

ORDINANCE NO. 33-2014

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 248-20. ENTITLED "MAINTENANCE AND REPAIR SPECIFICATIONS." AND SECTION 248-22. ENTITLED "PROTECTION OF VEHICULAR AND PEDESTRIAN TRAFFIC; SAFE WORKING CONDITIONS". UNDER ARTICLE II, "STREET OPENINGS" AS SET FORTH UNDER CHAPTER 248 OF THE OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED STREETS AND SIDEWALKS, TO REQUIRE ROAD RESTORATION AND CONSTRUCTION SIGNS FOR ROADWAY WORK CONTRACTORS

WHEREAS, there is in existence a "Road Opening Ordinance of the Township of Hanover."; and

WHEREAS, pursuant to that ordinance, a person, firm, corporation or municipal or public utility may apply with the Township for a permit to perform roadwork on roads under the control of the Township; and

WHEREAS, it is important for the safety of the Township's residents and those traveling in the Township that there be an adequate posting of the roadwork; and

WHEREAS, the Township desires to make those persons and/or entities performing road opening work responsible for restoring the road to its original condition;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

Section 1. Section 248-20. And Section 248-22. under Chapter 248 of the Code of the Township entitled Streets and Sidewalks are hereby amended and supplemented in their entirety to read as follows:

§ 248-20. Maintenance and repair specifications.

Upon completion of the opening and backfill as specified and upon the Township's being notified of the same, the following specifications shall govern the maintenance and repair of street openings by the Township or by the permittee, as the case may be:

- A. Shoulder openings shall be backfilled to within eight inches of the existing shoulder surface. The remainder of the trench shall be filled with six inches of two-and-one-half-inch stone and all voids with stone dust. When authorized, an approved shoulder stone may be used as an alternate for the macadam base. The remainder of the opening over the macadam base will be filled with the shoulder stone and tamped or rolled with equivalent five- to ten-ton roller or an equivalent approved by the Township Engineer. The above trench shall be

maintained and kept to the existing shoulder grade by the addition of shoulder stone as required. Shoulder openings are herein defined as openings within the street, any part of which are adjacent to or within three feet of the existing pavement.

- B. Pavement openings shall be filled and paved as specified hereinabove for shoulder openings, except that, in place of the shoulder stone used to fill in the remainder of the openings, bituminous concrete Type A shall be used. When, in the opinion of the Township Engineer, settlement in the pavement opening has ceased, the bituminous-concrete surface shall be removed, and the existing pavement shall be cut back to a sharp line one foot on each side of the opening. After surfaces of the existing pavement are tack coated with an asphalt oil, the entire area shall then be filled with bituminous concrete Type A or FABC No. 1 and rolled to present an even riding surface. Pavement openings are herein defined as openings within the traveled roadway or between curbs where curbs exist on a street. Pavement openings shall be filled and paved the full width of the entire lane in which the opening occurs.
- C. Driveway openings shall be replaced in kind, and the appropriate specifications for shoulder openings or road openings shall govern the replacement of the same.

§ 248-22. Protection of vehicular and pedestrian traffic; safe working conditions.

- A. It shall be the responsibility of the person, firm, corporation or municipal or public utility opening any thoroughfare, or otherwise endangering or obstructing the normal flow of traffic or normal flow of surface water thereon, to fully protect both vehicular and pedestrian traffic from possible accident or injury by the placing of suitable barriers, crosswalks, notices, warnings and/or caution signs by day and flares and flashing lights at night, in accordance with the provisions of Title 39 of the Revised Statutes of New Jersey, with amendments thereof and supplements thereto. The Chief of Police will determine the adequacy of such protection.
- B. The person, firm, corporation or municipal or public utility opening any thoroughfare, or otherwise endangering or obstructing the normal flow of traffic or normal flow of surface water thereon, must also post a sign stating, "Temporary Construction Work" and including on the sign, the name of the utility and its phone number. The sign may only be removed upon completing the final top course of the roadway.
- C. Any contractor, municipal or public utility, person, firm or corporation performing any street opening and excavation work in, over or upon any public road right-of-way or easement shall be totally responsible in providing safe working conditions for its employees and the public. These conditions include but are not limited to trench safety and confined space entry. The contractor/utility shall comply with all Occupational Safety and Health Administration (OSHA) requirements.

Furthermore, contractor(s) shall comply with all applicable laws, statutes, ordinances and regulations, including, without limitation, all applicable provisions of federal and New Jersey State labor laws. In order to comply with the Township's confined space entry requirements, the contractor/utility must have at a minimum a permit required confined space program in conformance with the requirements of 29CFR1910.146, including but not limited to procedural operations, trained employees and specialized equipment. Township and Authority personnel will not supervise or direct the work of contractor personnel. Observation of the work by Township or Authority personnel is solely to determine the adequacy of construction and is not intended to and shall not include the review of the adequacy of contractor safety measures in, on or near the work site.

Section 2. All ordinances of the Township of Hanover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect in accordance with law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATE OF INTRODUCTION: June 26, 2014

DATE OF ADOPTION: July 10, 2014

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 26th day of June, 2014, introduced and ready by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 10th day of July, 2014, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10 in Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: July 3, 2014