

**AN ORDINANCE 2011-3 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**, the Township of Berlin is desirous of installing traffic control signal monitoring systems at the intersections of State Highway Route 73 and Franklin Avenue and State Highway Route 73 and Prospect Avenue within the Township of Berlin; and

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

**NOW, THEREFORE**, be it ordained by the Mayor and Council of the Township of Berlin, County of Camden, State of New Jersey as follows:

**Section 1. Installation.**

(a) The Township of Berlin hereby determines to install and utilize a traffic control signal monitoring system ("System") at the intersections of State Highway Route 73 and Franklin Avenue and State Highway Route 73 and Prospect Avenue within the Township of Berlin 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 Township of Berlin 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 Township of Berlin 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 within ninety (90) days from the date on which the violation occurred when appropriate which shall be served 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 be purged and not 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) days.

(e) The Township of Berlin 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

**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.

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on January 24, 2011, and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on MARCH 7, 2011 at 5:00 p.m. prevailing time in the Municipal Building, 135 Route 73 South, West Berlin, NJ

Catherine Underwood  
Township Clerk