

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2017-06

**AN ORDINANCE TO AMEND THE
CODE OF THE TOWNSHIP OF CHESTERFIELD
REGARDING LOCAL ROAD ACCESS PERMITS AND STREET OBSTRUCTIONS**

WHEREAS, the Township Committee of the Township of Chesterfield is concerned with the health, safety, and welfare of Township residents and visitors; and

WHEREAS, the Committee is also concerned with activities, including construction, development, and maintenance work which impact the municipal roadway system; and

WHEREAS, the Township has an obligation to supervise, maintain, and control the local roadway system, and to ensure that municipal roads provide a safe passage for all vehicular and pedestrian traffic; and

WHEREAS, the Township Code currently contains provisions which regulate street openings and street obstructions, and requires certain vendors to obtain local road access permits from the Township in order to use and occupy local roadways and local rights-of-way; and

WHEREAS, there are many types of activities and work performed within municipal roads and municipal rights-of-way on a regular basis by individuals, business entities, contractors, corporations, public utilities, and public authorities; and

WHEREAS, the Committee deems it necessary to protect the public's interest in the municipal roads and municipal rights-of-way, and to provide the public with safe and convenient travel along local roadways, and to keep Township officials informed as to any and all work or activities being performed which impact Township roads and rights-of-way; and

WHEREAS, the Committee deems it necessary to protect local roadways from damage, and to protect the Township's ability to maintain its roads and construct future road improvement without placing an undue burden on the taxpayer; and

WHEREAS, in order to defray such costs, it is necessary to recover some of the staffing expenditures required to review and process permit applications, conduct inspections, provide police presence, and other activities necessary with the impact to municipal roadways; and

WHEREAS, the Township's Chief of Police, with advice from the Township Attorney and Engineer, has recommended revisions to the current permitting, specifications, and fee schedule to better oversee and regulate current activities within municipal rights-of-way and municipal roadways, reflect current standards and best practices, and address the costs associated with approving and monitoring such activities; and

WHEREAS, it has been recommended by the Township's Chief of Police, Township Attorney, and Township Engineer that the Code be revised regarding local road access permits and the regulation of street obstructions; and

WHEREAS, it is necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its residents, visitors, and emergency personnel, to adjust and amend these provisions within the Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey that the Code of the Township of Chesterfield be and the same is hereby amended at Chapter 42, "Police Department;" Chapter 170, "Streets and Sidewalks;" and Chapter 182, "Vehicles and Traffic," as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strike through~~]:

SECTION ONE.

Chapter 42, "Police Department"

Article II. Outside Employment of Police Officers

§42-19. Contracts with private employers or public entities.

- A. In accordance with Chapter 182 of the Code of the Township of Chesterfield, persons performing work in the Township right-of-way are required to apply for and obtain a local road access permit from the Township, and must also employ uniformed police officers as traffic directors in certain circumstances (see §182-39). Any private employer, public utility, or other entity that intends to perform work in a Township right-of-way, where said work may impact local roads and require traffic control, shall be required to enter into a contract with the Township of Chesterfield for all traffic control activities impacting local roads and/or rights-of-way. For other non-traffic-related, extra-duty or security-related matters, private employers, public utilities, or other entities are encouraged to utilize off-duty members of the Chesterfield Township Police Department.

- B. Except in cases of a bona fide emergency, no assignment to extra duty may be made unless, 24 hours prior to such assignment, the private party or entity has executed a contract for such services and has made the required deposit pursuant to the uniform agreement to provide security-related and/or traffic control service by off-duty personnel, which form of agreement is on file with the Township Department of Finance. Said agreement shall include but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment of services to the officers, administrative fees to the Township of Chesterfield and fees for the use of Township-owned equipment. 24-hours' notice is not necessary in instances where traffic control is required due to emergency work, as described at §182-36.

- C. The agreement shall provide for the deposit of monies in advance by the private employer for the services to be performed. Should the contract be for a term exceeding one month, the private employer shall be required to tender an estimated payment for the first month's services upon executing the contract and will be billed on a periodic basis thereafter. Should the actual assignment of off-duty officers amount to less than the amount deposited, the Chief Financial Officer shall, upon termination of the contract, receipt of the final certified time slips, and receipt of written demand from the

private employer, return all unused funds to the private employer. Nothing in this section shall be construed as limiting the power of the Township of Chesterfield to accept or reject any and all assignments with any private employer.

[...]

§42-21. Contracts with private employers or public entities.

[Subsections A, B, and C remain unchanged]

- D.** Any work on a shoulder, in the Township right-of-way, or infringing on a Township road requires a minimum of one Chesterfield Township police officer and one patrol vehicle, in accordance with §42-19(A), above.

SECTION TWO.

Chapter 170, “Streets and Sidewalks”

Article VI. Street Obstructions

§170-34. Prohibitions; terms defined.

No person shall place or maintain any obstruction, encroachment, or encumbrance in, over or upon any road, street, avenue, highway or right-of-way of the Township, nor shall any such person use or attempt to use, for any private purpose, any part of any road, street, avenue, highway or right-of-way without first having obtained a local road access permit (see **Chapter 182, Article VII**).

SECTION THREE.

Chapter 182, “Vehicles and Traffic”

Article I. General Provisions

§182-1. Definitions.

Whenever any words and phrases are used in this Chapter (other than in **Article VII** “Local Road Access Permits”), the meanings respectively ascribed to them in Subtitle 1 of Title 39 of the New Jersey Statutes Annotated shall be deemed to apply to such words and phrases used herein.

Words and phrases used in Article VII of this Chapter, entitled “Local Road Access Permits,” are defined at §182-30.

§182-2. Repealer.

All former traffic ordinances of the Township of Chesterfield are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter.

§182-3. Violations and penalties.

- A. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this Chapter (aside from Article VII, "Local Road Access Permits") or any supplement thereto shall be liable to a penalty of not more than \$50 or imprisonment for a term not exceeding 15 days, or both.
- B. In addition, for any person desiring to plead guilty for violations of Article III, "Parking, Standing and Stopping," and Article IV, "Emergency No Parking," and the schedules adopted pursuant to said articles (§§ 182-26, 182-27 and 182-28), said plea may be accepted in writing and without need for court appearance upon payment by the offending party of a fine of \$30 and court costs of \$20.
- C. See §182-41 for fines and penalties specifically applicable to the provisions of Article VII, "Local Road Access Permits."

SECTION FOUR.

[Article II, Article III, Article IV, Article V, and Article VI of Chapter 182, spanning §182-4 through and including §182-28 are to remain unchanged]

SECTION FIVE.

Article VII. Local Road Access Permits

§182-29. Purpose.

The local road access permit exists to create a uniform system of review for requests by ~~state and interstate roadway contractors~~ applicants for access to local roadways and local rights-of-way. ~~for the movement and transportation of materials, equipment and manpower.~~

Many types of activities and work are routinely performed within municipally-owned and maintained roads and municipal rights-of-way. In order to safeguard the Township's interest in preserving local roads in a manner that is safe and convenient to travel, the Township Committee has adopted the following policy, procedures, and specifications. Additionally, these regulations are designed to protect local municipally-owned and maintained roads from damage, and to ensure the Township's ability to maintain its roads and to construct future road improvements without undue burden on the Township and its taxpayers.

The following is a non-exclusive list of activities and work which require compliance with the provisions and regulations of this Article:

- a. To perform any operation within a Township right-of-way which in any manner interferes with the free flow of traffic or the safety of the traveling public, both vehicular and pedestrian.
- b. To install aerial or underground telephone, cable television, fiber optic or other communications cable and associated equipment in any Township right-of-way.

