AN ORDINANCE of the City Council of the city of Kent, Washington, amending Chapter 9.36 of the Kent City Code, entitled "Traffic Code" by adding a new section 9.36.140, entitled "School speed zone traffic safety cameras," authorizing use of automated traffic cameras to detect school speed zone violations; adopting the statutory standards and restrictions regarding use of automated traffic safety cameras; and setting the monetary penalty for infractions detected by an automated traffic safety camera.

RECITALS

A. School speed zones are located in areas occupied by a high number of pedestrians, especially before, during and after school, and driver inattention and speeding can have devastating consequences.

B. The strategic placement of automated traffic safety cameras at school zones has been shown to reduce vehicle speeds, thereby reducing the risks to pedestrians.

C. The city of Kent has numerous school zones that would benefit from the placement of automated traffic safety cameras.

1

KCC 9.36.140
School Speed Zone Traffic Safety Cameras Ordinance
D. RCW 46.63.170 authorizes local jurisdictions to use automated traffic safety cameras to enforce speed limits in school speed zones.

E. Pursuant to RCW 46.63.170, this ordinance establishes the City’s use of automated traffic safety cameras in school speed zones, and sets forth the restrictions, public notice, and signage requirements, as well as the processing and procedural requirements for use of the automated traffic safety cameras in school speed zones.

F. As required by RCW 46.63.170, the City’s Public Works Department performed an analysis of the school speed zones located at Horizon Elementary School, Meridian Elementary School, Millennium Elementary School, Neely O’Brien Elementary School, Springbrook Elementary School, and Sunrise Elementary School. A summary of the analysis of these school speed zones is attached hereto as Exhibit A.

G. Funds derived from the use of automated traffic safety cameras in school speed zones shall be used to cover the costs of administering the program. Funds in excess of those used to cover the costs of administering the program shall be utilized for enforcement and processing of traffic and criminal laws in the city.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:
ORDINANCE

SECTION 1. – Amendment. Chapter 9.36 of the Kent City Code, entitled "Traffic Code," is amended by adding a new section 9 36 140 entitled, "School speed zone traffic safety cameras," as follows:

Sec. 9.36.140. School speed zone traffic safety cameras.

A. Authorized Use of Automated Traffic Safety Cameras. Pursuant to the authority of RCW 46.63.170, the city is authorized to use automated traffic safety cameras and related automated systems in order to detect, record, and enforce and prosecute school speed zone violations.

B. Limitation on Photos – Use of Photos.

1. Limitation on Photos. Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

2. Use of Photos. Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and 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 section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.
C. Infraction Processing – Responsibilities - Presumption.

1. In General. 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 shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).

2. Notice of Infraction. A notice of infraction must 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 subsection C.4 of this section. The law enforcement 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 under this section. Any citation or notice of infraction issued pursuant to this section may be initiated by electronic signature of the issuing police officer. 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. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

3. Registered Owner Responsible – Rental Car Business. The registered owner of a vehicle is responsible for an infraction issued pursuant to this section unless the registered owner overcomes the presumption in subsection C.5 of this section, or, in the case of a rental
car business, satisfies the conditions under subsection C.4 of this section. If appropriate under the circumstances, a renter identified under subsection C.4 of this section is responsible for an infraction.

4. **Rental Cars.** If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is issued under this section, 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:

   a. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

   b. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

   c. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of the statements described in subsections C.4.a and C.4.b to the issuing law enforcement agency relieves a rental car business of any liability under this section for the notice of infraction.

5. **Presumption.** Pursuant to RCW 46.63.075, in a traffic infraction case involving an infraction 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 a law enforced through the use of the automated traffic safety camera, 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.

D. Infraction - Penalty. It shall be an infraction to exceed the posted speed limit in a school speed zone enforced through the use of an automated traffic safety camera. The penalty for an infraction committed in a school speed zone which is detected through the use of an automated traffic safety camera shall be $124.00; provided, the penalty shall be $248.00 for a violation in which the vehicle was operated at a speed of thirty (30) miles per hour or more. In addition to the fines provided herein, a violator may be assessed any costs and assessments as required or permitted by state law or court rule.

E. Signs – Payment to Vendor – Alternative Enforcement.

1. School Zones Must be Signed. All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera 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.

2. Payment Made to Vendor. The compensation paid by the city to the manufacturer or vendor of the automated traffic safety camera
equipment must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

3. **Alternative 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 pursuant to RCW 46.63.030(1)(a), (b), or (c).

F. **Use of Funds.** Funds derived from the use of automated traffic safety cameras shall be used to pay the costs of administering the automated traffic safety camera program, including, but not limited to personnel costs, vendor costs, and equipment costs. Funds in excess of these costs may be used to fund personnel, programs, services and equipment related to the enforcement and processing of traffic and criminal laws within the city.

G. **Definition.** 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, 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.
SECTION 2. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 3. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days after its passage and publication, as provided by law.

SUZETTE COOKE, MAYOR

RONALD F. MOORE, CITY CLERK

TOM BRUBAKER, CITY ATTORNEY

KCC 9.36.140
School Speed Zone
Traffic Safety Cameras Ordinance
I hereby certify that this is a true copy of Ordinance No. 4080 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

RONALD F. MOORE, CITY CLERK
## EXHIBIT A

<table>
<thead>
<tr>
<th>SCHOOL</th>
<th>Horizon Elementary</th>
<th>Meridian Elementary</th>
<th>Millennium Elementary</th>
<th>Neeley-O'Brien Elementary</th>
<th>Springbrook Elementary</th>
<th>Sunrise Elementary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>144&lt;sup&gt;th&lt;/sup&gt; Ave S.E</td>
<td>S.E. 256&lt;sup&gt;th&lt;/sup&gt; St</td>
<td>124&lt;sup&gt;th&lt;/sup&gt; Ave S.E</td>
<td>64&lt;sup&gt;th&lt;/sup&gt; Ave. S.</td>
<td>S.E. 200&lt;sup&gt;th&lt;/sup&gt; St</td>
<td>132&lt;sup&gt;nd&lt;/sup&gt; Ave S.E</td>
</tr>
<tr>
<td></td>
<td>Study 4/18/13 (Thurs)</td>
<td>Study 4/18/13 (Thurs)</td>
<td>Study 4/18/13 (Thurs)</td>
<td>Study 4/29/13 (Mon)</td>
<td>Study 4/18/13 (Thurs)</td>
<td>Study 4/25/13 (Thurs)</td>
</tr>
<tr>
<td><strong>24 Hour Volume</strong></td>
<td>2,504</td>
<td>12,395</td>
<td>6,588</td>
<td>4,520</td>
<td>6,068</td>
<td>10,953</td>
</tr>
<tr>
<td><strong>Total Volume</strong></td>
<td>316</td>
<td>845</td>
<td>593</td>
<td>548</td>
<td>406</td>
<td>964</td>
</tr>
<tr>
<td><strong>Total Volume During Flash Times</strong></td>
<td>95</td>
<td>367</td>
<td>478</td>
<td>459</td>
<td>251</td>
<td>755</td>
</tr>
<tr>
<td><strong>Total Volume Exceeding 20 mph</strong></td>
<td>26</td>
<td>77</td>
<td>202</td>
<td>297</td>
<td>76</td>
<td>478</td>
</tr>
<tr>
<td><strong>Total Volume Exceeding 25 mph</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Volume Exceeding 30 mph</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Highest Speed Recorded during flash times</strong></td>
<td>36</td>
<td>57</td>
<td>44</td>
<td>45</td>
<td>34</td>
<td>51</td>
</tr>
</tbody>
</table>

P:\Civil\Ordinance\School Zone Traffic Safety Cameras Ordinance Final Docx