

**TOWNSHIP OF FAIRFIELD  
ORDINANCE #2009-17**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE  
TOWNSHIP OF FAIRFIELD 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 Fairfield is desirous of installing traffic control signal monitoring systems at various intersections within the Borough/City/Township of Fairfield; and

**WHEREAS**, the Township 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 Mayor and Council of the Township of Fairfield, County of Essex, and State of New Jersey as follows:

1. Chapter 7-37.5 of the Code of the Township of Fairfield shall be added as a new section to the Code as follows:

**7-37.5 Traffic Control Signal Monitoring System.**

**Section 1. Installation of a Traffic Control Signal Monitoring System.**

(a) The Township of Fairfield hereby determines to install and utilize a traffic control signal monitoring system (“System”) at various intersections within the Township of Fairfield 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 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 Fairfield 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) following the collection of any fine or penalty.

(d) If a summons is not issued within thirty (30) 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 Department within two (2) business days.

(e) The Township of Fairfield 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 fines as determined by the Administrative Office of the Court and/or the Municipal Court of the Township of Fairfield.

**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.

2. All Ordinances of the Township of Fairfield which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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JAMES GASPARINI, MAYOR

ATTEST:

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DENISE D. CAFONE  
MUNICIPAL CLERK

## NOTICE

**Notice** is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **April 13, 2009**, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **April 27, 2009 at 7:00 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone  
Municipal Clerk

**INTRODUCTION OF ORDINANCE APRIL 13, 2009**

**ORDINANCE #2009-17, AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM**

**INTRODUCED BY: COUNCIL PRESIDENT MCGLYNN**

**SECONDED BY: COUNCILMAN LA FORGIA**

**PUBLISHED: APRIL 16, 2009**

**ROLL CALL VOTE**

<b>GOVERNING BODY</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NO VOTE</b>
<b>COUNCIL PRESIDENT MICHAEL MCGLYNN</b>	<b>X</b>				
<b>COUNCILMAN JOHN LAFORGIA</b>	<b>X</b>				
<b>COUNCILMAN WILLIAM CONNINGTON, III</b>	<b>X</b>				
<b>COUNCILMAN THOMAS MORGAN</b>	<b>X</b>				
<b>MAYOR JAMES GASPARINI</b>	<b>X</b>				

**2<sup>ND</sup> READING AND PUBLIC HEARING APRIL 27, 2009**

**INTRODUCED BY:**

**SECONDED BY:**

**PUBLISHED:**

**ROLL CALL VOTE**

<b>GOVERNING BODY</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NO VOTE</b>
<b>COUNCIL PRESIDENT MICHAEL MCGLYNN</b>					
<b>COUNCILMAN JOHN LAFORGIA</b>					
<b>COUNCILMAN WILLIAM CONNINGTON, III</b>					
<b>COUNCILMAN THOMAS MORGAN</b>					
<b>MAYOR JAMES GASPARINI</b>					