

**TOWNSHIP OF BLAIRSTOWN
COUNTY OF WARREN
STATE OF NEW JERSEY**

ORDINANCE NO. 2018-07

AN ORDINANCE TO AMEND CHAPTER 184 ENTITLED “VEHICLES AND TRAFFIC” AND CHAPTER 35 ENTITLED “POLICE DEPARTMENT” OF THE CODE OF THE TOWNSHIP OF BLAIRSTOWN

WHEREAS, the Township Committee has conducted a review of the Township Code and of the Codes of other municipalities related to the traffic controls for street and highway construction and maintenance; and

WHEREAS, the Township Committee has determined that it is necessary to amend the Code to address this public safety concern; and

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Blairstown, Warren County, New Jersey, that Chapter 184 entitled “Vehicles and Traffic” and Chapter 365 entitled “Police Department” of the Code of the Township of Blairstown be an is hereby amended as follows:

SECTION 1. Chapter 184 “Vehicles and Traffic” shall be amended to include a new section to read as follows:

§184-29 Traffic controls for street and highway construction and maintenance operations.

- A. Adoption of Manual on Uniform Traffic Control Devices for streets and highways.
- (1) The Township Committee 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 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.
- (2) The Township of Blairstown in the County of Warren and State of New Jersey does hereby adopt the current Manual of 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 who fails to comply with the provisions of MUTCD while performing such work is in violation of this section.
- B. Preconstruction meetings.
- (1) 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 to contact the Administrative Division of the Township of Blairstown Police Department in order to arrange a preconstruction meeting to submit

plans for the safe movement of traffic during such period of construction work. Preconstruction meetings must be scheduled far enough in advance (a minimum of two weeks) of the desired start date so as to allow for efficient planning.

(2) Any person, contractor or utility who fails to comply with this section prior to the start of such work or whose plans are not approved by the Township of Blirstown Police Department is in violation of this section.

C. Hazardous conditions. The person, contractor or utility shall provide the Township of Blirstown Police Department with at least two (2) 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 emergency contact cannot be reached, or if the emergency contact person does not respond in a timely manner to the call from the Police Department to correct a 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.

D. Hours. There shall be no construction, maintenance operations or utility work on any roadway in the Township before the hour of 9:00 a.m. or after 3:30 p.m. This time limit may be adjusted to permit work prior to 9:00 a.m. or after 3:30 p.m. by the Officer-in-Charge of the Township of Blirstown Police Department if it is determined by that officer that the construction or maintenance operations prior to 9:00 a.m. or after 3:30 p.m. would not substantially delay traffic or cause a safety or health hazard.

E. Road closing and detours. Road closing and/or traffic detours shall not be permitted unless approved by the Officer-in-Charge of the Township of Blirstown Police Department. Advance notice of detours must be given to motorists, except in emergent circumstances.

F. Traffic directors. Any person, contractor, or in the case of a public utility as required under the public utility agreement (other than municipal, county or state employees), wishing to conduct work on, above or under on any and all roads in the Township of Blirstown; is working within 200 feet of an intersection of any road within the Township; is working in the vicinity of specific geographic features (e.g., sharp curves, alongside of rivers, steep embankments, etc.); is working within 1,000 feet of a Township of Blirstown Board of Education property; and/or diverts or interrupts motor vehicle or pedestrian traffic flow shall be required to hire off-duty Township of Blirstown police officers or traffic directors to ensure compliance with the MUTCD as well as to control traffic traveling through the work zone. The Administrative Division of the Township of Blirstown Police Department shall be contacted at least 48 hours before starting work to arrange for the hiring of off-duty officers if needed. The number of officers or traffic directors required shall be determined by the Township of Blirstown Police Department and approved by the Officer-in-Charge. For all work on roads listed in Table 1, traffic control shall be by off-duty Township of Blirstown police officers. The requirement to hire off-duty officers for work on, above, below, or adjacent to the roads listed in Table 1 shall only apply to work that will take in excess of one hour to complete. All work on, above, below, or adjacent to and/or all of the roads in the Township of Blirstown taking less than one hour, may be controlled with traffic directors, unless off-duty Township of Blirstown police officers are deemed necessary by the Police Department and approved by the Officer-in-Charge. All civilian flagmen must wear lime green glow-type traffic vests and must be educated as to the proper operation of traffic

flag controls. If flagmen cannot see each other, they must have walkie-talkie communication between them. In the event that work requires any road to be closed to traffic 24 hours a day, the hiring of off-duty Township of Blirstown police officers will be required when it is deemed necessary by the Police Department and approved by the Officer-in-Charge.

G. Stop work. The 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 section.

H. Site preparation and maintenance. It is to be expressly understood that no materials, vehicles or equipment are to be placed in roadway or sidewalk area until all construction, signs, lights, devices and pavement markings are installed. All construction signs which do not currently apply must be bagged or removed from view of the motorists (i.e., Flagman Ahead signs after workmen have finished for the day).

I. Violations and penalties.

(1) Any person, contractor or utility who commits a violation of this section shall, upon conviction thereof, for a first offense pay a fine of not less than \$100 nor more than \$500 and/or be imprisoned in the county jail for a term not exceeding 90 days; for a second offense, upon conviction thereof, pay a fine of not less than \$250 and/or be imprisoned in the county jail for a term not exceeding 90 days.

(2) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2. Chapter 35 "Police Department" shall be amended to include a new section To read as follows:

§35-16 Police outside work/special police services.

A. The Officer-in-Charge or his/her designee, at his/her discretion, may assign members of the Department not on regular duty and who may volunteer for police outside work/special police services. While on outside work/special police service, the members of the Department shall be subject to all provisions of Police rules, regulations and directives.

B. Parties contracting for police outside work/police special services shall contact the Administrative Division at least two (2) weeks prior to the job/function. A description of job duties shall be provided at that time so an appropriate posting can be accomplished at police headquarters.

C. Parties requesting police outside work/police special services may be required to submit full payment in advance of the work to be performed.

D. The rate of pay for police outside work/police special services excluding traffic services shall be \$85.00 per hour. The rate of pay for police outside work/police special services for traffic services shall be \$85.00 an hour. These hourly rates shall increase 2% per year beginning on January 1, 2019. All traffic control services will be contracted for a minimum of four (4) hours other than for long-term assignments. The Township, as an administrative fee, shall retain 10% of these hourly rates. An additional \$2.50 per hour gasoline surcharge fee will be charged for all traffic services over and above the

rates of pay whenever the Township cost for unleaded gasoline equals or exceeds \$2.50 per gallon. The above notwithstanding, the hourly rate for police outside work/police special services, excluding traffic, to be charged on projects undertaken or funded by the Township of Blairstown or the Township of Blairstown Board of Education shall be \$85.00 per hour and the hourly rate of pay for traffic services on projects undertaken or funded by the Township of Blairstown or the Township of Blairstown Board of Education shall be \$85.00 per hour.

E. The 10% administrative fee and \$2.50 per hour gasoline surcharge provided by Subsection D above shall be waived for programs sponsored by the Township of Blairstown Municipal Departments.

F. All vendors shall be required to make all payments for police outside work/police special services assignments payable to the Township of Blairstown. All payments for police outside work/police special services assignments shall be forwarded to the Township of Blairstown Police Department and forwarded to the Finance Department. The Finance Department shall deposit all funds earmarked for the payment of police outside work/police special services officers, collected from vendors, into a special escrow fund. The escrow fund shall be established for payment to members of the Township of Blairstown Police Department performing the police outside work/police special services. All police officers shall be required to submit pay slips to the Officer-in-Charge. The pay slip shall be in a form approved by the Officer-in-Charge. Upon receipt of a properly executed pay slip verified by the vendor, the Finance Department will process the pay slips for disbursement. Officers performing police outside work/police special services shall be paid on a timely basis.

G. If a party contracting for outside work/police special services must cancel said services, the party shall be required to give notice at least two hours prior to the start for traffic control and at least eight hours for all other services. A four (4) hour minimum charge will be levied for failure to adhere to the above cancellation policy.

H. If after an officer arrives at an assignment for outside work/police special services and all or part of that work is cancelled, the contracting party shall pay a minimum charge equal to the hours booked to a maximum of four hours.

I. All security details other than those undertaken by or funded by the Township of Blairstown or the Township of Blairstown Board of Education that require staffing of five (5) or more officers will require an additional assignment of one supervisor, paid at 10% above the prevailing security rate. The hourly rate for off-duty police security services for six (6) months or more shall be \$45 per hour.

SECTION 3. All ordinances or parts of ordinances of the Township of Blirstown inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 5. This law shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING Ordinance was introduced at a meeting of the Township Committee of the Township of Blirstown, in the County of Warren and State of New Jersey, held on February 14, 2018 and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee to be held at the Municipal Building, 106 Route 94 in the Township of Blirstown, New Jersey on March 14, 2018 at 7:30PM.

Linda Leidner, Clerk