- c. To install aerial or underground electric wire and associated equipment in any Township right-of-way.
- d. To install, replace, or perform maintenance work on utility poles located in any Township right-of-way.
- e. To install water, sewer, natural gas and any other underground conduits and/or piping and all appurtenant structures in any Township right-of-way.
- f. To occupy the Township right-of-way for any length of time in order to perform any and all construction and/or maintenance work.
- g. Closure of any Township road, highway, street, alley or right-of-way.
- h. Any activity not referenced above within the clear zone and/or right-of-way, to be determined by the Township Engineer or the Chesterfield Township Chief of Police on a case-by-case basis.

§182-30. Definitions.

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meaning provided herein. All other words and phrases used in this Article shall be defined in the same manner as provided for in Subtitle 1 of Title 39 of the New Jersey Statutes Annotated.

AASHTO – is the American Association of State Highway and Transportation Officials.

Applicant – is generally the owner and/or any person making written application to the Township for a permit hereunder. If the applicant is a contractor who will be performing the work on behalf of another party, the contractor shall be co-applicant, and the party on whose behalf the work is being performed shall be the applicant.

The applicant and co-applicant shall be directly responsible for the performance of the work, construction, and adherence of the work to the specifications. The applicant and co-applicant shall also be responsible for providing sufficient maintenance and traffic control measures for the safety of the public.

Co-Applicant – is a contractor or subcontractor who will be performing work on behalf of the applicant and who is jointly and severally responsible and liable, along with the applicant, for compliance with all terms and conditions of this Chapter and any penalty of claim filed by the Township as a result of any violation of this Chapter.

Clear Zone – is the total roadside border area, starting at the edge of traveled way, available for use by errant vehicles as defined by the AASHTO Roadside Design Guide and the New Jersey Department of Transportation Roadway Design Manual.

Driveway – is any access, permanent or temporary, from private/public property or other public right-of-way to the Township right-of-way and/or Township roadway.

Equipment – is any machinery and/or tools, both motorized and non-motorized, used for the purposes of constructing, maintaining or performing any type of work. Equipment shall also include dumpsters, PODs, vehicles, etc.

NJDOT Specifications – the New Jersey Department of Transportation’s “Standard Specifications for Road & Bridge Construction,” most recent edition and/or amendment.

Person – is any person, firm, partnership, association, corporation, company, authority, or organization of any kind.

Right-of-Way – is any land, easement, or property owned or controlled by the Township of Chesterfield and reserved for the primary purpose of transportation of the public.

Road – is any street, highway, road, roadway, sidewalk, alley, avenue, boulevard, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures, utility structures, all other appurtenant structures, trees and landscaping or any other public right-of-way or public ground in the Township of Chesterfield, and under control of the Township of Chesterfield.

Township Road Working Hours – are from 7:00 A.M. to 5:00 P.M. during business days. Business days do not include Sundays, Township holidays, or when Township offices are closed.

Utility Company – shall include, but not be limited to, the following: telephone, cellular, communications, fiber optic, cable, water, sewer, gas and electric; private or public.

§182-31. Application(s) and permit(s) required.

There is hereby established a local road access permit to be applied for and obtained by any person or entity that requires access to Township rights-of-way and/or local roadways. Said permit shall be granted in the discretion of the Township Committee, or its designee, and may require considerations by the Township based on issues of concern, including, but not limited to, expected routes of travels, times of travel, duration of the project, quantity of access requirements, and anticipated impact on the integrity of the roadway and local traffic.

It shall be unlawful, except in an emergency as set forth in §182-36 below, for any person to occupy a Township right-of-way or Township property unless such person shall first have obtained a permit(s) therefore from the Township as herein provided.

All applicants shall submit an Application for Road Occupancy; this application is required for any and all occupancy of and work or events occurring within the Township right-of-way. In addition, the applicant may be required to apply for additional permit(s) as necessary for the work to be performed.

