

Township of Lawrence  
County of Mercer

**Ordinance No. 2291-18**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE BY ADDING  
NEW CHAPTER ENTITLED "TRAFFIC CONTROL STANDARDS; REQUIREMENTS FOR  
CONSTRUCTION AND MAINTENANCE."**

**WHEREAS, the Township of Lawrence, through the Mayor and Council 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**

**WHEREAS, the Township desires to promote public health, safety and welfare, by establishing guidelines which efficiently and safely manage traffic control problems resulting from such street construction, maintenance operations, utility work and other incidents.**

**NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, in the County of Mercer and State of New Jersey as follows:**

**Section 1.** The Code of the Township of Lawrence, be and is hereby amended by the addition of the following new Chapter 27 entitled "Traffic Control Standards; Requirements for Construction and Maintenance" as follows.

**CHAPTER 27**

**TRAFFIC CONTROL STANDARDS; REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE**

**Sec. 27-1 Purpose and Scope.**

**The purpose of this Chapter is to establish controls and regulations for the safe and expeditious movement of traffic through the Township of Lawrence, in order to promote public health, safety and welfare, when construction, maintenance, repairs or utility work require blocking the streets and obstructing normal flow of traffic.**

**Section 27-2 . Adoption of Standards**

**The Township of Lawrence hereby adopts the current Manual of Uniform Traffic Control Devices, hereby known as "M.U.T.C.D." as same may be supplemented and amended. The M.U.T.C.D. controls and regulates traffic whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. Any person, entity, contractor or utility that fails to comply with the provisions of the M.U.T.C.D. while performing such work is in violation of this section.**

### **Section 27-3. Pre-Construction Meeting**

It shall be the responsibility of the person, contractor or public utility, as required under the public utility agreement, N.J.S.A. 16:25-9.2, wishing to conduct work on, under or above the roadway to contact the Lawrence Township Chief of Police or designee in order to arrange a pre-construction meeting in order to submit plans for the safe movement of traffic during such period of construction or work. The preconstruction meeting shall take place at least one week prior to the start date of the construction or maintenance work. Any person, contractor or utility who fails to submit and secure approval for its traffic plan prior to the start of work shall be deemed to be in violation of this Chapter. The requirement to obtain approval of the plans shall be in addition to any other permit or other approval required by any other Federal, State or Municipal law, ordinance or regulation, including Lawrence Township Ordinance 21-21 entitled "Street Excavations".

### **Section 27-4. Emergency Contact Telephone numbers; Correction of Hazardous Conditions by the Township.**

The person, contractor or utility shall provide the Lawrence Township Police Traffic Safety Bureau with at least two (2) emergency-contact phone numbers to be called if emergency problems occur at the construction or maintenance site, or arising from the construction or maintenance being performed, 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 Lawrence Township Police Department to correct a hazardous condition, the Township of Lawrence may respond to correct such hazardous condition. The reasonable fees for such emergency services by the Township of Lawrence shall be charged to the person, contractor or utility responsible for such condition. The reasonable fees will include the labor (based on current collective bargaining agreements), material and equipment costs.

### **Section 27-5. Roadway Defined.**

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

### **Section 27-6. Time Limits.**

- A. There shall be no construction, maintenance operations or utility work under, on or above any roadway, as defined above, in the Township 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 Lawrence Township Police Department. If it is determined by the officer in charge of the Lawrence Township 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 or create a noise nuisance, the work shall then be permitted only between 9:00 a.m. to 3:00 p.m.**

## **Section 27-7. Road Closings and Detours.**

Road closings and/or traffic detours shall not be permitted unless approved by the Lawrence Township Chief of Police or designee. Advance notice of detours must be given to motorists, except in emergent situations.

## **Section 27-8 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 M.U.T.C.D. 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 deemed necessary and approved by the Lawrence Township Chief of Police or designee 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.**
- D. If Civilian flaggers are utilized they shall wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled "American National Standard for High-Visibility Apparel and Headwear" and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure, and shall be visible at a minimum distance of 1,000 feet. The retroreflective safety apparel shall be designed to clearly identify the wearer as a person.**
- E. The STOP/SLOW paddle shall be the primary and preferred hand-signaling device because the STOP/SLOW paddle gives road users more positive guidance than flags. The use of flags is to be limited to emergency situations.**
- F. If traffic directors cannot see each other, they must have two way (portable radio) communications between them to allow for the efficient and safe flow of traffic.**
- G. If the work requires any road to be closed to traffic 24 hours a day, traffic directors shall only be required when deemed necessary and approved by the Lawrence Township Chief of Police or designee.**

### **Section 27-9. Stop Work.**

The Lawrence Township Police Department shall have authority to stop work being performed within the Township, and to require the removal of equipment, vehicles and/or stored material within the right-of-way, or the backfilling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard, or for any violations of this Chapter.

### **Section 27-10. Site Preparation and Maintenance.**

No materials, vehicles or equipment are to be placed in any roadway or sidewalk areas until all construction signs, lights, devices and pavement markings are installed and approved. All construction signs that will not apply during construction, such as "Flagman Ahead" or "Utility Work Ahead" signs after all work has been completed for the day, must be bagged or removed from the view of motorists.

### **Section 27-11. 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 Township, the person, contractor or utility performing such operation shall notify the Lawrence Township 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.**

### **Section 27-12. Violations and Penalties.**

Unless another penalty is provided by New Jersey Statute, every person, entity, contractor or utility convicted of a violation of a provision of this Chapter shall be subject to a fine of not less than \$250 or more than \$500 for a first offense. Subsequent violations shall be punishable by a fine of not less than \$500 or more than \$1000. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

### **Section 27-13. Notification of Traffic Delays or Detours.**

The Lawrence Township Police Department shall have sole responsibility to notify immediately all affected agencies, including but not limited to police, fire, EMS and the school transportation offices, of any work or construction upon or near a roadway within the Township of Lawrence that would delay or interfere with the provision of service. The Lawrence Township Police Department shall utilize Nixle messaging or other public alerting system in use at the time, to notify citizens of any road closure or traffic delay created by any work or construction. Such notifications shall be made in a manner pursuant to, and in compliance with the Lawrence Township Police Department's policy and procedures.

**Section 2. Severability.**

If any section or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3. Repealer.**

All prior ordinances or parts of same which are inconsistent with any provisions of this article are hereby repealed to the extent of any inconsistency.

**Section 4. Effective Date.**

This Ordinance shall take effect upon final adoption and publication according to law.

**Adopted: March 6, 2018**

**RECORD OF VOTE**

| <b>COUNCIL</b>       | <b>AYE</b> | <b>NAY</b> | <b>PRESENT</b> | <b>ABSENT</b> | <b>ABSTAIN</b> | <b>MOVE</b> | <b>SECOND</b> |
|----------------------|------------|------------|----------------|---------------|----------------|-------------|---------------|
| <b>Mr. Kownacki</b>  | X          |            |                |               |                |             |               |
| <b>Ms. Lewis</b>     | X          |            |                |               |                |             | X             |
| <b>Dr. Maffei</b>    | X          |            |                |               |                |             |               |
| <b>Mr. Powers</b>    | X          |            |                |               |                | X           |               |
| <b>Mayor Bobbitt</b> | X          |            |                |               |                |             |               |