Borough of Florham Park shall provide proof that it is licensed and bonded within the State of New Jersey.

SECTION 3.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.

Should any section, paragraph, clause or any other portion of this ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this ordinance.

SECTION 5.

This ordinance shall take effect upon final passage and publication according to law.

SECTION 7.

When this ordinance becomes effective a copy thereof properly certified by the Borough Clerk shall be made available.

SECTION 8.

I hereby certify this to be a true and correct Ordinance of the Mayor and Council of the Borough of Florham Park introduced on September 19, 2019.

INTRODUCED: September 19, 2019

ADOPTED: October 17, 2019

Mark Taylor, Mayor

ATTEST:

Sheila Williams, RMC
Borough Clerk

CERTIFIED TO BE A TRUE AND CORRECT COPY OF AN ORDINANCE ADOPTED BY THE GOVERNING BODY OF THE BOROUGH OF FLORHAM PARK ON OCTOBER 17, 2019.

Sheila A. Williams, RMC