ORDINANCE NO. 17-0510


WHEREAS, RCW 46.63.170 authorizes the use of automated traffic safety cameras for red light enforcement, railroad crossing, and school speed zones; and

WHEREAS, Edgemont Junior High School, Hedden Elementary, Northwood Elementary, and Mountain View Elementary are located within the City limits; and

WHEREAS, the safety of school children and other pedestrians is of paramount concern to the City Council; and

WHEREAS, automated school speed zone safety cameras have been shown to reduce speeds and increase safety of school children and other pedestrians; and

WHEREAS, the Police Chief has prepared an analysis of the locations within Edgewood where school zone safety cameras are proposed to be located; and

WHEREAS, the City Council finds that it is in the public interest, welfare, and safety, to authorize the use of automated traffic safety cameras for school speed zone enforcement and to use the money collected from fines to improve pedestrian safety along school zone corridors;

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

Section 1. A new Chapter 10.25 is hereby added to the Edgewood Municipal Code, which shall read as follows:

CHAPTER 10.25

AUTOMATED TRAFFIC SAFETY CAMERAS

Sections:

10.25.010 Purpose and Definitions.
10.25.020 Authorized Use of Automated Traffic Safety Cameras
10.25.030 Responsibility for Notice of Infraction
10.25.040 Mailing of Notice of Infraction, Contents
10.25.050 Response to Notice of Infraction, Request for a Hearing
10.25.060 Hearing
10.25.070 Presumption of Committed Infraction/Presumption Overcome
10.25.080 Infractions Processed
10.25.090 Penalty for Violations Noted by Automated Traffic Safety Cameras
10.25.100 Nonexclusive Enforcement
10.25.110 Revenue Utilization

10.25.010 Purpose and Definitions.

A. The City recognizes the value of implementing an automated traffic enforcement program in furtherance of City goals of creating a safer environment for its citizens. To that end, the City Council authorizes the placement of automated traffic safety cameras in the locations identified in Section 10.25.020, and the enforcement program created by this Chapter.

B. “Automated Traffic Safety Camera” means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, micrographs, 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 an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.


A. Placement: Use of traffic safety cameras is restricted to school speed zones,
   1. The City may place automated traffic safety cameras at the following locations:
      a. Hedden Elementary - in the areas of: 8th St E and 110th Ave E (E/B), 8th St E & 115th Av E (W/B), 900 114th Av E (N/B), and 114th Av E and 5th St E (S/B)
      b. Edgemont Junior High - in the areas of: 24th St E and 110th Ave E (E/B), 24th St E and 112th Av E (W/B), 110th Av E and 20th St E and 2600 110th Ave. E. (N/B) and 2000 110th Av E (S/B)
      c. Northwood Elementary - in the areas of: 24th St E and 96th Ave E (E/B) and 24th St E and 100th Ave E (W/B)
      d. Mt. View Elementary - in the areas of: 36th St E and 117th Av E (E/B), 36th St E and 121st Av E (W/B), 32nd St E and 119th Av E (W/B), and 32nd St E and 118th Ave E (E/B)
B. Posting Signs. The City shall clearly mark all locations where automated traffic safety cameras are in use by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

C. Photo limitations. Automated traffic cameras may only take pictures of the vehicle and the vehicle license plate and only while an infraction is occurring. Pictures taken by automated traffic safety cameras may not reveal the face of the driver or of the passengers in the vehicle.

D. Use of photos. Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this chapter are for the exclusive use of law enforcement in the discharge of duties under this chapter and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter.

10.25.030 Responsibility for Notice of Infraction. The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) (abandoned vehicles), or in the case of a rental car business, satisfies the conditions under Section 10.25.040. If appropriate under the circumstances, a renter identified under Section 10.25.040 is responsible for an infraction.

10.25.040 Mailing of Notice of Infraction, Contents.

A. Notice Mailed to Registered Owner. Whenever any vehicle is photographed by an automatic traffic safety camera showing a violation of speeding, a notice of infraction shall be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under this section.

B. Notice Mailed to Car Rental Business. If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before 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 days of receiving the written notice, provide to the issuing agency by return mail:

1. A statement under oath stating the name and 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 because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

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3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

C. Information sent with Notice. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile of the Notice of Infraction, based upon inspection of photographs, micro-photos, 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 charging a violation under this chapter. The 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.

10.25.050 Response to Notice of Infraction, Request for a Hearing. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail. The person receiving the infraction may also request a hearing.

10.25.070 Presumption of Committed Infraction/Presumption Overcome.

A. In a traffic infraction case hearing involving an infraction detected through the use of an automated traffic safety camera under this chapter, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW 46.63.170, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in 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.

10.25.080 Infractions Processed.

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions including RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216 and 46.20.270(3).


(1) The maximum penalty for infractions detected under authority of, and committed pursuant to, the provisions of this chapter shall be $250.00. The monetary penalty for a violation of this
chapter is consistent with the authority of RCW 46.63.170 and shall not exceed the maximum amount of fine issued for other parking infractions within the city of Edgewood.

(2) Revenue from fines assessed under authority of this chapter shall be used solely for law enforcement purposes or as otherwise provided by state law. For purposes of this section, the term “law enforcement purposes” may include, but is not limited to, the following:

(a) Personnel costs for employees or contractors who are involved in automated speed enforcement planning and implementation, including professional services such as traffic engineering services;

(b) Personnel costs for employees or contractors who are involved in automated speed enforcement court hearings, fine collection, or other processing, including expert witness fees;

(c) Costs associated with training of employees or contractors involved with the automated speed enforcement program;

(d) Purchase and/or maintenance of equipment, including signage, related to the automated speed enforcement program;

(e) Costs associated with traffic safety projects in the transportation capital fund unrelated to the automated speed enforcement program

10.25.100 Nonexclusive enforcement

Nothing in this Chapter prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030 (1)(a),(b), or (c).

10.25.110 Revenue Utilization.

Revenue in excess of the service provider and court costs will be deposited into the City of Edgewood General Fund. Accounted for separately, and utilized exclusively for law enforcement purposes.

Section 3. Posting Signs. The Council directs the Public Works Director to install signs at all locations where an automated traffic safety camera is used, at least thirty days prior to activation of the camera. These signs must clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. These signs shall follow the specifications and guidelines under the manual of uniform traffic control devices for
streets and highways as adopted by the Washington State Department of Transportation under chapter 47.36 RCW.

Section 4. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 5. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of final passage. Violations of this Ordinance may not be enforced until after its effective date, posting of the signs identified in Section 3 and thirty days after the signs have been posted.

PASSED BY THE CITY COUNCIL ON THE 10TH DAY OF OCTOBER, 2017

Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

City Attorney, Carol Morris

DATE OF PUBLICATION: October 12, 2017
EFFECTIVE DATE: October 17, 2017