

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2023-16

SUBJECT: Automated Traffic Safety Cameras

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 09/20/2023
- Passed by the City Council: 11/15/2023
- Signature of Mayor
- Signature of City Clerk
- Publication: 11/20/2023
- Effective: 11/25/2023
- Recorded: _____

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Kati Diehl
Deputy City Clerk

11/16/2023
Date

ORDINANCE NO. 2023-16

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO TRAFFIC INFRACTIONS; ADOPTING A NEW CHAPTER OF THE POULSBO MUNICIPAL CODE AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS IN DESIGNATED ZONES, AND ADOPTING STANDARDS RELATED THERETO, TO BE CODIFIED AS POULSBO MUNICIPAL CODE CHAPTER 10.10; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Poulsbo desires to improve traffic safety and pedestrian safety throughout the City; and

WHEREAS, excessive vehicle speed is one of the principal factors implicated in pedestrian injuries and fatalities, both locally and nationally; and

WHEREAS, RCW 46.63.170 authorizes the use of automated traffic safety cameras for enforcement of certain traffic violations at two-arterial intersections, school speed zones, school walk areas, public park speed zones, and hospital speed zones with certain requirements and limitations; and

WHEREAS, reduced speeds in such designated zones help decrease the likelihood of an accident in areas with increased school-related and other pedestrian and vehicular traffic; and

WHEREAS, pursuant to RCW 43.63.170(1)(a) the City has prepared a speed report analysis of three locations within the city where automated traffic safety cameras are proposed to be located: that portion of Noll Rd. fronting Poulsbo Elementary School, on Viking Ave at Stendahl Ct., and the traffic signals on SR305 at Bond Rd.;

WHEREAS, the City Council desires to authorize the installation and use of automated traffic safety cameras within the city, pursuant to state law, to enhance enforcement of speed laws and promote public safety;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 10.10 of the Poulsbo Municipal Code Established. A chapter of the Poulsbo Municipal Code entitled "Automated Traffic Safety Cameras," to be codified as Poulsbo Municipal Code (PMC) Chapter 10.10, is hereby established to read as set forth in Exhibit A attached hereto and fully incorporated as if set forth herein.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Corrections. The City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbers and section/subsection numbering.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

APPROVED:

DocuSigned by:


77AA4B38C18A4BA
MAYOR, BECKY ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:

D21DA14DCC754A8...
CITY CLERK RHIANNON FERNANDEZ, CMC

APPROVED AS TO FORM:
OFFICE OF CITY ATTORNEY:

DocuSigned by:

833D0DC77E3647E...
BY: OGDEN MURPHY WALLACE, PLLC

FILED WITH THE CITY CLERK: 09/20/2023
PASSED BY THE CITY COUNCIL: 11/15/2023
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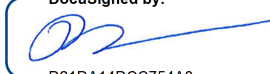
SUMMARY OF ORDINANCE NO. 2023-16
of the City of Poulsbo, Washington

On November 15, 2023 the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2023-16, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO TRAFFIC INFRACTIONS; ADOPTING A NEW CHAPTER OF THE POULSBO MUNICIPAL CODE AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS IN DESIGNATED ZONES, AND ADOPTING STANDARDS RELATED THERETO, TO BE CODIFIED AS POULSBO MUNICIPAL CODE CHAPTER 10.10; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request.

DATED this 15th day of November, 2023.

DocuSigned by:

D21DA14DCC754A8

CITY CLERK, RHIANNON FERNANDEZ CMC

EXHIBIT A

Chapter 10.10

AUTOMATED TRAFFIC SAFETY CAMERAS

Sections:

- 10.10.010 Authorized use of automated traffic safety cameras.
- 10.10.020 Notice of infraction.
- 10.10.030 Request for hearing.
- 10.10.040 Presumption of committed infraction—presumption overcome.
- 10.10.050 Infractions processed.
- 10.10.060 Non-Exclusive Enforcement
- 10.10.070 Penalties
- 10.10.080 Authorization for use of electronic signatures.

10.10.010 Authorized use of automated traffic safety cameras.

A. Law enforcement officers of the City of Poulsbo and persons commissioned by the Poulsbo Police Department are authorized to use automated traffic cameras and related automated systems to detect one or more of the following:

1. Stoplight violations at the intersection of two arterials defined as a violation of RCW 46.61.440.
2. School speed zone violations defined as a violation of a school or playground speed zone established by, or under, RCW 46.61.440 or any roadway identified in a school walk area as defined by RCW 28A.160.160.
3. Speed zone violations in a public park speed zone as defined in RCW 46.63.170(b)(ii).

B. Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. Pictures taken by automated traffic safety cameras may not reveal the face of the driver or of the passengers in the vehicle.

C. The City shall clearly mark all locations where automated traffic safety cameras are in use by placing signs in locations that clearly indicate to the driver that they are entering a zone where traffic laws are enforced by an automated traffic safety camera.

D. For the purposes of this chapter, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic 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 exceeds a speed limit as detected by a speed measuring device.

10.10.020 Notice of infraction.

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within fourteen (14) days of the violation, or to the renter of the vehicle within fourteen (14) days of establishing the renter's name and address under this section.

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 eighteen (18) days of receiving the written notice, provide to the issuing 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 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 issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

C. 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 chapter.

D. 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.

10.10.030 Request for hearing.

A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail. The person receiving the infraction may also request a hearing.

10.10.040 Presumption of committed infraction—presumption overcome.

A. 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 in violation of any such provision of RCW 43.63.170 or this chapter, 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, 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 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.

10.10.050 Infractions processed.

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 under this chapter shall be processed in the same manner as parking infractions, including for the purposes of RCW [3.46.120](#), [3.50.100](#), [35.20.220](#), [46.16.216](#) and [46.20.270\(3\)](#).

10.10.060 Non-exclusive 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 [46.63.030\(1\)\(a\)](#), [\(b\)](#), or [\(c\)](#).

10.10.070 Penalties.

A. The penalty for a stoplight violation at the intersection of two arterials violation detected through the use of an automated traffic safety camera shall be equal to the monetary penalty for a violation of RCW [46.61.050](#) as provided under RCW [46.63.110](#), including all applicable statutory assessments. Whenever the state of Washington increases the fine imposed for a violation of RCW [46.61.050](#), by legislation or court rule, the city's fine shall be increased to an amount equal to the increase imposed by legislation or court rule upon the effective date of such legislation or court rule.

B. The penalty for a speed zone violation in a public park detected through the use of an automated traffic safety camera shall be equal to the monetary penalty for a violation of RCW 46.61.400, including all applicable statutory assessments. Whenever the state of Washington increases the fine imposed for a violation of RCW [46.61.050](#), by legislation or court rule, the city's fine shall be increased to an amount equal to the increase imposed by legislation or court rule upon the effective date of such legislation or court rule.

C. The penalty for a school speed zone violations detected through the use of an automated traffic safety camera shall be as follows:

1. Speeds six to 10 miles per hour over the posted 20 miles per hour zone shall be a base monetary penalty of \$150.00;
2. Speeds 11 to 15 miles per hour over the posted 20 miles per hour zone shall be a base monetary penalty of \$200.00;
3. Speeds 16 and above per hour over the posted 20 miles per hour zone shall be a base penalty of \$250.00

10.10.080 Authorization for use of electronic signatures.

In connection with the photo enforcement program as set forth in this chapter, the Chief of Police or their designee is authorized to utilize electronic signatures in accordance with the provisions of Chapter 19.43.