These additional permits that may be required are:

- a. **Road Opening Permit** – required for any and all excavation occurring within the Township right-of-way (See **Chapter 70, Article I**, “Street Openings”)

- b. **Driveway Access Permit** – required for any new driveway access, alteration to existing driveway access, or any change in use of an existing driveway access (See **Chapter 107, Article II, “Driveway Aprons”**)

§182-32. Written application(s).

Any person requiring access permission from the municipality shall make an application to the Township Clerk by submitting a letter on the applicant’s letterhead. Applications may be hand-delivered to the Chesterfield Township Municipal Building or mailed to 300 Bordentown-Chesterfield Road, Chesterfield, New Jersey 08515.

An authorized agent of the applicant shall certify to the truthfulness of all information included in the application. Incomplete applications will not be processed. It is the responsibility of the applicant to ensure completeness and accuracy of all information in the applications. The Township will not be responsible for any errors, omissions or misinformation given in the application and/or accompanying plans and other information.

The applicant is required to include all of the following information as part of the application:

- a. Project details, including the location of access required, the type and amount of vehicles to utilize the access, the expected duration of the access to local roads and/or rights-of-way, and a listing of all other access alternatives considered, as well as such other information the Township Committee or its designee may deem necessary to assist it in reaching an informed decision.
- b. The applicant must include the municipality in all insurance indemnifications and provide two (2) twenty four (24) hour emergency telephone numbers and names of responsible persons for immediate response to maintenance and/or traffic control problems and/or emergencies. Answering machines are not acceptable valid emergency telephone numbers.
- c. A list of the names of any and all subcontractors being used for the work along with telephone numbers of the contractor, all subcontractors and the applicant. These numbers provided must include emergency contact numbers at which each of the above can be reached twenty four (24) hours per day, seven (7) days per week.
- d. All Local Road Access Permit Applications shall include a detailed, site-specific summary of its Traffic Control Plan (TCP) and Traffic Interference Report (TIR) in accordance with §182-39 of this Article. Failure to submit adequate TCP and TIR plans will result in the permit application being deemed insufficient and the application will not be processed.
- e. The Township assumes no responsibility for identifying the location or condition of any existing utility lines, cables, or other facilities not owned by Chesterfield Township for the review of plans or issuance of a permit(s). At the time of the application, it shall be the responsibility of the applicant to verify the locations of underground utility lines, cables, and other facilities and to determine the appropriate scope of work and safety requirements.

- f. The applicant shall agree as a condition of the permit that any pipes, conduits, poles, signs or any other facility installed within the Township right-of-way under the permit, shall be promptly relocated at the applicant's expense to accommodate the installation of Township-owned facilities existing or future.
- g. The applicant must provide details on construction staging (if required to complete the proposed work), means and methods, and an estimate of the amount of work to be completed in one working day within regular Township road working hours of 7:00 AM to 5:00 PM.
- h. Separate applications and permits are required for proposed work located on multiple Township roads or rights-of-way, or on differing segments of Township roads. The Township Committee, Township Engineer, or Chesterfield Chief of Police will determine the need for separate applications and permits.
- i. Applicants must be considered to be in good standing with the Township at the time of application, or permits will not be issued. Good standing shall mean the applicant, and any co-applicant(s), has no unpaid fees and/or fines, has no outstanding deficiencies to be corrected on other permit work, no unresolved violations, and shall have completed all prior and/or current permit work within permitted time periods.

§182-33. Permit review and issuance.

