

BOROUGH OF CLOSTER
ORDINANCE NO. 2023 - 1311

ORDINANCE AMENDING CHAPTER 171 REGULATING STREETS AND
SIDEWALKS

WHEREAS, Chapter 171 of the Ordinances of the Borough of Closter (“Borough”) entitled “Street and Sidewalks” pertains to, regulates, and prohibits certain acts on, under and above streets and sidewalks with the Borough; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough is empowered to enter and enforce ordinances and regulations necessary to ensure the protection of persons and property and the preservation of the public’s health, safety, and welfare; and

WHEREAS, the Governing Body of the Borough seeks to amend Chapter 171 to include additional rules and regulations governing general construction operations and/or utility work impacting streets and rights of way to ensure conformance with established standards for the protection of traffic and pedestrians.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Closter, County of Bergen, State of New Jersey that Chapter 171 of the Borough’s Ordinances, entitled “Streets and Sidewalks” is hereby amended to add an Article VII to said Chapter 171 as follows:

ARTICLE VII

Construction Activities and/or Utility Work Impacting Rights-of-Way

§ 171-43. Adoption of Manual on Uniform Traffic Control Devices (M.U.T.C.D)

The Borough of Closter hereby adopts the current Manual on Uniform Traffic Control Devices (hereinafter M.U.T.C.D) all supplements and amendments thereto, as it controls and regulates whenever construction maintenance operations or utility work obstructs or impacts the normal flow of traffic. Any person, contractor, or utility who fails to comply with the provisions of M.U.T.C.D while performing such works is in violation of this chapter.

§ 171-44. Pre-construction Meetings

A. Submission of Plans. It shall be the responsibility of the person , contractor , or public utility wishing to conduct work on, under, above or near the street(s) or rights-of-way to contact the Closter Police Department and arrange a pre-construction meeting to submit plans, which shall include the scope of work and timetable, for the safe movement of traffic during such period of constructions work. The Police Department shall approve or establish plans for the safe movement of traffic during such period of construction work. Such plans shall cover the manner in which the movement of traffic shall flow, and the person, contractor, or public utility shall effectuate such plans and not act inconsistently therewith. Any person, contractor or utility who fails to comply with this chapter prior to the start of work or whose plans are not approved by the Closter Police Department shall be deemed in violation of this chapter.

B. Emergency Work. The provisions of this Article respecting preconstruction meetings shall not apply to emergencies. The Closter Police Department shall, in its discretion, determine whether such emergency exists.

§ 171-45. Hazardous conditions

The person, contractor, or public utility shall provide the Closter 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 the call from the Police Department to correct the hazardous condition, The Borough of Closter may respond to correct such hazardous conditions. The reasonable fees for such emergency service by the Borough of Closter shall be charged to the person, contractor, or public utility.

§ 171-46. Road Closing and detours

Road closing and/or detours shall not be permitted unless approved by the Closter Police Department. All proper signage including detour signs will be provided and maintained by the Contractor of each specific job.

§171-47. Stop Work

The Closter Police Department shall have the authority to order the stopping of work, including the removal of equipment and vehicles, in order to abate any nuisance and/ or safety hazard or for any violation of this chapter.

§171-48. Posting of Traffic Officers

A Closter Police Officer shall be posted at all construction or maintenance sites when determined by the Closter Police Department that the same is necessary to provide for the safety and expeditious movement of traffic. When so determined, said traffic directors shall be provided for at the expense of the person, contractor or utility for providing such work.

§171-49. Escrow Accounts

The person or contractor shall follow all guidelines set forth in (50-30) and establish an escrow account unless authorized by the Chief of Police to forego.

§171-50. Time Limits

All time limits shall reflect Borough Ordinance 134-7 unless otherwise approved by the Chief of Police or his designee.

§171-51. Heavily Traveled Roads

The Borough of Closter 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 the Public Safety Committee of the Borough of Closter Mayor and Council and shall be binding. Said list may be amended from time to time as conditions warrant to include roads which 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.

§171-52. Violations and Penalties

Any person, contractor or utility who or which commits a violation of this Chapter 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; and for a second offense, upon conviction thereof, pay a fine of not less than \$200 and/or be imprisoned in the county jail for a term not exceeding 90 days; and for a third or subsequent conviction, pay a fine of not less than \$500 and/or be imprisoned in the county jail for a term not exceeding 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

BE IT FURTHER ORDERED that this amendment applies to Chapter 171 only, and the balance of Chapter 171 entitled “Streets and Sidewalks” shall remain in full force and effect.

This Ordinance shall take effect upon final passage and publication in accordance with law.

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Councilwoman Amitai						
Councilwoman Chung						
Councilman Devlin						
Councilwoman Latner						
Councilwoman Witko						
Councilman Yammarino						

Introduced: January 25, 2023

Adopted: February 8, 2023

ATTEST:

APPROVED BY:

Stephanie Evans, Borough Clerk

John C. Glidden, Mayor

Certified to be a true copy of Ordinance adopted by the Mayor and Council of Borough of Closter at the Regular Meeting held on February 8, 2023.

Stephanie Evans, Borough Clerk