CITY OF REDMOND ORDINANCE NO. 2542 (AM)

ORDINANCE THE ΑN OF CITY OF REDMOND, WASHINGTON, RELATING TO THE USE OF AUTOMATED SAFETY AND SCHOOL ZONE CAMERAS; AUTHORIZING USE OF THESE CAMERAS TO ARTERIAL DETECT RED LIGHT INFRACTIONS ATSCHOOL INTERSECTIONS AND SPEED INFRACTIONS IN SCHOOL ZONES; ADOPTING THE STANDARDS AND RESTRICTIONS REGARDING USE OF TRAFFIC SAFETY CAMERAS ENACTED BYWASHINGTON STATE LEGISLATURE DURING THE 2005 REGULAR SESSION; ESTABLISHING MONETARY PENALTIES FOR RED LIGHT AND SCHOOL ZONE INFRACTIONS DETECTED BY AN AUTOMATED TRAFFIC SAFETY CAMERA; AND ADDING CHAPTER TO TITLE 10 OF THE REDMOND MUNICIPAL CODE

WHEREAS, some of the worst traffic accidents - those involving right-angle collisions at high rates of speed - are the result of running red lights, and studies have shown that these accidents involve more serious injury and deaths than other kinds of accidents at signalized intersections; and

WHEREAS, the strategic placement of automated cameras at these intersections to record red light running violations has been shown to reduce the frequency of violations, corresponding injuries, and associated economic costs; and

WHEREAS, the safety of children and adults will be enhanced by the use of automated traffic safety cameras placed in school speed zones on streets adjacent to school grounds; and WHEREAS, the City of Redmond has numerous arterial intersections and school zones that would benefit from the strategic placement of automated traffic safety cameras; and

WHEREAS, the State Legislature has passed a law authorizing local jurisdictions to use automated traffic safety cameras subject to restrictions specified in that legislation; and

WHEREAS, the City Council of Redmond recognizes the value of implementing an automated enforcement program in furtherance of its goals in maintaining a safe traffic/pedestrian environment for its citizenry.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Chapter. RMC Chapter 10.25,
Automated Traffic Safety Cameras, is hereby adopted to read as
follows:

10.25.010 Use of automated traffic safety cameras authorized.

The use of automated traffic safety cameras is authorized to detect (1) stoplight violations at arterial intersections and (2) school speed zone violations, subject to the restrictions specified in state law (Chapter 167, Laws of 2005, "Traffic Safety

Cameras, codified at RCW 46.63.170, with an effective date of July 24, 2005).

10.25.020 Personnel authorized.

Law enforcement officers of the City of Redmond and other persons commissioned by the Chief of Police are authorized to use automated traffic safety cameras and related automated systems to detect one or more of the following: (1) stoplight violations, and (2) school speed zone violations.

10.25.030 Restrictions on use.

The use of automated traffic safety cameras is subject to the following restrictions:

- (A) Use of automated traffic safety cameras is restricted to arterial intersections and school speed zones only.
- (B) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. Pictures taken by automated traffic safety cameras must not reveal the face of the driver or any passenger in the vehicle.
- (C) The City shall clearly mark every location where an automated traffic safety camera is

used by placing signs in locations that clearly indicate to a driver that she or he is entering a zone where traffic laws are enforced by an automated traffic safety camera. Markings or signals shall clearly indicate when automated safety cameras are enforcing school speed zone law.

10.25.040 Notice of traffic infraction - Issuance.

A notice of infraction based on evidence (A) detected through the use of an automated traffic safety camera must be mailed to the registered owner of the vehicle within fourteen (14) days of violation, or to the renter of a vehicle within fourteen (14) days of establishing the renter's name and address under subsection (C)(1) of this section. The peace officer issuing the notice of infraction shall include with it a certificate or facsimile inspection of thereof, based upon photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding a violation under charging this chapter.

photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

- (B) A person receiving such a notice of infraction may respond to the notice by mail. The registered owner of a vehicle is responsible for such infraction unless the registered owner overcomes the presumption in RMC 10.25.060, or, in the case of a rental car business, satisfies the conditions under subsection (C) of this section. A renter identified under subsection (C)(1) of this section is responsible for such an infraction.
- (C) If the registered owner of the vehicle is a rental car business, the peace officer shall, before such a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen (18) days of receiving the written notice, provide to the peace officer by return mail:
- (1) A statement under oath stating the name and last known mailing address of the individual

driving or renting the vehicle when the infraction occurred; or

- (2) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or
- (3) In lieu of identifying the vehicle operator or renter, the rental car business may pay the applicable penalty upon issuance of the infraction.

Timely mailing of this statement to the peace officer relieves a rental car business of any liability under this chapter for the notice of infraction.

10.25.050 Definition of automated traffic safety camera.

For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system and a camera synchronized to automatically record one (1) or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the

vehicle fails to stop when facing a steady red traffic control signal or exceeds a speed limit in a school zone as detected by a speed measuring device.

10.25.060 Presumption of committed infraction; presumption overcome.

- In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera, as described herein and in RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of RCW 46.61.055 or RCW 46.61.440, together with proof person named in the notice of traffic the infraction was at the time of the violation the registered owner of the vehicle, constitutes evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.
- (B) This presumption may be overcome only if the registered owner states under oath, in a written statement to the court or in testimony before the court, that the vehicle involved was, at the time,

stolen or in the care, custody, or control of some person other than the registered owner.

10.25.070 Infractions processed.

Infractions detected through the use of automated traffic safety cameras, as described herein and in RCW 46.63.170, are not part of the registered owner's driving record under RCW 46.52.101 and RCW 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this Chapter shall be processed in the same manner as parking forth in infractions set RCW 3.46.120, as RCW 3.50.100, RCW 3.62.040, RCW 46.16.216 and RCW 46.20.270(3).

10.25.080 Penalties.

- (A) The monetary penalty for a violation of RCW 46.61.055 detected through the use of an automated traffic safety camera shall be set by resolution of the City Council.
- (B) The monetary penalty for a violation of RCW 46.61.440 detected through the use of an automated traffic safety camera shall be set by resolution of the City Council.

(C) Fees and penalties for failure to respond shall follow the standard court schedule for infractions.

10.25.090 Use of electronic signatures authorized.

In connection with the use of automated traffic safety cameras and notices of infractions issued based on evidence obtained through the use of such devices, the Chief of Police, or his or her designee, is authorized to utilize electronic signatures in accordance with the provisions of RCW Chapter 19.34.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance, or Chapter 10.25 of the Redmond Municipal Code, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance, or Chapter 10.25 of the Redmond Municipal Code.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of a summary thereof consisting of the title.

ADOPTED by the Redmond City Council this $7^{\rm th}$ day of September, 2010.

CITY OF REDMOND

MARCHIONE, MAYOR

ATTEST:

Michellely Weller MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

JAMES HANEY, CITY ATTORNEY

FILED WITH THE CLERK:

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2542 (AM)

September 1, 2010

September 7, 2010

September 7, 2010

September 13, 2010

September 18, 2010

Adopted 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache