

ORDINANCE #1-2024

**AMENDING THE GENERAL CODE OF THE CITY OF EGG HARBOR,
CHAPTER 259 AND ADDING ARTICLE V TITLED TRAFFIC CONTROLS
FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE**

WHEREAS, the City Council finds that problems of traffic control occur when traffic must be moved through or around road or street construction, maintenance operations and utility work, above or below ground which requires blocking the roadway and obstructing the normal flow of traffic, and that such obstructions are or can become dangerous when not properly controlled; and

WHEREAS, in order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work forces performing these operations; and

WHEREAS, N.J.S. A. 40:48-2 permits a municipality to adopt ordinances for the public health, welfare and safety of its residents.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Egg Harbor, County of Atlantic, State of New Jersey that Chapter 259 of the General Code of the City of Egg Harbor shall be amended to add new Article V titled Traffic Controls and Street and Highway Construction and Maintenance as follows:

SECTION 1.

§259-31 Regulations during construction and maintenance operations.

A. Adoption of Manual on Uniform Traffic Control Devices for streets and highways.

The City of Egg Harbor in the County of Atlantic, State of New Jersey does hereby adopt the current Manual on Uniform Traffic Control Devices, hereafter known as "MUTCD" except as hereby supplemented and amended, as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. Any person, contractor or utility, which fails to comply with the provisions of MUTCD while performing such work, is in violation of this section.

B. Preconstruction

1. It shall be the responsibility of the person, contractor, or in the case of a public utility wishing to work on, under or above the roadway to contact the Chief of the City of the Egg Harbor Police Department or her designee in order to arrange a preconstruction meeting to submit plans for the safe movement of traffic during such period of construction work. Any person, contractor or utility who fails to comply with this subsection prior to the start of such work or whose plans are not approved by the City of Egg Harbor Police Department is in violation of this subsection.
2. Public utilities conducting routine maintenance work need not comply with the preconstruction meeting requirement.

C. Emergency contact phone numbers. The person, contractor or utility shall provide the Police Department with at least two emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work, if, for any reason, the emergency contact person does not respond to a call from the Police Department to correct a hazardous condition, the City may respond to correct such hazardous condition. The reasonable fees for such emergency services by the City shall be charged to the person, contractor or utility responsible for such condition.

D. Heavily traveled roads. The City of Egg Harbor Police Department shall maintain a list of all roads determined to be heavily traveled for the purposes of this article. Such determination shall be made by the Police Department and shall be binding. Said list may become heavily traveled due to temporary conditions or events. This list shall be available for inspection during normal business hours and a copy shall be provided upon request of any party.

E. Time limits. There shall be no construction, maintenance operations or utility work, on or above any heavily traveled roadway in the City before the hour of 8:00 a.m. or after 4:00 p.m. The Chief of Police or her designee may adjust this time limit to permit work before 8:00 a.m. or after 4:00 p.m. If it is determined by the Chief of Police or her designee that the construction or maintenance operations prior to 8:00 a.m. or after 4:00 p.m. on any roadway would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 8:00 a.m. and 4:00 p.m.

F. Road closings and detours. Road closings and/or traffic detours shall not be permitted unless approved by the Chief of Police or her designee.

G. Traffic directors. Traffic directors shall be posted at all construction or maintenance sites when determined by the Chief of Police or her designee that it is necessary to provide for the safety and expeditious movement of traffic.

- H. Stop work. The Chief of Police of the City of Egg Harbor or her designee shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling of open excavations and/or related work, in order to abate any nuisance, traffic delay and/or safety hazard or for any violation of this section.
- I. Site preparation. It is to be expressly understood that no materials, vehicles or equipment are to be placed in the roadway or sidewalk or until all construction, signs, light devices and pavement markings are installed.
- J. Emergency repair work.
1. In the case of emergency repair work where construction maintenance operations or emergency utility work must be performed that will obstruct, interfere or detour traffic on any roadway in the City, the person, contractor or utility performing such operation shall notify the City of Egg Harbor Police Department of such emergency operation. The person, contractor or utility shall disclose the nature of the emergency, location and hours of operation. **See Article IV, 235-14- 38.**
 2. All emergency construction and maintenance operations shall be performed with full regard to safety and to keep traffic interference to an absolute minimum. During such emergency repair work the person, contractor or utility shall comply with the provisions of the MUTCD while performing such emergency repair work.
- K. Tow Away Zone. Any vehicle parked in violation of this section of the Code of the City of Egg Harbor shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle. The owner shall bear the reasonable cost of removal and storage which may result from such removal before regaining possession of said vehicle.
- L. Violations and Penalties. Any person, contractor or utility who commits a violation of this article shall, upon conviction thereof for a first offense pay a fine of not less than \$100 and not more \$500. For a second offense, upon conviction thereof, pay a fine of not less than \$250 and not more than \$750. For a third or subsequent offense, upon conviction thereof, pay a fine of not less than \$500 and/or be imprisoned in the county jail for a term not exceeding 10 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.


SECTION 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the City of Egg Harbor declares that it would have passed the ordinance and each section and subsection thereof; irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 4. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

ENACTED AND ADOPTED by the Council of the City of Egg Harbor on this day of _____ 2024.

Introduced: February 8, 2024
Publication: February 14, 2024
Public Hearing: February 22, 2024
Publication: February 22, 2024

ATTEST:

By: 
Meg Steeb, City Clerk

CITY OF EGG HARBOR

By: 
Lisa Jiampetti, Mayor