- a. Upon submission of the applications and payment of the fees, the application shall be reviewed by the Township Engineer, Principal Public Works Manager, Municipal Clerk, and Chief of Police in consultation with the Municipal Solicitor. Said review shall focus on the impact to the municipality and the issues that may arise from granting said access, including, but not limited to, impacts to existing infrastructure, including roadways and utilities, traffic impacts, and public safety ramifications. The municipal officials shall have 30 days to review the application and may require additional information from the applicant based upon the initial review. The applicant shall have the continuing obligation to apprise the municipality of changes to the original application and shall seek amendment to the permit when conditions warrant.
- b. An application may be approved, conditionally approved, or rejected based on the overall impact to the municipality, prior negative experience(s) with the applicant and/or subcontractor, and/or other such reasons as the governing body deems appropriate. A conditional approval may require the applicant to enter into a negotiated written agreement with the municipality to guarantee restoration of negative municipal impacts at the conclusion of the impact, including, but not limited to, the posting of a guaranty to cover the cost of restoration of such damage. The Township Committee shall vote on the final recommendation of the review committee and/or the authorize execution of any written agreement that may arise from a conditional approval.
- c. All permits issued by the Township are non-transferrable.
- d. Any applicant may request an expedited application review and approval for non-emergent permit applications.

- e. If the application for a permit is denied, the Municipal Clerk shall send the applicant a written notification of the denial and shall state the reason for the denial. All application fees are nonrefundable. In the event of a denial of an application or the rejection of the requirements of a conditional approval, the applicant may seek relief in a court of competent jurisdiction within the County of Burlington.
- f. The Township Engineer and/or the Chief of Police, at their discretion, may deny an application for a permit and/or revoke an issued permit in the interest of public safety.
- g. The Township may require a preconstruction meeting to be held at the Municipal Building or at the project site. At the discretion of the Township Engineer, representatives from, but not limited to, the following may be required to be present at the preconstruction meeting: permit holder, owner, contractor(s), subcontractor(s), utility companies with facilities in the area, Township Engineer, local municipal officials, local police, fire and/or EMS officials, Emergency Management officials, and affected property owners.
- h. The storage and/or stockpiling of equipment and/or materials at any location within the Township right-of-way or on Township property outside of working hours is strictly prohibited.
- i. The permit holder shall abide by all conditions as stated on the issued permit. The Township Engineer and/or Chief of Police reserve the right to impose additional special conditions at their discretion at the time of permit issuance. Any special conditions shall be included with the issued permit.
- j. The permit holder shall not close a Township road to traffic at any time, unless a road closure is requested and approved by the Township Engineer and/or the Chief of Police. Road closures should only be sought by an applicant as a “last resort” option.
- k. The permit holder shall possess onsite copies of the following at all times: approved permit(s), approved plan(s), approved traffic interference report(s) and, if required, approved traffic control plan(s).

§182-34. Suspension or revocation of permit.

- a. If, during the term of the permit, inspection or investigation by an authorized Township representative determines that the applicant, co-applicant, or any subcontractors has altered its actions, failed to update the municipality of its obligations to notify the municipality of changes in operation, or failed to adhere to the permit or conditional permit requirements, the Township Engineer or Chief of Police may revoke or suspend the permit for failure to comply with this Article. The Township also reserves the right to stop work for failure to ensure the safety of vehicular and pedestrian traffic.
- b. The permit shall be issued for the designated purpose(s) only. Any alterations to the permitted work and/or additional work shall be in violation of this Article and the permit shall be revoked. Violators shall be subject to enforcement and penalties as described in §182-41 herein.

§182-35. Time limitations.

