

**CITY OF LYNNWOOD
ORDINANCE NO. 2642**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD ADDING A NEW CHAPTER 11.18 TO THE LYNNWOOD MUNICIPAL CODE; AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS AND ADOPTING STANDARDS RELATED THERETO.

WHEREAS, very serious traffic accidents involving right-angle collisions at high rates of speed are often the result of drivers running red lights; and

WHEREAS, studies show that these accidents result in more serious injury and deaths than other accidents at signalized intersections; and

WHEREAS, tragic accidents involving school children are often the result of speeding in school zones; and

WHEREAS, serious accidents that threaten both motor vehicle and train operators and passengers are the result of disregard of railroad crossing signals;

WHEREAS, locating automated cameras at signalized intersections, school zones, and railroad crossing has been shown to reduce the frequency traffic violations at these places and has resulted in a corresponding reduction of injuries and associated economic costs; and

WHEREAS, the City has numerous arterial intersections, school zones and railroad crossings that would benefit from the strategic placement of automated traffic safety cameras; and

WHEREAS, the Washington State Legislature has adopted Chapter 46.63 RCW which authorizes local jurisdictions to use automated traffic safety cameras at arterial intersections, school zones and railroad crossings, subject to the limitations set forth therein;

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

Section 1. A new Chapter 11.18 is added to the Lynnwood City Code as follows:

Chapter 11.18

AUTOMATED TRAFFIC SAFETY CAMERAS

11.18.010 Automated traffic safety cameras – Detection of Violations -- Restrictions.

A. City law enforcement officers and persons commissioned by the Lynnwood police chief are authorized to use automated traffic cameras and related automated systems only to detect and record the image of: (1) stoplight violations at the intersection of two arterials; (2) railroad crossing violations; and (3) school speed zone violations; provided however, pictures of

the vehicle and the vehicle license plate may be taken only while an infraction is occurring, and the picture shall not reveal the face of the driver or of any passengers in the vehicle.

B. Each location where an automated safety camera is used shall be clearly marked by signs placed 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.

C. "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 whenever a 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 to a school speed zone as detected by a speed measuring device.

11.18.020 Notice of infraction.

A. Whenever any vehicle is photographed by an automated 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 a vehicle within 14 days of establishing the renter's name and address. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

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 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 when 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 agency shall relieve the rental car business of any liability under this chapter for the infraction.

C. The law enforcement officer issuing a notice of infraction shall include with it a certificate or facsimile thereof, based upon the inspection of photographs, microphotographs or electronic images produced by an automated traffic safety camera, citing the infraction and stating the facts supporting the notice of infraction. This certificate or facsimile shall be prima facie evidence of the facts contained in it and shall be 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.

D. The registered owner of a vehicle is responsible for an infraction detected through the use of an automated traffic safety camera unless the registered owner overcomes the presumption set forth in Section 11.18.030, or, in the case of a rental car business, satisfies the

conditions under Subsection (B) of this Section. If appropriate under the circumstances, a renter identified under Subsection (B) of this Section is responsible for an infraction.

E. 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, as provided in RCW 46.63.170 (1) (f), they 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.

11.18.030 Prima facie presumption

A. In a traffic infraction case 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 involved in a stoplight violation, railroad crossing violation and/or school speed zone violation, together with proof that the person named in the notice of infraction was at the time of the violation the registered owner of the vehicle, shall constitute 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, under oath, states 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.

11.18.040 Infractions processed.

Infractions detected through the use of automated traffic safety cameras shall be processed in the same manner as parking infractions.

11.18.050 Fine. The fine for an infraction detected under authority of this Chapter shall be a base monetary penalty of \$101.00.

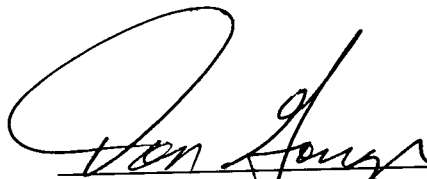
11.18.060 Nonexclusive enforcement.

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 46.63.020(1) (a), (b) or (c).

Section 2. If any section, subsection, sentence, clause, phrase or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

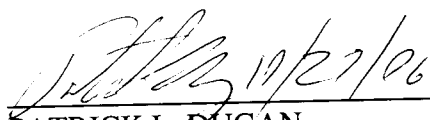
Section 3. This Ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED this 23rd day of October, 2006 and signed in authentication of its passage this 26^R
day of October, 2006.


DON GOUGH, MAYOR

ATTEST:

APPROVED AS TO FORM:


PATRICK L. DUGAN
Interim Finance Director


MICHAEL P. RUARK
City Attorney