

## ORDINANCE NO. 1196

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING A NEW CHAPTER 10.36 OF THE BONNEY LAKE MUNICIPAL CODE AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS**

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, some of the most tragic traffic accidents - those involving school children - are the result of speeding in school zones; and

WHEREAS, the strategic placement of automated cameras in school zones to record speeding violations has been shown to reduce the frequency of violations, corresponding injuries, and associated economic costs; and

WHEREAS, the City of Bonney lake has numerous arterial intersections that would benefit from the strategic placement of automated traffic safety cameras; and

WHEREAS, the City of Bonney Lake has numerous 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;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. There is hereby added to the Bonney Lake Municipal Code a new Chapter 10.36 to be entitled "Automated traffic safety cameras," and to read as follows:

**10.36.010. Automated Traffic Safety Cameras Authorized.** The use of automated traffic safety cameras to detect a violation of WAC Section 308-330-421, which the City has adopted by reference as part of the Model Traffic Ordinance, is authorized at intersections where two arterial roadways intersect, subject to the restrictions specified in state law (RCW 46.63.170).

**10.36.020. Detection of Violations.** The use of automated traffic safety cameras to detect a violation of BLMC Chapter 10.12, or WAC Section 308-330-423, which the City has adopted by reference as part of the Model Traffic Ordinance, is authorized in school speed zones, subject to the restrictions specified in state law (RCW 46.63.170).

10.36.030. **Notice of Infraction.** A police officer or other authorized representative of the City has the authority to issue a notice of traffic infraction when the infraction is detected through the use of an automated traffic safety camera under this ordinance.

10.36.040. **Traffic infractions detected through the use of an automated traffic safety camera.** A. A notice of infraction based on evidence detected through the use of an automated traffic safety camera shall be mailed to the registered owner of the vehicle within fourteen (14) days of the violation, or to the renter of a vehicle within fourteen (14) days of establishing the renter's name and address under subsection C1 of this section. The police officer or other authorized representative of the City 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 of WAC Section 308-330-421 or WAC Section 308-330-423. 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.

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 an infraction unless the registered owner overcomes the presumption in subsection E of this section, or, in the case of a rental car business, satisfies the conditions under subsection C of this section. If appropriate under the circumstances, a renter identified under subsection C1 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 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, the rental car business may pay the applicable penalty.

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.

D. 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, a railroad grade crossing 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 an

activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device.

E. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera, proof that the particular vehicle described in the notice of traffic infraction was in violation of Section WAC Section 308-330-421, BLMC Chapter 10.12, or WAC Section 308-330-423, 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. 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. (RCW 46.63.170 and RCW 46.63.075)

**10.36.050. Monetary Penalties.** A traffic infraction for violation of WAC Section 308-330-421, BLMC Chapter 10.12, or WAC Section 308-330-423 detected through the use of an automated traffic safety camera shall be processed in the same manner as a parking infraction, with a base monetary penalty of one hundred and one dollars (\$101.00); however, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for parking infractions within the City, including disabled parking infractions.

**10.36.060. Signage.** All locations where an automated traffic safety camera is used shall be clearly marked 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.

**10.36.070. Compensation for Services.** The compensation paid to the manufacturer or vendor of the automated traffic safety camera equipment used shall be based only upon the value of the equipment and services provided or rendered in support of the system, and shall not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

**Section 2.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 3.** This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

**PASSED** by the City Council and approved by the Mayor this 25<sup>th</sup> day of July, 2006.

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Neil Johnson, Jr.  
Mayor

ATTEST:

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Harwood T. Edvalson  
City Clerk, CMC

APPROVED AS TO FORM:

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James Dionne  
City Attorney

Passed: July 25, 2006

Valid:

Published:

Effective Date: August 24, 2005