



Mayor and Council
Darlene Sturgeon-Rothe, Mayor
Vicki Rhodes, Vice-Mayor
Daniel Ridgely, Councilman
Mary Ellen Gray, Councilwoman
Sharon Morgan, Councilwoman

Ordinance 2026-0-01

ELECTRONIC RED-LIGHT SAFETY MONITORING PROGRAM

SECTION 1. General Provisions.

Vehicular traffic facing a red traffic signal shall come to a complete stop before crossing the stop line, whether marked by a sign or painted line. If no stop line is present, the vehicle shall stop before entering the crosswalk on the near side of the intersection, or, if there is none, the vehicle shall stop before entering the intersection. The vehicle shall remain standing in all situations until an indication to proceed is shown.

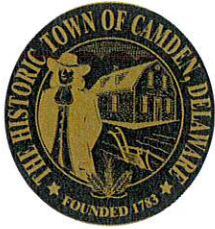
SECTION 2. Failure to stop.

A failure to stop for a red-light signal may be recorded by a traffic signal light violation monitoring system in accordance with a program or authorization approved by the Chief of Police, pursuant to the provisions of 21 Del. C. § 4101 (d) and this section. The administration and enforcement of the provisions of this section shall be done in accordance with the provisions of 21 Del. C. § 4101 (d), which shall prevail in the event of any conflict with the provisions of this section.

SECTION 3. Civil assessments.

This Ordinance is a civil matter imposing civil assessments.

3.1. The owner or operator of a vehicle which has failed to comply with a traffic light signal, as evidenced by information obtained by a traffic light signal violation monitoring system, shall be liable for a civil or administrative monetary assessment of seventy five dollars (\$75.00); provided, however, if the civil or administrative assessment is not paid within fourteen (14) days an additional assessment of ten dollars (\$10.00) shall be added to the original assessment; which additional assessment shall be increased to twenty dollars (\$20.00) if the assessment is not paid within forty five (45) days; and shall be increased to thirty dollars (\$30.00) if the assessment is not paid within ninety (90) days.



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3.2. Court costs, or similar administrative fees not to exceed thirty dollars (\$30.00), may also be assessed if the owner requests a hearing to contest the violation and is ultimately found to be in violation or fails to pay or contest the violation in a timely manner.

3.3. A violation for which a civil or administrative assessment is imposed pursuant to this subsection shall not be classified as a criminal offense. Judgments pursuant to this section shall not be deemed a conviction of the owner and shall not be made part of the motor vehicle operating record of the person upon whom such liability is imposed.

SECTION 4. Definitions.

For purposes of this subsection only:

4.1. Owner- The registered owner of such vehicle on record with this or any other State; provided, however, that in the event that the owner is a vehicle leasing or rental company, the Owner for purposes of this subsection shall mean the person shown on the records to be the lessee of such vehicle.

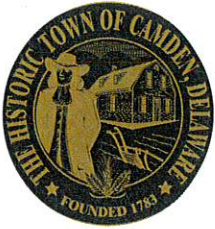
4.2. Traffic Light Signal Violation Monitoring System - A vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this subsection.

SECTION 5. Summons and Notice of Violation.

5.1. Any resident or nonresident or operator of any motor vehicle which is operated or driven on the public streets, roads, turnpikes, or highways of this State is deemed to have submitted to the jurisdiction of the Delaware courts for purposes of this subsection.

5.2. Notwithstanding any other provision of the Delaware Code, a summons for a violation of this subsection may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Division of Motor Vehicles of this or any other State.

5.3. Collection actions, including default judgment and execution, may proceed based upon jurisdiction obtained through the mailing by first-class mail of a summons and subsequent court notices pursuant to this subsection.

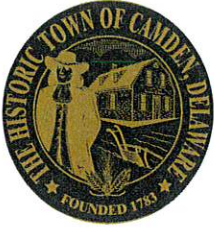


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5.4. Every initial mailing shall include the following:

1. Name and address of the owner of the vehicle;
2. Registration number of the motor vehicle involved in the violation;
3. Violation charges;
4. Location where the violation occurred;
5. Date and time of the violation;
6. Copies of two (2) or more photographs, or microphotographs, or other recorded images, taken as proof of the violation;
7. Amount of the civil assessment imposed and the date by which the civil assessment should be paid;
8. Information advising the summonsed person of the matter, time and place by which liability as alleged in the Notice may be contested and warning that the failure to pay the civil assessment or to contest liability in a timely manner is an admission of liability and may result in a judgment being entered against the summonsed person and/or denial of the registration or the renewal of the registration of any of the owner's vehicles; and
9. Notice of the summonsed person's ability to rebut the presumption that he or she was the operator of the vehicle at the time of the alleged violation and the means for rebutting such presumption.
10. All subsequent mailings of court notices, summonses, and payment requests shall include all information listed in subparagraphs 1 through 9 of this subsection.



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SECTION 6. Payment by voluntary assessment.

Persons electing to pay by voluntary assessment shall make payments to the entity designated on the summons for payment.

SECTION 7. Procedures to contest the violation.

7.1. A person receiving the summons pursuant to this subsection may request a hearing to contest the violation by notifying in writing the entity designated on the summons within twenty (20) days of the mailing date.

7.2. Upon receipt of a timely request for a hearing, a civil hearing shall be scheduled and the defendant notified of the hearing date by first-class mail.

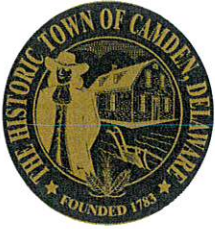
7.3. A civil hearing shall be held by the Justice of the Peace Court.

7.4. The hearing may be informal and shall be held in accordance with Justice of the Peace Court rules.

7.5. Costs for such hearing shall not be assessed against the prevailing party.

SECTION 8. Failure to pay or successfully contest the violation.

If the Owner fails to pay the civil assessment, to respond to the summons within the time period specified on the summons, and/or to successfully contest the civil assessment resulting from the violation, American Traffic Solutions or the current red light camera vendor under contract with the Delaware Department of Transportation shall notify the Division of Motor Vehicles of such facts.



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SECTION 9. Proof of violation.

9.1. Proof of a violation of this subsection shall be evidenced by information obtained from an electronic red light safety program monitoring system authorized pursuant to this subsection.

9.2. A citation based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by an electronic red light safety program monitoring system shall constitute prima facie evidence of the facts contained therein, if the citation thereof was approved by a Police Officer of the Camden Police Department authorized to impose assessments pursuant to this subsection.

9.2. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to regulation, ordinance, or other law adopted pursuant to this subsection.

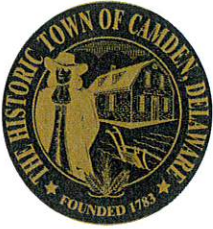
9.4. Any affidavit submitted pursuant to § 10.2.1 shall be deemed admissible in any proceeding to contest the violation.

SECTION 10. Presumptions.

10.1. The Owner of any vehicle found to be in violation of this subsection shall be held prima facie responsible for such violation in the same manner as provided under §7003 of this title, unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person.

10.2. Such presumption shall be rebutted if the owner:

- 1.** Furnishes an affidavit by regular mail to the entity indicated on the summons that he or she was not the operator of the vehicle at the time of the alleged violation; and provided, the name and address of the person or company who leased, rented or otherwise had the care, custody or control of the vehicle, or attaches a certified copy of a police report showing that the vehicle or license plate(s) thereof had been reported to the Police as stolen prior to the time of the alleged violation of this subsection; or
- 2.** Provided proof at the hearing to contest the violation that he or she was not the operator of the vehicle at the time of the alleged violation or that he or she failed to



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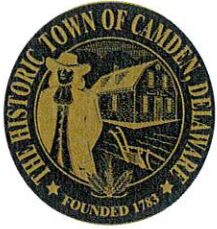
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comply with the traffic signal either in order to yield the right of way to an emergency vehicle or as part of a funeral procession.

3. Notwithstanding any other provisions of this section, if the motor vehicle, which is found by the electronic red light safety program monitoring system and approved by a Camden Police Officer, to have failed to comply with a traffic light signal, is commercially licensed, then the owner of that vehicle shall be sent notice of the date, time and location of the violation with two photographs thereof. Within ten days of the receipt of said notice, the owner of the vehicle shall provide the law enforcement agency through American Traffic Solutions or the current red light camera vendor under contract with the Delaware Department of Transportation with the name and address of the driver of the vehicle at the date, time and location of the violation and within the same time period, shall provide the driver of the vehicle with the photographs of the violation. After receipt by the Camden Police Department through American Traffic Solutions or the current red light camera vendor under contract with the Delaware Department of Transportation, of the name and address of the driver of the vehicle at the time of the violation, the driver of the vehicle shall be prima facie responsible for such violation in the same manner as provided under 21 Del. C §7003 and shall be subject to the provisions of this section. Failure of the owner of the vehicle found to be in violation of section 2 to provide the name and address of the driver at the time of the violation within the period prescribed shall cause the owner to be held responsible as set forth in section 3.

SECTION 11. Applicability.

This ordinance shall apply to all cases arising, opened, or reopened on or after (DATE OF FAVORABLE VOTE), as well as those cases pending on its effective date (DATE OF FAVORABLE VOTE), without regard to the date of the alleged violation.



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SECTION 12. Severability.

It is declared to be the intention of the City Council that the Sections, Subsections, paragraphs, sentences, clauses, and words of this Ordinance are severable. If any Section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining Sections, subsections, paragraphs, sentences, clauses and words of the Ordinance, since the Sections or parts of Sections would have been enacted by the City Council without and irrespective of any unconstitutional or otherwise invalid Section, subsection, paragraph, sentence, clause or word being incorporated into this Ordinance.

Prepared & submitted by
Chief Marcus Whitney