ORDINANCE 2024-24

ORDINANCE AMENDING CHAPTER 222 "VEHICLES AND TRAFFIC" OF THE CODE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY TO INCLUDE ARTICLE XIII "TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS"

WHEREAS, inclusion of a roadway construction and maintenance ordinance in a municipal code is beneficial to a municipality in providing clarity and order for residents and construction professionals; and

WHEREAS, numerous municipalities in New Jersey have adopted ordinances for roadway construction and maintenance activities, many of which include fundamental similarities; and

WHEREAS, the Township Code for Colts Neck Township (the "Township") does not have a comprehensive road construction ordinance; and

WHEREAS, the Colts Neck Police Department has reviewed roadway construction and maintenance ordinances across the state and has proposed adoption of such an ordinance for the Township.

NOW THEREFORE BE IT ORDAINED, by the Council of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION 1. Chapter 222 of the Code of Colts Neck Township is hereby amended as follows:

Article XIII Traffic Controls for Street and Highway Construction and Maintenance Operations

§ 222-102 Adoption of Manual on Uniform Traffic Control Devices for Streets and Highways

The Township Council 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. Colts Neck Township in the County of Monmouth, State of New Jersey, does hereby adopt the current Manual on Uniform Traffic Control Devices, hereafter known as M.U.T.C.D., except as hereby supplemented and amended, as it controls and regulates whenever construction maintenance operations of utility work obstructs 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 work is in violation of this section.

§ 222-103 Pre-Construction Meetings

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 Traffic Safety Unit of the Colts Neck Police Department, or their designee in order to arrange a pre-construction 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 their start of such work or whose plans are not approved by the Traffic Safety Unit of the Colts Neck Police Department, or their designee is in violation of this section.

Prior to the start of construction operations, the, contractor shall assign a supervisory-level employee to be the Traffic Control Coordinator. The Traffic Safety Unit of the Colts Neck Police Department or their designee shall be notified as to the name of this individual at the pre-construction meeting, along with a method of contacting the individual on a twenty-four-hour, seven-day a week basis.

§ 222-104 Hazardous Conditions

The person, contractor, or utility shall provide the Colts Neck Police Department's Traffic Safety Unit or designee with at least one 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 to the call from the Police Department to correct a hazardous condition, the Township may respond to correct such hazardous condition. The reasonable fees for such emergency service by the Township shall be charged to the person, contractor, or utility responsible for such conditions.

§ 222-105 Road Closings and Detours

Road closings and/or traffic detours shall not be permitted unless approved by the Colts Neck Police Department's Traffic Safety Unit or their designee.

Should the contractor begin work prior to the work zone being properly established as described herein, Colts Neck Township shall assume no responsibility for tort liability issues arising from the contractor's premature start. All liability and consequences arising from a premature start are solely the contractor's. It should be noted that at the conclusion of the work day, the detour route will be discontinued and the area under construction reopened to traffic until the start of the following work day.
Therefore, the contractor shall ensure that all of his equipment and materials are removed from the roadway, the road clear of debris and all raised manholes, inlets and other appurtenances have traffic control devices (i.e., drums) placed over them.
In the event that the manhole, inlet or other appurtenance is in the middle of a travel way and the placement of a traffic device would impede the flow of traffic, the manhole, inlet or other appurtenance will be ramped with fresh bituminous material (either cold or hot mix). The use of millings to perform this operation will not be allowed.

§ 222-106 Traffic Directors

Traffic directors shall be certified by the American Traffic Safety Services Association (ATSSA) or an entity of equivalent expertise as determined by the Colts Neck Police Department. Regular police shall be posted at all construction or maintenance sites when determined by the Colts Neck Police Traffic Safety Unit or their designee that it is necessary to provide for the safety and expeditious movement of traffic. All cost connected with such traffic controls shall be at the cost of the applicant.

§ 222-107 Stop Work

The Colts Neck Police Department's Traffic Safety Unit or their designee shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, back filling 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.

§ 222-108 Violations and Penalties

A. Any person, contractor or utility who commits a violation of this Part 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.

B. 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.

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

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 3. Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

I hereby certify the foregoing to be a true copy of an Ordinance by the Township Committee of Colts Neck Township adopted on the 25th day of September, 2024

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	September 11, 2024					September 25, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss		S	X									
Viola			X									
Bartolomeo	M		X									
Fitzpatrick			X									

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent