

BOROUGH OF NEW PROVIDENCE
Ordinance 2008-17

"AN ORDINANCE TO ESTABLISH TRAFFIC CONTROLS FOR STREETS AND
HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS AMENDING
CHAPTER 257 ENTITLED "VEHICLES AND TRAFFIC" TO INCLUDE SUBSECTION
41 ENTITLED "WORK ZONE REGULATIONS"

BE IT ORDAINED BY THE Mayor and Council of the Borough of New Providence in the
County of Union, State of New Jersey, as follows:

PART II. Chapter 257 entitled "Vehicles and Traffic" is amended to add a new
subsection # 41, entitled "Work Zone Regulations" as follows:

Chapter 257.41
Work Zone Regulations

§ 257.41a. Findings and Purpose.

The Mayor and Council hereby find and declare that the problems of traffic control occur when traffic must be moved through or around street construction, maintenance operations, and utility work, above and below ground, and within the right-of-way, 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. 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 force performing these operations.

§ 257.41b. Adoption of the Manual on Uniform Traffic Control Devices for Streets and Highways.

The Borough of New Providence, in the County of Union, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices for Streets and Highways, hereafter known as M.U.T.C.D., as 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 that fails to comply with the provisions of the M.U.T.C.D. while performing such work is in violation of this section.

§ 257.41c. Pre-Construction Meeting.

It shall be the responsibility of the person, contractor, or in the case of a public utility as required under the public utility agreement, wishing to conduct work on, under or above the roadway or within the right-of-way, to obtain a the appropriate permit(s) from the Borough of New Providence or County of Union. The New Providence Police

Department must be contacted to arrange a pre-construction meeting. The contractor shall be required to submit work zone safety plans for the safe movement of traffic during such period of construction activity. Any person, contractor or utility who fails to comply with this section prior to the commencement of such work or whose plans are not approved by the New Providence Police Department is in violation of this section. The Officer in charge of the Police Department or his designee is authorized to require the cessation of any work being performed in violation of this section.

§ 257.41d. Hazardous Conditions.

The person, contractor, or utility, prior to the commencement of work, shall provide the New Providence Police Department with at least two (2) emergency contact phone numbers. The person answering the calls shall be capable of correcting hazardous situations that may exist at the work zone after hours. If for any reason, emergency contacts cannot be reached, or if the emergency contact person does not respond within one hour correct such hazardous condition, the Borough may respond to correct such hazardous condition. The reasonable fees for such emergency service by the Borough shall be charged to the person, contractor, or utility responsible for the conditions.

§ 257.41e. Hours.

There shall be no construction, maintenance operations, or utility work on any roadway in the Borough before the hour of 9:00 a.m. or after 4:00 p.m. The New Providence Police Department officer in charge may adjust this time limit to permit work prior to 9:00 a.m. or after 4:00 p.m. If it is determined by the officer in charge that the construction or maintenance operations prior to 9:00 a.m. or after 4:00 p.m. would substantially delay traffic or cause a safety or health hazard, the work shall then be only permitted between 9:00 a.m. and 4:00 p.m.

§ 257.41f Road Closings and Detours.

Road closings, traffic detours or any diversion of traffic from the normal flow shall not be permitted unless approved by the Officer in Charge of Police Headquarters or his designee.

§ 257.41g Traffic Directors and Safety Equipment.

Following the review of the work zone safety plan, a determination shall be made concerning the need for traffic direction at the work zone. If the construction requires that traffic must be moved over the centerline, or it requires that traffic be stopped and/or directed in any manner, a police officer may be required to be posted at the site. The officer conducting the review of the work zone plan shall consider the safety of all persons in and around the work zone. The volume of traffic, visibility, number of pedestrians, school zones, etc., shall be considered in determining the number of officers, if any, necessary at the work zone. In addition, consideration shall be given to

the need for advance warning of the work zone using the variable message board and whether a police vehicle is necessary to provide additional warning of the work zone. If off-duty police officers need to be hired, the variable message board needs to be deployed or a police car is necessary before or during the construction, the fees for such services are established by Borough of New Providence and can be arranged through the Chief of Police or his designee.

§ 257.41h. Stop Work.

The Officer in charge of the New Providence Police Department, or his designee, shall have the authority to stop work, including the removal of equipment and vehicles, stored material in the street right-of-way, backfilling of open excavations and /or other related work, in order to abate any nuisance and/or safety hazard or for any violation of this section.

§ 257.41i. Site Preparation

It is to be expressly understood, that no materials, vehicles or equipment are to be placed in the roadway or sidewalk area, until construction signs, lights, devices, and pavement markings are installed. All traffic control devices shall be provided and installed in accordance with the approved work zone plan by the contractor. The maintenance of the traffic control devices in the work zone shall be the responsibility of the contractor

§ 257.41j. 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 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and/or be imprisoned in the County Jail for a term not exceeding ninety (90) days. For a second offence, upon conviction thereof, pay a fine of not less than two hundred fifty dollars (\$250.00) and/or be imprisoned in the County Jail for a term not exceeding ninety (90) days. For a third offense, upon conviction thereof, pay a fine of not less than five Hundred (\$500.00) and/or be imprisoned in the County Jail for a term not exceeding ninety (90) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues,

Part III.

All ordinances or parts of ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of any inconsistency.

Part IV.

Fees

Police Officer(s) -	Officers Overtime Rate
Payroll Expense Fee	\$10.00 per hour per officer
Police Cars	\$50.00 per day.
Variable Message Board	\$100.00 per day or any part thereof.

Part V. Effective date.

This ordinance shall take effect twenty (20) days after passage and publication as prescribed by law.

Introduced: October 13, 2008
Public Hearing: November 10, 2008
Adopted: November 10, 2008

Borough of New Providence
County of Union
State of New Jersey

John A. Thoms
Mayor

Attest:

Wendi B. Barry, Borough Clerk