

ORDINANCE NO. 1290

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATING TO THE USE OF TRAFFIC SAFETY CAMERAS, ADDING A NEW CHAPTER 10.06, AMENDING SECTION 10.14.030 ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the state law contained within Chapter 46.63 RCW authorizes and regulates the use of automated traffic safety cameras within the state; and

WHEREAS, the City Council of the City of Lacey, Washington, recognizes the value of implementing an automated traffic enforcement program as one means of improving the traffic safety conditions within the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. There is hereby added to the Lacey Municipal Code, a new Chapter 10.06, to read as follows:

**Chapter 10.06**

**Section 10.06.010 Authorized use of automated traffic safety cameras.**

A. Law enforcement officers of the City of Lacey and persons commissioned by the Lacey Police Chief are authorized to use automated traffic cameras and related automated systems to detect one or more of the following:

- (1) stoplight violations;
- (2) school speed zone violations.

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

1. Use of traffic safety cameras is restricted to "two arterial intersections" (the intersection of two arterials) and school speed zones only;

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 automated traffic safety cameras may not reveal the face of the driver or of the passengers in the vehicle.

C. 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.

D. For the purposes of this Chapter, "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 speed zone as detected by a speed measuring device.

#### **Section 10.06.020 Notice of infraction for automated traffic control systems.**

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 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. 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; 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, 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.

#### **Section 10.06.030 Request for 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.

#### **Section 10.06.040 Presumption of Committed Infraction – Presumption Overcome.**

A. In a traffic infraction case involving an infraction detected through the use of a photo enforcement system under RCW 46.63.170 or detected through the use of an automated traffic safety camera under this section, 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.

#### **Section 10.06.050 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 section shall be processed in the same manner as parking infractions prosecuted under City Codes, including for the purposes of RCW 3.50.100, 3.62.040, 46.16.216, and 46.20.270, and any other applicable statutes.

#### **Section 10.06.060 Fines.**

The fine for infractions committed pursuant to the provisions of this Chapter shall be One Hundred Twenty-Four Dollars (\$124.00). Provided, however, that said fine shall be increased from time to time in accordance with the schedule of fines for such infractions established by the Thurston County District Court.

#### **Section 10.06.070 Non-exclusive enforcement.**

Nothing in this section 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 (l)(a), (b), or (c).


Section 2. Section 10.14.030 of the Lacey Municipal Code is hereby amended to read as follows:

**10.14.030 Violation--Fine.** The violation of any of the provisions of this chapter shall constitute a parking infraction, with a monetary penalty not exceeding \$250.00. ~~be deemed a misdemeanor and upon conviction, shall be punished by a fine not to exceed \$25.00.~~


Section 3. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, at a regularly-called meeting thereof, held this 23rd day of  
August, 2007.

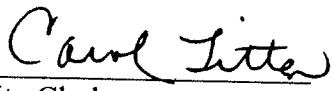
CITY COUNCIL

By   
Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk