

Ordinance No. 121944

Council Bill No. 115392

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

*Michael L. Smith*

Councilmember

*Tom Rosander*

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.

## Committee Action:

pass 4-0 NL, PS, DD, TR 9/20/05 *LT*

9-26-05 Passed 9-0

CF No. \_\_\_\_\_

Date Introduced:	<u>SEP 2 2005</u>
Date 1st Referred:	<u>SEP 29 2005</u> To: (committee) <u>Public Safety, Civil Rights &amp; Arts</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage:	<u>9-26-05</u> Full Council Vote: <u>9-0</u>
Date Presented to Mayor:	<u>9-27-05</u> Date Approved: <u>10/3/05</u>
Date Returned to City Clerk:	<u>10/3/05</u> Date Published: <u>4/9/05</u> T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (initial/date)

*Law Department*

Law Dept. Review      OMP Review      City Clerk Review      Electronic Copy Loaded      Indexed

*V*

*9*

ORDINANCE 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.

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 circumstances, a renter identified under subsection C1 of this section is responsible for such an  
2 infraction.

3 C. If the registered owner of the vehicle is a rental car business, the peace officer shall,  
4 before such a notice of infraction is issued, provide a written notice to the rental car business that  
5 a notice of infraction may be issued to the rental car business if the rental car business does not,  
6 within eighteen (18) days of receiving the written notice, provide to the peace officer by return  
7 mail:

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

10 2. A statement under oath that the business is unable to determine who was  
11 driving or renting the vehicle at the time the infraction occurred; or

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

14 Timely mailing of this statement to the peace officer relieves a rental car business of any  
15 liability under this chapter for the notice of infraction.

16 D. For the purposes of this section, "automated traffic safety camera" means a device  
17 that uses a vehicle sensor installed to work in conjunction with an intersection traffic control  
18 system and a camera synchronized to automatically record one (1) or more sequenced  
19 photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time  
20 the vehicle fails to stop when facing a steady red traffic control signal.

21 E. In a traffic infraction case involving an infraction detected through the use of an  
22 automated traffic safety camera, proof that the particular vehicle described in the notice of traffic  
23 infraction was in violation of Section 11.50.140, together with proof that the person named in the  
24 notice of traffic infraction was at the time of the violation the registered owner of the vehicle,  
25 constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the  
26 person in control of the vehicle at the point where, and for the time during which, the violation  
27 occurred. This presumption may be overcome only if the registered owner states, under oath, in a  
28



1 written statement to the court or in testimony before the court that the vehicle involved was, at  
2 the time, stolen or in the care, custody, or control of some person other than the registered owner.  
3 (Laws of 2005, chapter 167, section 1 and RCW 46.63.075)

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

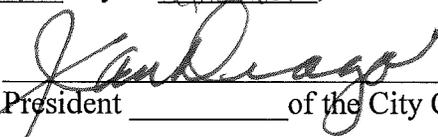
6 **11.31.120 Monetary penalties.**

7 \* \* \*

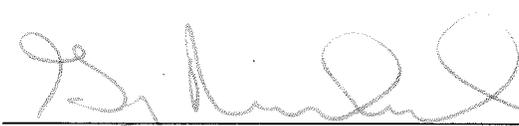
8 C. A traffic infraction for violation of Section 11.50.140 detected through the use of an  
9 automated traffic safety camera shall be processed in the same manner as a parking infraction,  
10 with a base monetary penalty of \$101.

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

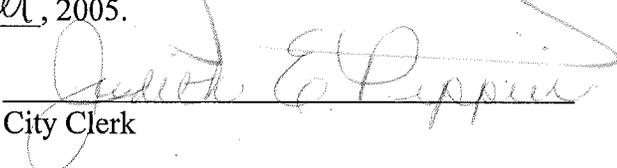
14 Passed by the City Council the 26<sup>th</sup> day of September, 2005, and signed by me in open  
15 session in authentication of its passage this 26<sup>th</sup> day of September, 2005.

16   
17 \_\_\_\_\_  
18 President \_\_\_\_\_ of the City Council

19 Approved by me this 3<sup>rd</sup> day of October, 2005.

20   
21 \_\_\_\_\_  
22 Gregory J. Nickels, Mayor

23 Filed by me this 3<sup>rd</sup> day of October, 2005.

24   
25 \_\_\_\_\_  
26 City Clerk

27 (Seal)  
28





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

August 30, 2005

Honorable Jan Drago  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

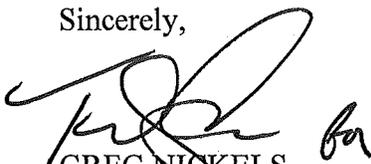
Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill that authorizes the use of automated traffic safety cameras in the City of Seattle to detect stoplight violations. The proposed legislation does four things: authorizes the use of these cameras at arterial intersections; adopts regulatory standards set forth in new legislation enacted by the Washington State Legislature during the 2005 regular session; sets the monetary penalty for automated traffic safety camera citations at \$101 per violation; and makes appropriate changes to Chapter 11.31 of the Seattle Municipal Code to allow for the use of traffic safety cameras in the city.

The running of red lights by motor vehicle operators has long been a serious problem locally and nationally. The right-angle collisions associated with stoplight violations have caused many serious injuries and deaths. Recognizing the seriousness of this issue, the State Legislature in its recently concluded session passed permanent legislation authorizing the use of automated traffic safety cameras and setting standards for the adoption of programs by local jurisdictions.

The attached Bill will help to reduce the frequency of red light running in the City of Seattle, and help to eliminate the human suffering and economic costs associated with such incidents. Thank you for your consideration of this legislation. Should you have questions, please contact Deputy Chief John Diaz at 615-0935.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Police	Mike Quinn/625-1230	Greg Doss/615-1759

**Legislation Title:** 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.

- **Summary of the Legislation:** This legislation does four things: 1) it authorizes the use of automated traffic safety cameras to detect stoplight infractions at intersections where two arterial roadways intersect; 2) it adopts regulatory standards and restrictions set forth in new legislation enacted by the Washington State Legislature during the 2005 regular session; 3) it sets the monetary penalty for automated traffic safety camera citations at \$101 per violation; and 4) it amends Sections 11.31.020 and 11.31.120 and adds a new Section to Chapter 11.31 of the Seattle Municipal Code.
- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The running of red lights by motor vehicle operators has long been a serious problem both nationally and in Seattle as well. The right-angle collisions associated with red light running have caused many serious injuries and deaths. Cognizant of this fact, the State Legislature in its recently concluded session passed permanent legislation authorizing the use of automated traffic safety cameras and setting forth standards for the adoption of programs by local jurisdictions.

The standards applicable to this Ordinance are contained in Chapter 167, Laws of 2005, an act relating to the regulation of automated traffic safety cameras, with an effective date of July 24, 2005. The principal standards and restrictions in this legislation include the following:

- The local legislative authority must enact an ordinance authorizing the use of automated traffic safety cameras, and this ordinance must include or incorporate by reference all of the restrictions set forth in the state law.



- Automated cameras may only be used to detect stoplight, railroad crossing, or school speed zone violations.
  - Cameras may only be used to detect stoplight violations at intersections where two arterial roadways intersect; they cannot be used at mid block or where arterials intersect residential streets.
  - The cameras may only take pictures of the vehicle and vehicle license plate. The camera must not record the face of the driver or passengers.
  - A notice of infraction must be authorized by a law enforcement officer and mailed to the registered owner of the vehicle within 14 days of the infraction. The registered owner is responsible for the infraction unless he or she signs an affidavit swearing that he or she was not driving the vehicle. In this event, there is no monetary penalty for the registered owner.
  - No pictures may be used for any purpose other than to prove the violation charged.
  - All locations where cameras are used must be clearly marked by placement of signs indicating the presence of a zone where stoplights are enforced by automated traffic safety cameras.
  - Any compensation paid to the camera vendor can only be based on the value of the equipment and/or services provided and must not be based on a percentage of the penalties imposed or the revenue generated.
  - Infractions generated through the used of these cameras will not be part of the registered owner's driving record. They will be treated as parking infractions with a monetary penalty no higher than "a fine issued for other parking infractions by the jurisdiction."
  - Rental car businesses will have the opportunity to identify the vehicle renter, to avoid having to pay the penalty.
- *Please check one of the following:*

**X This legislation has financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

While this legislation does not appropriate funds, it authorizes the use of the red light cameras, which have fiscal implications for both the 2005 Adopted Budget and the Mayor's 2006 Proposed Budget.

In the 2005 First Quarter Supplemental Budget, the Council appropriated funding to the Seattle Department of Transportation (SDOT) to implement a red light pilot program. This funding, or the amount therein necessary to implement this legislation, will be partially re-allocated to SPD and SDOT via a 2005 supplemental ordinance, and partially allocated to the same departments as part of the Mayor's 2006 Proposed Budget. The fine revenue is considered as part of the overall revenue strategy on the volatile \$15 million Fine and Forfeiture revenue assumed in the Mayor's 2006 Proposed Budget.



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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190649  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

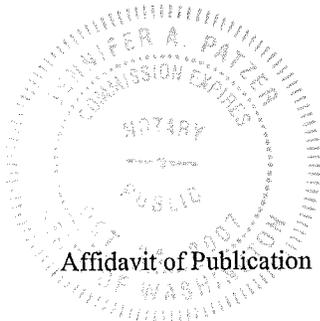
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121944 ORDINANCE

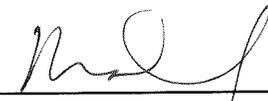
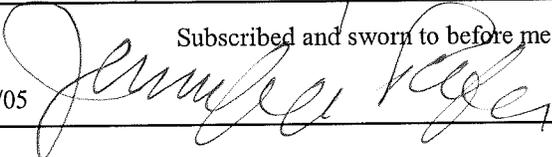
was published on

10/06/05

The amount of the fee charged for the foregoing publication is the sum of \$ 251.75, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/06/05   
\_\_\_\_\_

Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 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.

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.

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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.

# State of Washington, King County

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.**

\*\*\*

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 26th day of September, 2005, and signed by me in open session in authentication of its passage this 26th day of September, 2005.

Jan Drago

President of the City Council

Approved by me this 3rd day of October, 2005.

Gregory J. Nickels, Mayor

Filed by me this 3rd day of October, 2005.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, October 6, 2005.

10/6(190649)