

You must call the Borough Engineer's Office (908-879-6209) at Least Seventy Two (72) Hours Prior to the Start of Work

**BOROUGH OF MENDHAM  
MORRIS COUNTY, NEW JERSEY**

**APPLICATION AND PERMIT FOR ROAD OPENINGS AND DRIVEWAYS**

Application is made by \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant's  
Tele. No. \_\_\_\_\_

Applicant's Address \_\_\_\_\_  
For (Owner of Property Name) \_\_\_\_\_ Owner's  
Tele. No. \_\_\_\_\_

Located at \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

For a permit to open: \_\_\_\_\_  
(road name)

For purpose of: \_\_\_\_\_  
(specify proposed work)

From: \_\_\_\_\_ To: \_\_\_\_\_  
(Give approximate limits: show on diagram below)

Length of opening: \_\_\_\_\_ Width: \_\_\_\_\_ Depth: \_\_\_\_\_ Square Feet: \_\_\_\_\_

Size of pipe, main or \_\_\_\_\_ Type of pavement  
ducts being installed \_\_\_\_\_ to be disturbed \_\_\_\_\_

Work will be started on \_\_\_\_\_ Completed on \_\_\_\_\_

Remarks: \_\_\_\_\_

Please indicate "North"  
by direction arrow.

Show distance from nearest  
side street, telephone pole, etc.

**LOCATE OPENING ON DIAGRAM BELOW**



Received from applicant (if waived or per agreement, please note)

Insurance Certificate \_\_\_\_\_

Road Opening Bond \_\_\_\_\_  
(Amount)

Cash Deposit \_\_\_\_\_  
(Amount)

Other \_\_\_\_\_

The applicant agrees to comply with the rules and regulations, laws, ordinances and resolution of the Borough of Mendham relating to said work, and acceptance of the permit shall be deemed an agreement to abide by all its terms and conditions.

APPROVED

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Borough Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Name Printed

\_\_\_\_\_  
Applicant's Title

§ 190-6. Street paving specifications. [Amended 12-16-1991 by Ord. No. 13-91]

A. All road and street construction and materials shall be in accordance with the latest revision of New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction and as follows:

(1) Subsurface preparation shall consist of providing a firm, noncompressible, well-compacted base. Unsuitable material shall be removed and replaced with well-compacted quarry-process stone. The Borough Engineer shall determine the suitability or unsuitability of material. Excessive water shall be removed so there is no noticeable pumping in the base material.

(2) The subbase shall be a bituminous-stabilized base course with a minimum compacted thickness of five inches.

(3) The surface course shall be a hot-mixed bituminous concrete (FABC) with a minimum compacted thickness of two inches.

B. The above specifications are considered minimum. In areas where soil characteristics, topography, traffic volume or other factors indicate a need, the Engineer may require additional thicknesses and/or alternate types of construction.

§ 190-38. Permit required. EN

It shall be unlawful for any person, firm, corporation or public body to make any excavation in or tear up the surface, for any purpose whatsoever, of any road, street or public parking area which is under the jurisdiction of the Borough of Mendham without a written permit first having been obtained from the Borough Council as herein provided. The applicant shall pay a fee to the borough as set forth in Chapter 102, Fees, plus a fee as set forth in Chapter 102, Fees, for each resubmission, provided that the application is not in connection with a subdivision.

§ 190-39. Application.

Application must be made on the forms provided by the borough by the firm, corporation, person or public body for a permit. The application shall state the purpose of the proposed excavation, the type and depth of the installation or work to be accomplished and the anticipated duration of the work proposed. The form must be filled out completely and signed by an authorized representative of the firm, corporation or public body.

§ 190-40. Guaranties.

A permit shall not be issued unless and until the applicant has delivered to the borough:

A. A cash deposit in accordance with a schedule of fees established by the borough to defray and satisfy all expenses to the borough for inspection and other attendant costs.

B. Unless covered by a utility agreement, a deposit of cash surety for each opening, the amount to be determined by the borough. Upon completion of satisfactory repairs, the deposit will be returned, provided that no maintenance bond is required. (See § 190-41.)

