

## Chapter 10.45

### AUTOMATED TRAFFIC SAFETY CAMERAS

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#### **10.45.001 Purpose.**

The City recognizes the value of implementing an automated traffic enforcement program in furtherance of city goals of creating safer environment for its citizens. Consistent with the council's direction and intent in adopting the policy and procedures of the photo enforcement program, the department is hereby authorized to develop public rules and make minor changes to the policies and procedures of the photo enforcement program, in order to better implement photo enforcement and as needed to stay current with changing technology and methods.

#### **10.45.010 Authorized use of automated traffic safety cameras.**

A. Pursuant to RCW 46.63.170, law enforcement officers of the City of Kenmore and persons commissioned by the police chief 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.

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

1. Use of automated traffic safety cameras is restricted to intersections of two or more arterials, and school speed zones.
2. 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 the automated traffic safety camera may not reveal the face of the driver or of passengers in the vehicle.

C. The City shall clearly mark all locations where automated safety cameras are in use by placing signs in locations that clearly indicate to a driver that the driver is entering a zone where traffic laws are enforced by an automated traffic safety camera.

**10.45.020 Notice of infraction.**

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of the vehicle within 14 days of establishing the renter's name and address under subsection (B) of this section.

B. 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 18 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
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. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of 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 charging a violation under this chapter.

D. All photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this chapter are for the exclusive use of law enforcement in the discharge of duties under this chapter and, as provided in RCW 46.63.170(1)(g), 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, or any other personally identifying data may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter.

**10.45.030 Adjudication of infraction – Procedures.**

A. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail or request a hearing. The King County District Court shall adjudicate all requests for a hearing to mitigate or contest the notice of infraction.

B. 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.

**10.45.040 Violation - presumption.**

A. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under this chapter and/or RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of this chapter and/or 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.

**10.45.050 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 chapter shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2) .

**10.45.060 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).

**10.45.070 Definition of automated traffic safety camera.**

For the purposes of this ordinance, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, or a speed measuring device, and a camera synchronized to automatically record one 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.

**10.45.080 Penalties.**

A. The penalty for red-light infractions committed pursuant to the provisions of this chapter shall be \$100.00.

B. The penalty for school speed zone infractions committed pursuant to the provisions of this chapter shall be as follows:

Speed of Violation	Fine Amount
Exceeding the School Zone Speed Limit by 6+ MPH	\$100.00
Exceeding the Regulatory Speed Limit 6+ MPH	\$250.00

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

**10.45.090 Authorization for use of electronic signatures.**

In connection with the traffic safety camera program, the police chief, or his or her designee, is authorized to utilize electronic signatures in accordance with the provisions of Kenmore Resolution No. 20-351, and the Uniform Electronic Transactions Act.