



Legislation Text

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AN ORDINANCE AMENDING SECTION 23:11.4, TRAFFIC CONTROL SIGNAL MONITORING SYSTEM, OF TITLE 23, TRAFFIC AND PARKING OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADDING ADDITIONAL LOCATIONS FOR TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS. Invitation: Manager of Division of Traffic and Signals, March 6, 2012

WHEREAS, by P.L. 2007, Chapter 348 [the Act] and P.L. 2009, Chapter 52, 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 City of Newark wants to install traffic control signal monitoring systems at additional intersections within the City of Newark; and

WHEREAS, the City of Newark has determined that upon approval by the State of New Jersey Department of Transportation, additional traffic control signal monitoring systems shall be installed and operated at Avon Avenue and Bergen Street, Bergen Street and West Runyon Street, Raymond Boulevard and Lockwood Street, Elizabeth Avenue and East Peddie Street and West Peddie Street, and Central Avenue and Washington Street; and

WHEREAS, an amendment to the ordinance in order to add additional locations is required by the New Jersey Department of Transportation.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

[Note: Underlined text represents additions.]

Section 1. Title 23, Section 23:11-4, shall be amended and supplemented as follows:

23:11-4. **TRAFFIC CONTROL SIGNAL MONITORING SYSTEM.**

a. *Purpose.* This section 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 City of Newark 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, N.J.S.A. 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.

b. *Intent.* It is the intent that all terms, conditions, requirements of the five (5) year pilot program as established through N.J.S.A. 39:4-8.12, et al. are specifically incorporated therein.

c. *Definitions.* For the purpose of this section words and phrases herein shall have the same meaning as in N.J.S.A. 39:4-8.12 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 New Jersey promulgated pursuant thereto.

d. *Installation.*

1. The City of Newark hereby determines to install and utilize a traffic control signal monitoring system at various intersections within the City of Newark as approved by the Commissioner of Transportation pursuant to the Act.

2. The System to installed shall be approved by Resolution of the Municipal Council.

3. The City of Newark 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 Department of Engineering, 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 Director of Engineering. The specifications so approved shall conform with the uniform system set forth in the "Manual on Uniform Traffic Control Devices for Streets and Highways."

5. The Department of Engineering shall inspect and certify the system at least once every six (6) months from the date of its installation.

e. *Issuance of the Summons.* The City of Newark Police Department 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.

f. *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 sworn officers of the Newark Police Department for the purpose of discharging his or her duties under P.L. 2007, Ch. 348.

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 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 recoded 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.

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

5. The City of Newark shall certify compliance to this section by filing a report with the Commissioner of Transportation in accordance with the Act.

g. *Locations.*

1. 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:

Broad Street and Market Street

Broad Street, Branford Place and Edison Place

Broad Street, Division Street and Lackawanna Avenue

Broad Street, Park Place and Central Avenue

Broad Street and Raymond Boulevard

Broad Street, William Street and Lafayette Street

Broad Street, Broadway and Clay Street

Broad Street and Murray Street

Raymond Boulevard, Market Street and Prospect Street

Raymond Boulevard and Raymond Plaza West

Mulberry Street and Market Street

Mulberry Street and Lafayette Street

McCarter Highway and Raymond Boulevard

McCarter Highway and Market Street

McCarter Highway and Edison Street

McCarter Highway and Lafayette Street

McCarter Highway and South Street

McCarter Highway and Murray Street

Bergen Street, First Street and West Market Street

Dr. Martin Luther King Jr. Boulevard and Central Avenue

Dr. Martin Luther King Jr. Boulevard and West Market Street

Ferry Street and Adams Street

McCarter Highway and Bridge Street

McCarter Highway and Clay Street

McCarter Highway and 3rd Avenue

Stockton Street and Delancy Street

Market Street and Washington Street

Market Street and University Avenue

Market Street and Springfield Avenue

Wilson Avenue and Doremus Avenue

McCarter Highway and Emmet Street

McCarter Highway and Center Street

Broad Street and Emmet Street

Broad Street, Lincoln Park and Tichenor Street

Raymond Boulevard and University Avenue

Raymond Boulevard and Washington Street

Dr. Martin Luther King Jr. Boulevard and Court Street

Avon Avenue and Bergen Street

Bergen Street and West Runyon Street

Raymond Boulevard and Lockwood Street

Elizabeth Avenue, East Peddie Street and West Peddie Street

Central Avenue and Washington Street

h. *Amendments to List of Locations.* Any amendments, additions or modifications to this list of locations, shall be by an amending ordinance submitted to the Municipal Council.

i. *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.

j. *Repealer.* Any ordinance or parts thereof inconsistent with this section are hereby repealed.

k. *Effective Date, Expiration Date.* This section 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 as N.J.S.A. 39:4-18.

Section 2. If any part of this ordinance amendment is declared unconstitutional or illegal, the remaining provisions shall continue in full force an effect.

Section 3. This ordinance amendment shall take effect upon final passage and publication, in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance amends Section 23:11.4, Traffic Control Signal Monitoring System by adding Avon Avenue and Bergen Street, Bergen Street and West Runyon Street, Raymond Boulevard and Lockwood Street, Elizabeth Avenue and East Peddie Street and West Peddie Street, and Central Avenue and Washington Street to comply with P.L. 2009, Chapter 52.