

BOROUGH OF WANAQUE

COUNTY OF PASSAIC

STATE OF NEW JERSEY

ORDINANCE #22-0-12

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, "VEHICLES AND TRAFFIC" TO REPEAL ARTICLE XII AND REPLACE IT WITH A NEW ARTICLE XII "TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATION

BE IT ORDAINED AS FOLLOWS:

Section 1. Article XII of Chapter 108 of the Code of the Borough of Wanaque be and is hereby repealed in its entirety.

Section 2. That a new Article XII be and is hereby adopted as follows:

108-31. Adoption of manual

- A. The Wanaque police department hereby finds and declares that problems of traffic control occur when traffic must be moved through or around road or street construction, maintenance operations and 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 forces performing these operations.
- B. The Borough of Wanaque in the County of Passaic, State of New Jersey, does hereby adopt the current or most recent Manual on Uniform Traffic Control Devices, hereafter known as "M.U.T.C.D." as may be 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 which fails to comply with the provisions of M.U.T.C.D. while performing such work is in violation of this section.

108-32. Preconstruction meeting

It shall be the responsibility of the person or contractor, or in the case of a public utility wishing to conduct work on, under or above the roadway, to contact the Traffic Bureau of the Wanaque Police Department in order to arrange a preconstruction meeting to submit plans for the safe movement of traffic during such period of construction or work. 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 Traffic Bureau of the Wanaque Police Department is in violation of this section. Public utilities conducting routine maintenance work need not comply with the preconstruction meeting requirement.

108-33. Emergency contact telephone numbers

The person, contractor or utility shall provide the Wanaque Police Traffic Bureau 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, emergency contacts cannot be reached or if the emergency contact person does not respond to a call from the Police Department to correct a hazardous condition, the Borough may respond to correct such hazardous condition. The reasonable fees for such emergency services by the Borough of Wanaque shall be charged to the person, contractor or utility responsible for such condition.

108-34. Roadway defined

Roadway shall include any County, Municipal, Private road, or area within the boundaries of the Borough of Wanaque, in which The Wanaque Police Department has New Jersey Title 39 authority. Any exception from included roadways shall be made by the Chief of Police, of the Borough of Wanaque, and shall be binding.

108-35. Time limits

- A. There shall be no construction, maintenance operations or utility work under, on or above any roadway, as defined above, in the Borough before the hour of 9:00 a.m. or after 3:00 p.m.
- B. This time limit may be adjusted to permit work prior to 9:00 a.m. or after 3:00 p.m. by the officer in charge of the Traffic Bureau of the Wanaque Police Department. If it is determined by the officer in charge of the Wanaque Police Traffic Bureau that the construction or maintenance operations prior to 9:00 a.m. or after 3:00 p.m. on any roadway would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 a.m. to 3:00 p.m.

108-36. Road closings and detours

Road closings and/or traffic detours shall not be permitted unless approved by the Wanaque Police Traffic Bureau.

108.37 Traffic directors

- A. For the purposes of this section, a traffic director is that individual who is responsible for traffic control at a roadway worksite and is either a Sworn Law Enforcement Officer or a civilian flagger who meets the qualifications as set forth in Section 6E of the Manual on Uniform Traffic Control Devices and is certified as a flagger by the American Traffic Safety

Services Association, Rutgers University or comparable organization, approved by the Chief of Police.

- B. Traffic directors shall be posted at all construction or maintenance sites when determined by the Wanaque Police that same is necessary to provide for the safety and expeditious movement of traffic.
- C. Civilian flaggers shall not be used as traffic directors in any work zone which contains an intersection with a traffic control device. Or any portion of a roadway which contains a traffic control device. In those situations, only a Sworn Law Enforcement Officer will be used as a traffic director. Traffic control device shall be defined by New Jersey Title 39:1-1 "Official traffic control devices" means all signs, signals, lane markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

108.38. Stop-work order

The Traffic Bureau of the Wanaque 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, traffic delay and/or safety hazard or for any violation of this section.

108.39 Emergency repair work

- A. In the case of emergency repair work where construction maintenance operations or emergency utility work must be performed that will obstruct, interfere or detour traffic on any roadway in the Borough, the person, contractor or utility performing such operation shall notify the Wanaque Police Department of such emergency operation. The person, contractor or utility shall disclose the nature of the emergency, location and proposed hours of operation.
- B. All emergency construction and maintenance operations shall be performed with full regard to safety and to keep traffic interference to an absolute minimum. During such emergency repair work, the person, contractor or utility shall comply with the provisions of the M.U.T.C.D. while performing such emergency repair work.

108.39. Violations and penalties

Unless another penalty is specifically provided elsewhere in the Wanaque Borough Code or in a law of the state or federal government, any person, contractor or utility who violates any provision of this chapter, or any other chapter of this Code shall, upon first conviction, be punishable by a fine of not less than \$250 or more than \$500 or imprisonment for a term not to exceed 15 days or by a period of community service not to exceed 30 days. Subsequent violations shall be punishable by a fine of not less than \$500 nor more than \$1000 or imprisonment for a term not to exceed 30 days or community service not to exceed 60 days. Each day and or event that such violation continues shall be deemed a separate offense.

Section 3. Any ordinance inconsistent with this ordinance is hereby repealed, but only to the extent of such inconsistencies.

Section 4. This ordinance shall take effect upon final adoption, approval, and publication according to law.

Dated: October 15, 2012

Katherine J. Falone, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #22-0-12

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 15th day of October 2012, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, on November 19, 2012 at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WANAQUE.

DATED: October 15, 2012

KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ORDINANCE #22-0-12

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF
WANAQUE, CHAPTER 108, "VEHICLES AND TRAFFIC" TO REPEAL
ARTICLE XII AND REPLACE IT WITH A NEW ARTICLE XII "TRAFFIC
CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND
MAINTENANCE OPERATION

pass first reading, and that said Ordinance be further considered for final passage and adoption at a Regular meeting of the Borough Council to be held on the 19th day of November 2012, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 10/15/12

Filed: 10/15/12

Approved: 10/15/12

Katherine J. Falone, RMC, CMC
Municipal Clerk

