

**CITY OF NORTHFIELD, NJ
ORDINANCE NO. 10 -2013**

**AN ORDINANCE ESTABLISHING TRAFFIC CONTROL STANDARDS
AND REQUIREMENTS FOR CONSTRUCTION AND ROAD REPAIRS
IN THE CITY OF NORTHFIELD**

Section 1- Purpose

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 City of Northfield and to provide for the safety and compensation of the members of the Northfield Police Department performing these operations. In addition, provisions of this ordinance shall apply to all assignments which originate from a request for assistance or aid by any chief of police, chief law enforcement officer or designee of a *bona fide* state county or municipal police department in the State of New Jersey; regardless of the geographic location of the assignment being inside, contiguous or extraterritorial to the City of Northfield, provided the entity making the request for assistance or aid agrees to make the payments required by Section 10 of this ordinance.

Section 2 – Adoption of standards

- A. The City of Northfield, through the Mayor and City 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 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 principals whereas the aforementioned potential problems may be prevented and avoided.

- B. The City of Northfield, through the Mayor and City Council, does hereby adopt the current Manual on Uniform Traffic Control Devices, Millennium Edition, as published by the American Traffic Safety Services Association (ATSSA) hereafter known as the “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 the MUTCD while performing such work is in violation of this article.

Section 3- Preconstruction 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 City of Northfield Police Department in order to arrange a

preconstruction 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 City of Northfield Police Department is in violation of this ordinance.

Section 4 – Hazardous conditions

The person, contractor or utility shall provide the City of Northfield Police Department with at least two emergency contact phone numbers to be called in case of any emergency at the construction or maintenance site prior to the start of work. If for any reason the emergency contact person cannot be reached or if the emergency person does not respond to the call of the City of Northfield Police Department to correct the hazardous situation, the City may respond and correct such hazardous conditions. The reasonable fees for such emergency service by the City shall be charged to the person, contractor or utility responsible for such conditions.

Section 5 – Hours of road work

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

Section 6 – Road closing and detours

Road closings and/or traffic detours shall not be permitted unless previously approved by the Chief of Police, or his designee of the City of Northfield Police Department.

Section 7 – Police traffic directors / Off duty law enforcement officers

Police traffic directors, i.e., those police officers certified by a New Jersey Police Training Commission certified police academy, or an accredited college, secondary school, traffic institute or university as knowledgeable on the MUTCD, shall be posted at all construction or maintenance sites when determined by the Chief of Police, or his designee, that same is necessary to provide for the safe and expeditious movement of traffic.

Section 8 – 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, backfilling of open excavations and/or related work, in order to abate any nuisances and/or safety hazard or for any violation of this article. The City may respond and correct any such hazardous and/or nuisance

conditions. The reasonable fees for such emergency service by the City shall be charged to the person, contractor or utility responsible for such conditions.

Section 9 – Site preparation

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

Section 10 – Payment for services rendered by off duty law enforcement officers.

- A. All requests to the City for the services of off-duty law enforcement officers in the Northfield Police Department shall be forwarded to the Chief of Police. Any law enforcement officer, when so employed by the City, shall be treated as an employee of the City provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.

- B. Payment for all certified police officers working all construction highway/street details for directing the appropriate movement of traffic flow may be coordinated by the Chief of Police or his designee. The payment shall be the appropriate rate as designated by this ordinance. An administrative fee shall be added to the subtotal for all expenses that are required. The aforementioned administrative fees shall be waived for non profit organizations, local government, local government authorities or other special districts of government, and any other just cause as determined by the Chief of Police and affirmed through resolution of the Northfield City Council.
 - 1. Rate: Rates of compensation for contracting the services of off-duty law enforcement officers shall be based on the overtime rate of a patrolman at maximum salary in the current PBA contract with a bachelor's degree.

 - 2. Administrative Fee: The City of Northfield shall assess an administrative fee of 35% of the officer's hourly rate for every officer assigned to the detail. This fee will be added to the rate charged and described in paragraph Section 10, Paragraph B1 above and will be retained by the City to cover associated manpower costs.

3. Minimum Block of Time: A minimum of four hours will be paid for each officer working each detail regardless of the actual amount of time worked.

- C. Any person or entity requesting the services of an off-duty law enforcement officer in the Northfield Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police and shall be established in an escrow account with the Chief Finance Officer of the City by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in Section 10 for the total estimated hours of service.
- D. Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his designee, shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Finance Officer. No officer shall provide any such services for more hours than are specified in the request for services.
- E. In the event the funds in such an escrow account should become depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.
- F. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.
 - 1. The prepayment requirement shall not apply in cases of utility emergency, i.e. gas main leak, telephone pole damaged in a motor vehicle collision, etc. In those cases the utility will be billed for all services rendered.

Section 11 – Insurance for off duty law enforcement officers

The person, contractor or utility company shall provide the City of Northfield a certificate of insurance in a form acceptable to the City, naming the City of Northfield as an additional insured on a general liability insurance policy having policy limits not less than \$1,000,000 per occurrence.

Section 12 – Indemnification and hold harmless

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

Section 13 – Violations and penalties

- A. 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 \$1000 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, nor more than \$2500 and/or may be imprisoned in the county jail for a period of 90 days.

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

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed, except that this repeal shall not affect or present the prosecution or punishment of any persons for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, portion of this Ordinance or underlying agreement is for any reason held invalid or unconstitutional by any court, federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

This Ordinance shall take effect following its advertisement, public hearing and adoption in accordance with the law.

Mary Canesi, RMC
Municipal Clerk

Vince Mazzeo
Mayor

The above Ordinance was passed on first reading at a regular meeting of the Council of the City of Northfield, New Jersey on the 23rd day of July, 2013, and will be taken up for a second reading, public hearing and final passage at a meeting of said council held on the 27th day of August, 2013, in Council Chambers, City Hall, Northfield, New Jersey.

First Reading: July 23, 2013
Publication: July 27, 2013
Final Reading: August 27, 2013
Publication: August 31, 2013