- a. All work as outlined on any permit(s) must commence within ninety (90) calendar days from the issue date on the permit, thereafter the permit shall become null and void. Permit work shall be continuous and diligently pursued until completed, or the permit shall become null and void. For any stoppage of work exceeding three (3) business days without prior approval from the Township Engineer or Chief of Police, the permit shall become null and void. The permit may be extended for an additional thirty (30) days for good cause shown only if the permit holder requests such extension in writing, setting forth legitimate and valid reasons for such request. Additional extensions may be granted at the discretion of the Township Engineer or Chief of Police. All extension requests must be made within ninety (90) days of permit issuance.
- b. If a permit is revoked or becomes null and void due to the passage of time, the applicant shall forfeit all application fees and apply for a new permit. The new permit applications shall be revised to include any changes in the work or conditions of the work site, and shall be accompanied by a new fee.
- c. No work shall occur on Sundays, Township holidays, or outside normal Township road working hours (7:00 AM to 5:00 PM) without the prior written permission of the Township Engineer or Chief of Police.
- d. The applicant is responsible for notifying the Township Engineer or Municipal Clerk when all work is completed and is ready for final inspection. All inspections shall be performed during the Township's normal business hours. The maintenance of the project shall begin only when the Township Engineer has accepted the permanent restoration and the applicant has posted a satisfactory maintenance guarantee with the Township, if required.
- e. Occupancy of any part or portion of the Township right-of-way, and/or impacting, or in any manner interfering with the normal flow of traffic on a Township road for any reason shall be forbidden when conditions exist such as snow, rain, or severe weather.

§182-36. Emergency work.

- a. In the event of an emergency in which any utility in, above or under any Township right-of-way, breaks, ruptures, bursts, or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such utility, without first applying for and obtaining a permit hereunder, shall immediately notify the Township Engineer and Chief of Police of the emergency and take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals.
- b. Traffic control for an emergency shall be carried out in accordance with the Manual on Uniform Traffic Control Devices, and shall be the sole responsibility of the person or entity responsible for rectifying the emergency. Arrangements for all traffic control activities impacting local roads and/or rights-of-way, whether required due to an emergency or otherwise, must comply with §42-19 of the Township Code.
- c. In the event of an emergency, the application review period may be waived by the Township. Verbal notification must be given to the Township Engineer before

commencement of any emergency work within a local right-of-way unless emergent circumstances make such notification impossible. Verbal approval for emergencies can be obtained 24 hours/day, 7 days/week by calling central dispatch at (609) 723-8300, and requesting to speak to the Officer in Charge (OIC) for the Chesterfield Township Police.

- d. In the event of an emergency, the responsible person or entity shall submit a permit application within twenty four (24) hours or by the end of the next business day. Payment must be made within five (5) business days from the applicant's notification to the Township. Failure to submit application and/or payment within the time limit(s) prescribed will result in a fine in an amount not to exceed one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both.
- e. If, in the interest of public safety, a Township road and/or intersection must be closed due to an emergency, Chesterfield Township uniformed police officers shall be stationed at each end of the road closure in addition to the necessary traffic control signs, barricades and other equipment. The uniformed police officers shall remain onsite until the emergency is mitigated and made safe and the Township road is re-opened.

§182-37. Fee schedule.

- a. An application fee shall be charged by the Township for each application received, which shall be in addition to all other fees for permits or charges relative to any proposed construction work. Application fee(s) are separate from permit fees and must be paid in addition to any permit fee(s). Application fees should be in the form of a check or money order. Cash will not be accepted. Application fees are non-refundable. Application fees are as follows:

Road Occupancy Application Fees

<u>i. Residential/Farmer Applicants</u>	<u>No Fee</u>
<u>ii. Charitable Solicitation</u>	<u>No Fee</u>
<u>iii. All Other Applicants</u>	<u>\$200.00</u>

- b. A permit fee shall be charged by the Township for the issuance of a permit for work within the Township right-of-way, which shall be in addition to all other fees for permits or charges relative to any proposed construction work. Permit fee(s) are separate from application fees and must be paid in addition to any application fee(s). Permit fees should be in the form of a check or money order. Cash will not be accepted. Permit fees are as follows:

Road Occupancy Permit Fees

<u>i. Residential/Farmer Applicants</u>	<u>\$50.00</u>
<u>ii. Charitable Solicitation</u>	<u>No Fee</u>
<u>iii. All Other Applicants</u>	<u>\$130.00</u>

§182-38. Hold harmless clause.

Upon receipt of the permit, the permit holder agrees that it shall defend and save the Township and its departments, divisions, boards, officials, and employees harmless from any and all claims of any nature arising out of the road occupancy, road opening, driveway access, charitable solicitation, and any other work covered by the permit(s), and also agrees that the Township is issuing the permit(s) and shall not assume liability in connection therewith. In the event of any suit or claim against the Township due to the negligence or default of the permit holder, the Township shall give written notice to the permit holder of such suit or claim. Any final judgment requiring the Township to pay for such damage shall be conclusive upon the permit holder and the permit holder shall be liable to repay the Township for all costs in connection with such suit.

§182-39. Traffic control.

- a. The permit holder shall take appropriate measures to ensure that, during the performance of work, both vehicular and pedestrian traffic shall be maintained nearly as normal and safe as practicable. The permit holder shall plan and carry out its work to provide for the safe and convenient passage of such traffic, and to cause as little inconvenience as possible to the occupants of adjoining properties. The permit holder shall notify the owners of adjoining properties in writing, at least forty-eight (48) hours prior to the time the permittee proposes to begin any work which will interfere with their normal passage, and must provide the Township Clerk with such notice. Closures of Township roads are prohibited unless there has been a prior request and approval in accordance with §182-33(j).
- b. With the permit application, an applicant must include a detailed summary of the intended Traffic Control Plan (TCP), which shall be site-specific. The Plan shall be reviewed by the Township Engineer, with consultation from the Chief of Police, and approved as part of the permit application. The TCP must be prepared by persons knowledgeable (for example, trained and/or certified) about the fundamental principles of work zone traffic control and work activities to be performed. The TCP must also conform to the latest standards outlined in the Manual on Uniform Traffic Control Devices (MUTCD) and the New Jersey Department of Transportation (NJDOT) Safety Set-Up Guide.
- c. A completed Traffic Interference Report (TIR) form must also be submitted with the permit application, and any time an activity or work is intended to be performed within municipally-owned and maintained roads and municipal rights-of-way. TIR forms shall be approved by the Chief of Police prior to any work or activity, and are available through the Township Clerk or Police Department.
- d. No road occupancy or other related work will be permitted outside of normal Township road working hours. Normal Township road working hours are weekdays and Saturdays from 7:00 AM to 5:00 PM. No road occupancy or other related work will be permitted outside of these hours, on Sundays, or on any Township holidays. At the discretion of the Township Engineer, with consultation from the Chief of Police, work hours may be changed or otherwise further limited as necessary.

- e. It shall be the responsibility of the permit holder to notify the Township Clerk and the Chesterfield Township Police Department of its plans to occupy the Township right-of-way. Thereafter, and when necessary, the CTPD will notify fire and emergency services, and public and school bus transporters of the road occupancy.
- f. Unless the Chesterfield Township Chief of Police designates another jurisdiction (either local or State Police) to assist in or oversee traffic control activities impacting local Chesterfield roads and/or rights-of-way, the permit holder is required to employ Chesterfield Township uniformed police officers as traffic directors when occupying the Township right-of-way within three hundred feet (300') of a traffic signal, roundabout or STOP controlled intersection; or whenever any work affects the normal operation of a Township-owned traffic signal, roundabout or STOP controlled intersection. At all other locations, the permit holder may be required to employ uniformed police officers as traffic directors at the discretion of the Township Engineer, with consultation from the Chief of Police. If the use of uniformed police officers is deemed necessary, the cost for same shall be the sole responsibility of the permit holder, and the use of uniformed police officers (Chesterfield Township or otherwise) must comply with the provisions of **Chapter 42, Article 2** of this Code.
- g. The use of certified traffic directors is encouraged for all road occupancies and is required for one-lane alternating traffic. Contractors should contact the Chief of Police to determine whether a particular road occupancy requires a traffic director. Traffic director personnel must be certified and meet the minimum standards as prescribed in the MUTCD and by NJDOT. If the use of traffic directors is necessary, the cost for same shall be the responsibility of the permit holder, and the permit holder shall comply with this Article and **Chapter 42, Article 2** of this Code when enlisting traffic control personnel. At a minimum, two (2) traffic directors are required for one lane alternating traffic. All traffic directors and/or uniformed police officers shall have proper safety attire, shall have STOP/SLOW paddles, and shall be trained and familiar with flagging and traffic control procedures at outlined in the MUTCD. Such operations shall be carried out in accordance with the MUTCD and NJDOT safety guidelines.
- h. The permit holder shall occupy and/or open no greater part of the Township right-of-way than shall be reasonably necessary as determined by the Township Engineer or Chief of Police.
- i. The permit holder shall be required, at a minimum, to maintain a single lane of traffic at all times, unless road closure has been previously requested and authorized.
- j. The permit holder shall maintain access to all driveways, streets, roads, lanes, access roads, and public rights-of-way adjacent to the Township road at all times. No exceptions.
- k. The maintenance and protection of traffic and work shall be performed and conducted so as not to interfere with the safe and efficient passage of emergency vehicles and so as not to interfere with access to emergency facilities (i.e. fire stations, police stations, EMS stations, etc.) and fire hydrants. Materials and obstructions shall not be placed within twenty five feet (25') of fire hydrants or as directed by the local fire official.

Passageways leading to fire escapes, fire equipment, and emergency access ways shall be kept free of obstructions.

§182-40. Inspections.

The Township shall inspect any local road occupancy or any other work within the Township right-of-way as deemed necessary, for the purpose of confirming compliance with issued permits and this Article. When a permit holder is deemed to be in non-compliance by the Township, the permit holder and his surety will be notified as to the deficiencies. The Township, through the Township Engineer, Principal Public Works Manager, Municipal Clerk, and/or Chief of Police, in consultation with the Municipal Attorney, may:

- a. Order a temporary stop to any work within or occupancy of the Township right-of-way until compliance with all requirements of issued permits and this Article is achieved.
- b. Correct, or cause to be corrected, any work after notification to the permit holder by the Township Engineer and the neglect or refusal of the permit holder to make corrections as indicated, at the sole cost and expense of the permit holder.
- c. Take whatever action necessary to ensure the safety of the public.
- d. Take any other action deemed to be reasonable under the circumstances.

§182-41. Violations and penalties.

- a. Failure to obtain a local road access permit from the Township as required by this Article, or failure to promptly notify the Township Clerk and/or other authorized official of any local roadway and/or local right-of-way occupancy (including in cases of emergencies) as required by this Article, or failure to utilize traffic control personnel as required by this Article, shall result in a penalty/fine of a minimum five hundred dollars (\$500.00) for each instance, in addition to the required application and permit fees. In the discretion of the enforcing authority, any violations under this Article may be attributed to the individual person(s) creating said violations, the business entity directing or performing the work/employer of the individual person(s), or both.
- b. The enforcement of this article shall be the responsibility of the Township Engineer, and/or the Principal Public Works Manager, and/or the Municipal Clerk, and/or the Chief of Police, and/or the Township Committee, and any authorized designee. In addition to enforcement of any obligations, the Township may require under a conditional approval, failure to obtain or maintain a local road access permit or adhere to the terms of said permit for the entire term of the project shall be a violation of this Article and, upon conviction, be subject to a penalty provision of \$500 for each and every action which is found to be a violation. By way of example, and not by way of limitation, the use of a municipal roadway by one vehicle shall constitute a single action subject to fine and penalty. A caravan of three vehicles shall constitute three violations because each is operating without the benefit and requirement of a local road access permit. The need for the court to consider a fine and penalty provision for each and every action rather than on a per-day violation is to prevent a contractor from ignoring this municipal requirement, endangering local inhabitants, and disturbing the

municipality's rural existence simply by adding a single daily fine to the cost of doing business.

SECTION SIX.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- a. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- b. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- c. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: March 23, 2017

Adopted: