2012
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK				✓
FREEMAN	✓			
HAYES	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	5			1

Offered by: Hayes
Seconded by: Freeman

Ordinance No.	**1444**
Date:	**June 18, 2012**
Page:	**1 of 4**
Subject:	**Traffic Control Signal Monitoring System**
Purpose:	**Approval**
Dollar Amount:	
Prepared By:	**Gregg Paster, Esq.**

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly

Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM

WHEREAS, by P.L. 2007, Chapter 348 a/k/a N.J.S.A. 39:4-8.12, et seq. (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, the Borough of Dumont is desirous of installing traffic control signal monitoring systems at various intersections within the Borough of Dumont; and

WHEREAS, the Borough has determined that adoption of the Ordinance is in the best interests of the health, safety and welfare of the Borough and its residents.

NOW, THEREFORE, be it ordained by the Council of the Borough of Dumont, County of Bergen and State of New Jersey as follows:

Section 1. **Installation.**

(a) The Borough of Dumont hereby determines to install and utilize a traffic control signal monitoring system ("System") at various intersections within the Borough of Dumont as approved by the Commissioner of Transportation pursuant to the Act.

(b) The System to be installed shall be approved by the Governing Body by resolution.

(c) The Borough 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.

(d) 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.

(e) The Municipal Engineer shall inspect and certify the System at least once every six (6) months from the date of its installation.

Section 2. **Issuance of a Summons.**

The Police Department of the Borough of Dumont 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.

Section 3. **Use of Recorded Images.**

(a) 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 under P.L. 2007, Ch. 384.

(b) Any recorded image or information produced in connection with the System shall not be deemed a public record under 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.

(c) Any recorded image or information collected in connection with a traffic control signal violation shall not be retained after sixty (60) days following the collection of any fine or penalty.

(d) If a summons is not issued within ninety (90) 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 Department within three (3) business days.

(e) The Borough of Dumont shall certify compliance of this Section by filing a report to with the Commissioner of Transportation in accordance with the Act.

Section 4. **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 joint subject to provisions of the Act.

Section 5. **Fines.**

Any person liable for a traffic control signal violation, pursuant to the Ordinance and the Act, utilizing the System shall be subject to the following fines:

Violation $85.00

Section 6. **Repealer.**

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 7. **Severability.**

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 8. **Effective Date.**

This Ordinance shall take effect immediately upon passage and publication according to law.

Attest:

Susan Connelly, RMC
Municipal Clerk

James J. Kelly, Mayor

Introduced: June 18, 2012

Adopted: