

ORDINANCE NO. 2011-19

**TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER X –
TRAFFIC BY ADDING SUBSECTION 10-13 “ESTABLISHING A
TRAFFIC CONTROL SIGNAL MONITORING SYSTEM”**

WHEREAS, by P.L. 2007, Chapter 348 (the Act), the Legislature of the State of New Jersey has determined that the installation of a traffic control signal monitoring system by municipalities complementing local law enforcement could serve as an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

WHEREAS, East Windsor Township is desirous of installing Traffic Control Signal Monitoring Systems at various intersections within the Township; and

WHEREAS, East Windsor Township also has a future interest in expanding the Traffic Control Signal Monitoring System to other locations in East Windsor Township if applied for and approved by the State of New Jersey; and

WHEREAS, East Windsor Township has determined that adoption of this ordinance for the installation of a Traffic Control Signal Monitoring System at various intersections is in the best interest of the health, safety and welfare of the Township of East Windsor and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey that:

I.

10-13 Traffic Control Signal Monitoring System

A. Installation.

1. The Township of East Windsor hereby authorizes the installation and utilization of a Traffic Control Signal Monitoring System at the intersection of Dutch Neck Road and U.S. Route 130 and in the future may install Traffic Control Signal Monitoring Systems at other various intersections within East Windsor Township as approved by the New Jersey Commissioner of Transportation pursuant to the Act.

2. Each System to be installed shall be approved by the East Windsor Township Council by resolution.
3. The Mayor and Council of East Windsor Township shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid but rather reformed to conform to the Act.
4. The signs notifying drivers that a System is being utilized shall be approved by the Municipal Engineer, and shall be placed on each street converging into the affected intersection as required by the Act.
5. The System shall be inspected by the Township at least once every six (6) months from the date of its installation and the results certified by the Township Engineer and reported to the Township Council.

B. Issuance of the Summons.

The Police Department of the Township of East Windsor shall review the recorded images produced by the System to determine whether sufficient evidence exists demonstrating that a traffic control signal violation has occurred and shall issue a summons when appropriate in accordance with the rules of the Court.

C. Use of Recorded Images.

1. Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the Police Department for the purpose of discharging his or her duties.
2. Any recorded image or information produced in connection with the System shall not be deemed a public record in N.J.S.A 47:1A-1 et, seq., or common law. The recorded images shall not be: (i) discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.
3. Any recorded image or information collected in connection with a traffic control signal violation shall not be retained after sixty (60) business days following the collection of any fine or penalty.

4. If a summons is not issued within forty (40) business days following the traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Police Division within two (2) business days.
5. The Township of East Windsor shall certify compliance of this Section by filing a report with the New Jersey Commissioner of Transportation in accordance with the Act.

D. Owner's Liability.

The liability of the owner and operator of a motor vehicle for a traffic control signal violation summons pursuant to the System shall be a joint subject to provisions of the Act.

II.

Severability

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

III.

Repeal

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

IV.

Effective Date

This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

Attest:

CINDY A. DYE
Municipal Clerk

JANICE S. MIRONOV
Mayor

Adopted: September 6, 2011