C. A certificate of insurance evidencing that the applicant has obtained a comprehensive general liability insurance policy, a workmen's compensation and employer's liability policy and a comprehensive automobile insurance policy and guaranteeing notification to the borough in the event of cancellation thereof. The comprehensive general liability and automobile insurance policies shall have limits of at least \$1,000,000 for bodily injury to each person, \$2,000,000 in the aggregate for each accident, property liability of \$500,000 for each accident and \$1,000,000 aggregate property damage. Since the permittee's insurance certificates do not cover subcontract work, all subcontractors employed by the permittee must submit their own insurance certificates in the amounts required above. EN

§ 190-41. Duties and responsibilities of permittee.

A. The permittee assumes responsibility for all injuries to or deaths of any persons, for damages to property, including property of the borough, and for all claims, losses or expenses resulting directly or indirectly from the performance of the work specified in the permit, whether caused by negligence or otherwise and whether caused by negligence of the borough. The permittee shall indemnify and save harmless from all claims, losses, expenses or suits, including costs and attorneys' fees, for such injuries, deaths or damages from all claims, losses, expenses or liens of any sort which may result directly or indirectly from the performance of the work. The permittee shall assume the defense of any suit filed against the borough for such injuries, deaths or damages.

B. The permittee shall be responsible for arranging with adjacent property owners for the removal or relocation of shrubs, fences, structures, trees or embankments, etc., necessary for his or her construction, whether they are in the public right-of-way or on private property. The permittee shall make all arrangements with utility companies for the location, relocation and protection of their installations. The permittee shall save the borough harmless from any suits or claims by any person for damages to trees, shrubs, lawns, etc., caused by the applicant's equipment or workers or his or her operation.

C. The surface of any road or street and any pavement or flagging taken up by the permittee in its construction work shall be restored by and at the expense of the permittee to at least as good condition as existed before commencement of the work thereon and shall thereafter be maintained at the expense of the permittee in said condition for a period of three years after the completion of the same. For refund of the cash deposit described in § 190-40B, the permittee shall post a three-year maintenance bond or, in lieu thereof, enter into an agreement with the borough to leave 20% of said cash deposit on deposit with the borough for three years.

D. It shall be the duty of the permittee to properly guard any excavation or storage piles by the erection of suitable barriers by day and lights by night. Sufficient warning signs and watchmen (flagmen and special officers) shall be posted at each end of the work area to control traffic. Coordination of traffic control shall be made with the Borough Police Department.

§ 190-42. Permit compliance.

Subsequent to the issuance of the permit, no change or deviations from the work as described in the application and plan shall be permitted without written approval of the borough.

§ 190-43. Construction methods.

A. Service installations are to be bored or jacked under the road or street whenever possible. Tunneling or blasting will not be permitted.

B. Excavated material may be used for backfill if approved by the Borough Engineer. In general, backfill material must be granular noncompressive material, such as quarry-process or bank-run gravel. Backfill must be placed in lifts not to exceed six inches in depth, and each lift must be compacted utilizing state-of-the-art equipment suitable to the situation.

C. All trenches in bituminous pavement shall be replaced with six inches of quarry-process stone subbase, five inches of bituminous-stabilized base course and two inches of FABC top course.

D. Temporary pavement shall be six inches of quarry-process stone subbase and seven inches of bituminous-stabilized base course.

E. No permanent pavement shall be done between December 1 and April 1.

§ 190-44. Hours of operation; emergency road opening.

A. Unless an emergency exists, no work shall start before 8:00 a.m. of each workday, and all equipment and materials must be removed and the road or street swept clean by 4:30 p.m. No work, unless an emergency, will be permitted on Saturdays, Sundays or holidays or when the road is covered with ice or snow.

B. Emergency road openings shall be reported to the borough as soon as possible, and all requirements of this section shall be adhered to as are reasonably possible.

§ 190-45. Additional permits; term of permit; violations and penalties.

A. The issuance of this permit does not waive the obtaining of any or all federal, state or county permits, including environmental permits for stream encroachments or wetlands.

B. This permit is valid for six months from the date of issue. Failure to meet conditions herein shall void the permit.

C. Any person, firm, corporation or utility violating these rules and regulations shall be subject, upon conviction, to a fine not exceeding \$1,000, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. EN