

ORDINANCE
TOWNSHIP OF FRANKLIN
AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN TO ADDRESS SAFE
TRAFFIC CONTROL FOR CONSTRUCTION, REPAIR AND MAINTENANCE OF
STREETS AND HIGHWAYS AND THIRD PARTY POLICE DEPARTMENT OVERTIME
RESPECTING BOTH TRAFFIC AND NONTRAFFIC DUTIES

O -9-2013

The purpose of this ordinance is to establish controls and regulations directed toward the safe and expeditious movement of traffic through construction and maintenance zones throughout the Township of Franklin and to provide for the safety and compensation of the work force performing these operations.

I. Adoption of Standards

The Township of Franklin Committee 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 streets 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 enact such guiding principles whereas the aforementioned potential problems may be prevented and avoided.

The Township Committee of the Township of Franklin in the County of Gloucester and State of New Jersey does hereby adopt the current Manual on Uniform Traffic Control Devices, Millenium Edition, as published by the American Traffic Safety Services Association, (ATSSA) hereafter known as "MUTCD," except as hereby supplemented and amended, as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. A person, contractor or utility that fails to comply with the provisions of MUTCD while performing such work is in violation of this Ordinance.

II. Pre-construction Meetings

It shall be the responsibility of the person, contractor, or utility wishing to conduct work on, under or above the roadway to contact the Chief of Police or his designee of the Township of Franklin Police Department in order to arrange a pre-construction meeting to submit plans for the safe movement of traffic during the period of construction of work. The Chief of Police or his designee has the authority to dictate the number of certified police officers required to ensure the safe movement of traffic in the construction zone. Any person, contractor or utility who fails to comply with this Ordinance, prior to the start of such work and whose plans are not approved by the Chief of Police or his designee of the Township of Franklin Police Department is in violation of this Ordinance.

III. Hazardous Conditions

The person, contractor or utility shall provide the Township of Franklin Police Department with at least two (2) emergency contact phone numbers to be called in the case of any emergency at the construction or maintenance site prior to the start of any work. If for any reason the emergency contact person cannot be reached or if the emergency person does not respond to the call from the Township of Franklin Police Department to correct the hazardous situation, the Township may respond and 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 conditions.

IV. Hours of Road Work

Generally, there shall be no construction, Township maintenance operations or utility work on any roadway in the Township before the hour of 7:00 am or after 5:00 pm. This time limit may be adjusted to permit work prior to 7:00 am or after 5:00 pm by the Chief or his designee of the Township of Franklin Police Department, if reasonable conditions apply and after thoroughly reviewing such request.

V. Road Closings and Detours

Road closings and/or traffic detours shall not be permitted unless approved by the Chief of Police or his designee of the Township of Franklin Police Department.

VI. Traffic Directors

Traffic directors, i.e. those police officers, certified by Rutgers University, as knowledgeable of the Manual on Uniform Traffic Control Devices, shall be posted at all construction or maintenance sites when determined by the by the Chief of Police or his designee, that same is necessary to provide for the safe and expeditious movement of traffic.

VII. Stop Work

The Chief of Police or his designee shall have the authority to stop work, including effecting 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 Ordinance. The Township may respond and correct any such hazardous and or nuisance conditions. The reasonable fees for such emergency service by the Township shall be charged to the person, contractor or utility responsible for such conditions.

VIII. Site Preparation

No materials, vehicles or equipment are to be placed in the roadway or sidewalk area until all construction, signs, lights, devices and pavement markings are installed.

IX. Payment for Services Rendered by Traffic Directors

Payment for all certified police officers working all construction highway details for directing the appropriate movement of traffic flow may be coordinated by the Chief of Police or designee. The payment shall be the appropriate hourly time and one-half rate (overtime) designated by the Police Department but no less than fifty five (\$55.00) dollars per hour or the then prevailing rate paid for police traffic services by the County of Gloucester or the State of New Jersey with an additional appropriate percentage fees for fringe benefits to include but not limited to Social Security, Unemployment Insurance, Workman's Comp and a 5% administrative fee added to the subtotal for all of the expenses that are required. The aforementioned fees shall be waived for non-profit organizations (Delsea Regional, Township of Franklin, Our Lady of Mercy Academy Schools and such other non-profit institutions that have permanent locations in the Township of Franklin).

In the event the Chief of Police or designee determines that the use of a police motor vehicle is necessary, a fee of twenty five dollars (\$25.00) per hour or any part thereof for the use of said vehicle will be charged and made payable to the Township Chief Financial Officer.

All payments for road detail assignments shall be paid in advance (may be waived for the abovementioned non profit organizations) through an off-duty police escrow account to be known as the "Police Overtime Account" and all funds collected for services rendered shall be paid by and through such account. Reference is made to Township of Franklin Ordinance for Third Party Overtime.

X. Insurance for Traffic Directors

The person, contractor or utility company shall provide the Township of Franklin Police Department a Certificate of Insurance naming the Township of Franklin as an "additional insured" on a general liability insurance policy having policy limits not less than \$1,000,000.00 per occurrence.

XI. Indemnification and Hold Harmless

Any person, contractor or utility company shall complete an application for a Traffic Director, which said application shall contain an agreement to indemnify and hold harmless the Township of Franklin for any claims or actions brought as a result of the use of Township of Franklin police officers by said party, including all attorney fees.

XII. Payment for Services Rendered Other Than Traffic.

Payment for certified police officers working all details other than traffic shall be coordinated by the Chief of Police or his designee. The payment shall be the appropriate hourly time and one-half rate (overtime) designated by the Police Department but no less than fifty five (\$55.00) dollars per hour or the then prevailing rate paid for police services by the County of Gloucester or the State of New Jersey with an additional appropriate percentage fees for fringe benefits to include but are not limited to Social Security, Unemployment Insurance, Workman's Comp and a 5% administrative fee added to the subtotal for all of the expenses that are required. The aforementioned fees shall be waived for non-profit organizations (Delsea Regional High School, Township of Franklin, Our

Lady of Mercy Academy schools and other non-profit institutions that have permanent locations in the Township of Franklin). If in the event the Chief of Police or designee determines that the use of a police motor vehicle is necessary, a fee of twenty five dollars (\$25.00) per hour or any part thereof, for the use of said vehicle will be charged and made payable to the Township Chief Financial Officer.

All payments for assignments shall be paid in advance (may be waived for the aforementioned non profit organizations) through an off-duty police escrow account to be known as the "Police Overtime Account" and all funds collected for services rendered shall be by and through such account. Reference is made to Township of Franklin Code concerning the "Safe Traffic Control for Construction, Repair and Maintenance of Streets and Highways and Third Party Police Department Overtime".

XIII. Insurance for Police Officers

The person, organization or company shall provide the Township of Franklin Police Department a Certificate of Insurance naming the Township of Franklin as an "additional insured" on a general liability insurance policy having policy limits not less than \$1,000,000.00 per occurrence.

XIV. Indemnification and Hold Harmless

Any person, contractor or utility company shall complete an application which shall contain an agreement to indemnify and hold harmless the Township of Franklin for any claims or actions brought as a result of the use of the police officers by said party, including all attorney fees.

XV. Violations and Penalties

Any person, contractor, or utility who commits a violation of this Ordinance shall, upon conviction thereof, for the first offense, pay a fine of not less than \$500 nor more than \$1,000 and/or may be imprisoned in the county jail for a term not exceeding 90 days, or both; for a second offense, upon conviction thereof, pay a fine of not less than \$1000.00 nor more than \$2,500 and/or may be imprisoned in the county jail for a term not exceeding 90 days, or both.

A separate offense shall be deemed committed on each day or on which each violation occurs or continues to occur.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

BARBARA FREIJOMIL, CLERK

BY: _____
MARGE PFROMMER, MAYOR

CERTIFICATION

I, BARBARA FREIJOMIL, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, April 23, 2013, and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, May 14, 2013, at which time any person interested therein will be given an opportunity to be heard.

BARBARA FREIJOMIL, CLERK