

**ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON AMENDING
CHAPTER 136 "VEHICLES AND TRAFFIC" OF THE CODE OF THE
TOWNSHIP OF SOUTH HARRISON**

WHEREAS, the Township Committee of the Township of South Harrison hereby finds and declares that problems of traffic control occur when traffic must be moved through or around street construction, maintenance operations and utility work, above and below ground, which requires blocking roadways and obstructing the normal flow of traffic, and that such obstructions are or can become dangerous when not properly controlled; and

WHEREAS, the Township Committee in order to better promote the public health, safety, peace and welfare find 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.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of South Harrison, County of Gloucester, State of New Jersey that the Township Code hereby be amended to add Article IX "Traffic Control During Construction and Maintenance Operations" to Chapter 136 entitled "Vehicles and Traffic". Which shall read as follows:

§ 136-44. Findings; adoption of standards.

The Township of South Harrison in the County of Gloucester, and 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, to control and regulate whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. A person, contractor or utility who fails to comply with the provisions of MUTCD while performing such work is in violation of this chapter.

136-45. Preconstruction meetings.

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 within, under or above the roadway, to contact the Chief of Police of the Township of South Harrison Police Department in order to arrange a preconstruction meeting to submit plans for the safe movement of traffic during such period of construction of work. Any person, contractor or utility who fails to comply with this section prior the start of such work or whose plan are not approved by the Chief of Police of the Police Department is in violation of this chapter.

§ 136-46. Hazardous conditions.

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

§ 136-47. Hours of road work.

Generally there shall be no construction, maintenance operations or utility work on any roadway in the Township before the hour of 7:00 a.m. or after 5:00 p.m. This time limit may be adjusted to permit work prior to 7:00 a.m. or after 5:00 p.m. by the Chief of the Township of South Harrison Police Department, if reasonable conditions apply and after thoroughly reviewing such request. If it is determined by the officer in charge that the construction or maintenance operations prior to 7:00 a.m. or after 5:00 p.m. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 7.00 a.m. to 5:00 p.m.

§ 136-48. Road closings and detours.

Road closings and/or traffic detours shall not be permitted unless approved by the South Harrison Township Police Department.

§ 136-49. Traffic directors.

Traffic directors shall be posted at all construction or maintenance sites when determined by the South Harrison Township Police Department that same is necessary to provide for the safe and expeditious movement of traffic.

§ 136-50. Stop work.

The South Harrison Township Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within 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 chapter.

§ 136-51. 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 all construction, signs, lights, devices and pavement markings are installed.

§ 136-52. Payment for services rendered by traffic directors.

Payment for all traffic directors (certified police officers) working all construction highway details for directing the appropriate movement of traffic flow shall be coordinated by the Chief of Police or designee. The payment shall be the appropriate hourly rate, administrative fee and vehicle use fee designated by resolution pursuant to Chapter 24.31 (Rates of compensation, administrative fee; payment for services). An additional 10% can be charged to delinquent payments over the time of 45 days from original date of invoice.

§ 136-53. Indemnification and hold harmless.

Any person, contractor or utility company shall be responsible to indemnify and hold harmless the Township of South Harrison for any claims or actions brought as a result of the use of traffic directors by said party, including the attorney fees.

§ 136-54. Violations and penalties.

- A. Any person, contractor or utility who commits a violation of this chapter shall, upon conviction thereof, for the first offense pay a fine of not less than \$100 nor more than \$1,000 and/or may be imprisoned in the county jail for a term not exceeding 90 days, or both; for a second offense, upon conviction thereof, pay a fine of not less than \$300 nor more than \$1,000 and/or may be imprisoned in the county jail for a term not exceeding 90 days, or both.
- B. A separate offense shall be deemed committed on each day or on which each violation occurs or continues to occur.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

TOWNSHIP OF SOUTH HARRISON:

Charles Tyson, Mayor

ATTEST:

Nancy E. Kearns, RMC
Municipal Clerk

CERTIFICATION

This Ordinance was introduced and passed on first reading at a regular meeting at the South Harrison Township Committee held on the 9th day of July, 2008. The second reading and public hearing shall be held on the 13th day of August, 2008 at 7:30 p.m. at a regular meeting held at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

NOTICE

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NOTICE is hereby given that the foregoing Ordinance O-08-22 was finally adopted at a meeting of the South Harrison Township Committee held on the 13th day of August 2008 at 7:30 pm in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

Information Only