

# CITY OF LYNNWOOD

## ORDINANCE NO. 2789

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING CHAPTER 11.18 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS IN SCHOOL ZONES; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, some of the most tragic traffic accidents are those involving school children which are often 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 speeding violations, corresponding injuries, and associated economic costs; and

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

WHEREAS, the City desires to improve traffic safety and pedestrian safety throughout the City with emphasis on school zones; and

WHEREAS, Washington State law now authorizes cities to use automated traffic safety cameras in certain traffic enforcement situations; now, therefore

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 11.18 of the Lynnwood Municipal Code is amended as follows:

### Chapter 11.18

#### AUTOMATED TRAFFIC SAFETY CAMERAS

Sections:

- 11.18.010 Automated traffic safety cameras – Detection of violations – Restrictions.
- 11.18.020 Notice of infraction.
- 11.18.030 Prima facie presumption.
- 11.18.040 Infractions processed.
- 11.18.050 Fine.
- 11.18.060 Nonexclusive enforcement.
- 11.18.070 School zone speed limits.

**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. (Ord. 2642 § 1, 2006)

**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 LMC 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. (Ord. 2642 § 1, 2006)

#### **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. (Ord. 2642 § 1, 2006)

#### **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, with a monetary penalty no greater than the amount of a fine issued for other parking infractions within the city. (Ord. 2642 § 1, 2006)

#### **11.18.050 Fine.**

A. The fine for an infraction, other than a school zone infraction, detected under authority of this chapter shall be a base monetary penalty of ~~\$124.00~~112.00. Whenever, in the future, the state of Washington increases the fine imposed under this chapter, by legislation or court rule, the city's fine shall be increased to a like amount upon the effective date of such legislation or court rule.

B. The fine schedule for a school zone infraction detected under authority of this chapter shall be:

1. Speeds 6-15 miles per hour over the posted 20 mile per hour zone shall be a base monetary penalty of \$124.00;

2. Speeds 16 miles per hour and above over the posted 20 mile per hour zone shall be a base monetary penalty of \$250.00.

(Ord. 2679 § 1, 2007; Ord. 2642 § 1, 2006)

#### **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 or 46.63.030(1)(a) through (e). (Ord. 2711 § 1, 2007; Ord. 2642 § 1, 2006)

**11.18.070 School zone speed limits.**

A. It shall be unlawful for any person to operate a vehicle at a speed in excess of 20 miles per hour when passing any marked school or playground crosswalk, provided such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs in accordance with WAC 468-95-340 and the Manual on Uniform Traffic Control Devices for Streets and Highways, Section 7B.11. The speed zone at the crosswalk shall extend 300 feet in either direction from the marked crosswalk.

B. Subject to WAC 468-95-330, it shall be unlawful for a person to operate a vehicle at a speed in excess of 20 miles per hour when in a school or playground speed zone which is posted with standard school or playground speed limit signs. The school or playground speed zone may extend 300 feet from the border of the school or playground property. However, the speed zone may only include the area consistent with active school or playground use.

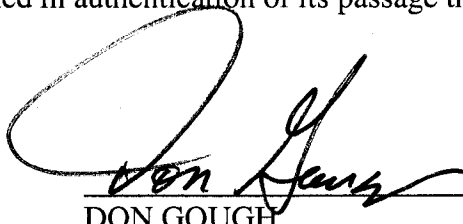
C. The speed limits set forth in subsections A and B of this section shall be effective as follows:

1. When school zone lights are flashing; and,
2. On days when school is in session; and,
3. Between the hours of 7:00 a.m. and 4:30 p.m.

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

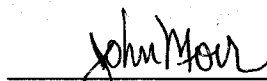
Section 3. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED THIS 8<sup>th</sup> day of June 2009, and signed in authentication of its passage this 10<sup>th</sup> day of June 2009.



DON GOUGH  
Mayor

ATTEST:



JOHN MOIR  
Finance Director

APPROVED AS TO FORM:



ERIC FRIMODT  
City Attorney