

ORDINANCE NO. 2005-1023

AN ORDINANCE ADOPTING THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS" AND PROVIDING FOR THE REGULATION OF WORK ON, ABOVE, OR BELOW GROUND IMPACTING TRAFFIC SAFETY

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

SECTION 1. ADOPTION OF MANUAL

A certain document, three (3) copies of which are on file in the Office of the Clerk of the Borough of Manville, being marked and designated as the "*Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 Edition, Including Revision 1 dated November 2004,*" published by the United States Department of Transportation, Federal Highway Administration (hereinafter "M.U.T.C.D."), be and is hereby adopted in its entirety for the uses and purposes set forth therein as if fully set out herein, except as may be modified by the provisions of this ordinance.

SECTION 2. PRE-CONSTRUCTION MEETING

Prior to commencement of any construction, maintenance, or other work on, above, or below any public street, highway, roadway or avenue of public travel within the Borough of Manville (hereinafter referred to as "work"), the person or other entity, including any public utility as required by *N.J.A.C. 16:25-1 et seq.*, and other applicable law, intending to perform such work shall notify the Police Department and arrange a pre-construction meeting at which time plans acceptable to the Police Department for the safe movement of traffic during such periods of work must be submitted.

SECTION 3. EMERGENCY CONTACT TELEPHONE NUMBERS

Prior to commencement of any such work, the person, other entity or utility shall provide at least two (2) emergency contact telephone numbers to be called in case of problems at the work site. In the event the emergency contact person does not respond to a call from the Police Department and/or fails to correct any existing hazardous condition(s), the Borough of Manville may respond to correct the hazardous condition(s). The reasonable cost for such corrective action by the Borough of Manville shall be charged to the person, other entity, or utility responsible for the condition(s).

SECTION 4. HOURS OF WORK

There shall be no such work performed except between the hours of 9:00 a.m. and after 4:00 p.m. unless the Police Department relaxes the time limitation upon a determination that work operations during other hours would not substantially delay traffic or cause a safety or health hazard; provided, however, that work may be authorized by the Police Department during nighttime hours, 7:00 p.m. and 6:00 a.m., only if a further determination is made that the particular nature of the work involved warrants such work operations to be undertaken during nighttime hours, there will be a substantially reduced traffic hazard, and there will not be an unreasonable disturbance to the public.

SECTION 5. Site Preparation

No materials, vehicles or equipment are to be placed in any roadway or sidewalk until all signs, light devices and pavement markings are installed.

SECTION 6. ROAD CLOSING

Road closing and/or traffic detours shall not be permitted unless authorized by the Police Department.

SECTION 7. TRAFFIC DIRECTORS

No person, entity or utility shall perform any such work on, above, or below any public street, highway, roadway or avenue of public travel which is designated as a county roadway, state roadway or Borough of Manville Snow Emergency Route as defined in Ordinance No. 500 unless traffic control services have been approved by the Police Department and the approved services are provided. Traffic directors shall be posted at all work sites when it is determined by the Police Department, that they are necessary to provide for the safe and expeditious movement of traffic and pedestrians. Traffic directors will be authorized if such directors are certified through the New Jersey Department of Transportation as outlined through the M.U.T.C.D and the Police Department determines that conditions at the work site are such that uniformed police officers are not required. If such traffic directors are not provided, traffic direction will be performed by uniformed police officers.

SECTION 8. STOP WORK

The Police Department is hereby authorized to stop work and/or to remove equipment vehicles, and materials within any street right-of-way, back fillings, open excavations or other work areas, in order to abate any nuisance and/or safety hazard.

SECTION 9. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION 10. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 11. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 12. PENALTY

Upon conviction for violation of any provision of this ordinance the maximum penalty shall be one (1) or more of the following: a fine not to exceed One Thousand Two Hundred-Fifty (\$1250.00) Dollars, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community

service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this ordinance exists shall constitute a separate violation.

SECTION 13. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 14. EFFECTIVE DATE

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:



Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to adopt the provisions of the "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS" and to regulate the procedure for performing work on, above, or below public roadways.

ORDINANCE #2005-1023

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
	√	ASHER	√			
√		OTRIMSKI	√			
		PETROCK	√			
		PETRONE	√			
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 28th day of November, 2005.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN		√		
	√	ASHER	√			
√		OTRIMSKI	√			
		PETROCK				√
		PETRONE	√			
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 12th day of December, 2005.

Attest:

Philip E. Petrone, Borough Clerk