

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

ORDINANCE NO. 12-13

**AN ORDINANCE TO AMEND CHAPTER XI OF THE ORDINANCES OF
THE BOROUGH OF WOODLAND PARK, WHICH IS ALSO KNOWN AS THE "TRAFFIC
ORDINANCE" AS AMENDED AND SUPPLEMENTED BY ADDING SECTION
5-40, 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, the Borough of Woodland Park wants to install traffic control signal monitoring systems at various intersections within the Borough; and

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

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Woodland Park, State of New Jersey, that:

Section 1. Purpose.

This Ordinance is enacted to encourage drivers to strictly obey traffic control devices at intersections, facilitating the flow of traffic and protecting the safety and well-being of motor vehicle occupants and pedestrians in the Borough of Woodland Park in full compliance and accordance with the provisions of an act of Legislature of the State of New Jersey entitled An Act concerning traffic control signal monitoring and supplementing Title 39 of the Revised Statutes, NJS 39:4-8.12, et seq., and in accordance with any rules and regulations promulgated thereto *or* to be promulgated by the Commissioner of Transportation, the Chief Administrator of the Motor Vehicle Commission, the Superintendent of the State Police and any Rules of Court that may be adopted by the Supreme Court of New Jersey.

Section 2. Intent.

It is the intent that all terms, conditions, requirements of the five year pilot program as established through *NJS 39:4-8.12*, et al. are specifically incorporated herein.

Section 3. Definitions.

For the purpose of this Ordinance words and phrases herein shall have the same meaning as in NJS 39:48.12, et seq., and any rules and regulations of the Commissioner of Transportation, the Chief Administrator of the Motor Vehicle Commission, the Superintendent of the State Police and any Rules of Court that may be adopted by the Supreme Court of the New Jersey promulgated pursuant thereto.

Section 4. Installation.

(a) The Borough of Woodland Park hereby determines to install and utilize a traffic control signal monitoring system at various intersections within the Borough of Woodland Park as approved by the Commissioner of Transportation pursuant to N.J.S.A. 39:4-8.12, et seq.

(b) The System to be installed shall be approved through a Resolution by the Municipal Council.

(c) The Borough of Woodland Park 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 Borough Engineer, the Superintendent of the Department of Public Works or his designee and shall be placed on each street converging into the affected intersection as required by the Act. The sign shall be of a design and placed in accordance with specifications approved by the Borough Engineer. The specifications so approved shall be compliant with the "Manual on Uniform Traffic Control Devices for Streets and Highways."

(e) The Borough Engineer, the Superintendent of the Department of Public Works or his designee shall inspect and certify the System at least once every six (6) months from the date of its installation until the end of the Pilot Program unless extended by the NJDOT.

(f) The vendor contracting with the Borough, for the installation and use of a System shall establish a public awareness campaign to notify the public of the intersection(s) at which the system will be installed and of the date on which the system will be activated. The public awareness campaign shall at a minimum utilize electronic and print media and shall make available electronically on an Internet website information required under the Act.

Section 5. Issuance of the Summons.

The Borough of Woodland Park Police Department shall review the recorded images produced by the System, to determine whether sufficient evidence exists to conclude that a traffic control signal violation has occurred and shall issue a Summons when appropriate to be served by a law enforcement official in accordance with the Rules of the Court.

Section 6. 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 sworn officers of the Woodland Park Police Department for the purpose of discharging his or her duties under P.L. 2007, Ch. 348.

(b) 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 government 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 thirty (30) business days following the alleged traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Woodland *Park* Police Department within five (5) business days.

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

Section 7. Locations.

(a) Upon approval by the State of New Jersey Department of Transportation, Traffic control signal monitoring systems shall be installed and operated at the following locations:

Browertown Road and Route 46 West

McBride Avenue and Route 46 West

McBride Avenue and Glover Avenue

Section 8. Amendments of List of Locations.

Any amendments, additions or modifications to this list of locations, shall be by an amending Ordinance submitted by the Municipal Council.

Section 9. Liability.

The Owner and Operator of a motor vehicle shall be held jointly liable for a traffic control signal violation summons pursuant to this Ordinance subject to provisions of the Act.

Section 10. Repealer.

Any ordinances or parts thereof inconsistent with this ordinance are hereby repealed.

Section 11. Effective Date, Expiration Date.

If any part of this ordinance amendment is declared unconstitutional or illegal, the remaining provisions shall continue in full force an effect.

This ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey and shall expire upon the terms and conditions set forth in NJS 39.4-81.

Introduced: August 15, 2012

Adopted: September 5, 2012