
Council Bill Number: 115392

Ordinance Number: 121944

AN ORDINANCE relating to automated traffic safety cameras; authorizing use of these cameras to detect stoplight infractions at intersections where two arterials intersect; adopting the standards and restrictions regarding use of traffic safety cameras enacted by the Washington State Legislature during the 2005 regular session; setting the monetary penalty for a stoplight infraction detected by an automated traffic safety camera; and amending Sections 11.31.020 and 11.31.120 and adding a Section to Chapter 11.31 of the Seattle Municipal Code.

Status: Passed

Note: Amgen Rezone

Vote: 9-0

Date filed with the City Clerk: 2005/10/03

Date of Mayor's signature: 2005/09/27 ([about the signature date](#))

Date introduced/referred to committee: 2005/09/19

Committee: Public Safety, Civil Rights & Arts

Sponsor: LICATA, CO-SPONSOR: RASMUSSEN

Committee Recommendation: Pass

Index Terms: TRAFFIC-SAFETY, VIDEO-TAPE-RECORDING, COMMUNICATION-SYSTEMS, FINES

Fiscal Note: [Fiscal Note to Council Bill No. 115392](#)

Electronic Copy: [PDF scan of Ordinance No. 121944](#)

Reference: Second Quarter 2005 Salary Ordinance

Text:

ORDINANCE _____

AN ORDINANCE relating to automated traffic safety cameras; authorizing use of these cameras to detect stoplight infractions at intersections where two arterials intersect; adopting the standards and restrictions regarding use of traffic safety cameras enacted by the Washington State Legislature during the 2005 regular session; setting the monetary penalty for a stoplight infraction detected by an automated traffic safety camera; and amending Sections 11.31.020 and 11.31.120 and adding a Section to Chapter 11.31 of the Seattle Municipal Code.

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, the City of Seattle has numerous arterial intersections 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,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The use of automated traffic safety cameras to detect a violation of Section 11.50.140 of the Seattle Municipal Code is authorized at intersections where two arterial roadways intersect, subject to the restrictions specified in state law (Chapter 167, Laws of 2005, "Traffic Safety Cameras," with an effective date of July 24, 2005).

Section 2. Subsection A of Section 11.31.020 of the Seattle Municipal Code is amended as follows:

11.31.020 Notice of traffic infraction - Issuance.

A. A peace officer has the authority to issue a notice of traffic infraction:

1. when the infraction is committed in the officer's presence;

2. ~~or~~ if an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; or

3. when the infraction is detected through the use of an automated traffic safety camera under Washington Laws of 2005, chapter 167, section 1.

* * *

Section 3. A new section is added to Chapter 11.31 of the Seattle Municipal Code as follows:

11.31.090 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 must 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 peace 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 of Section 11.50.140. 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 section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system and a camera synchronized to automatically record one (1) 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.

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 11.50.140, 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. (Laws of 2005, chapter 167, section 1 and RCW 46.63.075)

Section 4. A new subsection C is added to Section 11.31.120 of the Seattle Municipal Code as follows:

11.31.120 Monetary penalties.

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C. A traffic infraction for violation of Section 11.50.140 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 \$101.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2005, and signed by me in open session in authentication of its passage this ____ day of _____, 2005.

President _____ of the City Council

Approved by me this ____ day of _____, 2005.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2005.

City Clerk

(Seal)

Mike Quinn/MQ

Automated Traffic Safety Camera Ordinance

August 11, 2005

version #5

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