

ORDINANCE 2010-08

**AN ORDINANCE AUTHORIZING THE ADOPTION OF
THE MANUAL ON UNIFORM TRAFFIC CONTROL
DEVICES FOR STREETS AND HIGHWAYS IN THE
TOWNSHIP OF HILLSBOROUGH.**

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. **FINDINGS, PURPOSE, ADOPTION OF MANUAL ON UNIFORM
TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS**

(a) The Township Committee of the Township of Hillsborough hereby finds and declares that traffic control problems may occur when traffic must be moved through or around street construction, maintenance operations, or 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. 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.

(b) The Township of Hillsborough in the County of Somerset, 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 it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic.

(c) Any person, contractor, or utility who fails to comply with the provisions of the M.U.T.C.D. while performing such work is in violation of this Ordinance.

Section 2. **PRE-CONSTRUCTION MEETINGS**

It shall be the responsibility of the person, contractor, or public utility wishing to conduct work on, under, or above the roadway to contact the Chief of Police and Traffic Safety Unit of

the Township of Hillsborough Police Department in order to arrange a pre-construction meeting to submit plans for the safe movement of traffic during such period of construction activity.

Section 3. HAZARDOUS CONDITIONS

The person, contractor, or utility, prior to the start of any work, shall provide the Chief of Police and Traffic Safety Unit with at least two (2) emergency contact phone numbers to be called in case of emergencies at the construction or maintenance site. If for any reason emergency contacts cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct such hazardous conditions within one (1) hour of notification, 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 hazardous conditions.

Section 4. HOURS

(a) 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 4:00 P.M. This time limit may be adjusted to permit work prior to 9:00 A.M. or after 4:00 P.M. by the Chief of Police and/or the Director of Public Works. If it is determined by either 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 permitted only between 9:00 A.M. and 4:00 P.M.

(b) If work is being conducted on a County of Somerset or State of New Jersey Department of Transportation maintained roadway, that respective authority may authorize work hours outside of the hours set by this Ordinance at their discretion.

Section 5. ROAD CLOSINGS AND DETOURS

Road closing and/or traffic detours shall not be permitted unless approved by the Chief of Police. Road closure and/or traffic detour plans shall be submitted to the Chief of Police and Traffic Safety Unit at least two (2) weeks prior to the anticipated road closure/detour. Road closures on Township roads which will last more than forty eight (48) consecutive hours require the passing of a Resolution by the Township Committee pursuant N.J.S.A. 39:4-197.3. Road closures and/or traffic detour plans shall include the posting of “On or about” signs one (1) week prior to the anticipated road closure/detour to advise motorists of the upcoming work. This is not necessary if the Chief of Police or the Traffic Safety Unit determine the work to be emergent.

Section 6. TRAFFIC DIRECTORS

Traffic directors shall be posted at all construction or maintenance sites when determined by the Police Department Traffic Safety Unit that same is necessary to provide for the safe and expeditious movement of traffic. The hiring of Police Officers does not exempt the person, contractor or utility from any other provision in this Ordinance. The Police Officers are there to facilitate the smooth, efficient and safe movement of traffic. The Chief of Police or his designee has the ultimate authority in determining whether or not Police Officers are required to control traffic at the site.

Section 7. **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 Ordinance.

Section 8. **SITE PREPARATION AND MAINTENANCE**

It is to be expressly understood that no materials, vehicles or equipment are to be placed in a 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).

Section 9. **VIOLATIONS AND PENALTIES**

(a) Any person, contractor or utility who commits a violation of this Ordinance shall, upon conviction thereof, be subject to imprisonment in the County of Somerset Jail or in any other place provided for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding \$2,000.00; or by a period of community service not exceeding ninety (90) days.

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

Section 10. **SEVERABILITY**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 11. **EFFECTIVE DATE**

This Ordinance shall take effect as provided by law.

ATTEST:

HILLSBOROUGH TOWNSHIP

Kevin P. Davis, Clerk

Frank DelCore, Mayor

Introduced: 03/09/10

Published: 03/11/10

Public Hearing: 04/13/10

Adopted: 04/13/10

Published: 04/22/10