

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO TRAFFIC INFRACTIONS; AMENDING CHAPTER 10.10 OF THE POULSBO MUNICIPAL CODE AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS IN DESIGNATED ZONES, AS REQUIRED UNDER HOUSE BILL 2384 OF THE WASHINGTON STATE LEGISLATURE; 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, Chapter 46.63 RCW 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, on November 15, 2023, the City passed Ordinance 2023-16, which authorized the use of automated traffic safety cameras in three designated zones pursuant to RCW 46.63.170 and established Chapter 10.10 of the Poulsbo Municipal Code, "Automated Traffic Safety Cameras;" and

WHEREAS, the Washington State Legislature enacted Engrossed Substitute House Bill 2384 ("ESHB 2384") in the 2024 session, which repealed RCW 46.63.170 and reenacted the provisions enabling cities to install and operate automated traffic safety cameras in new RCW sections; and

WHEREAS, ESHB 2384 reduces the maximum penalty that can be imposed on all infractions other than speeding in a school zone to \$145; and

WHEREAS, ESHB 2384 additionally imposes new and different restrictions on the revenue raised by new cameras and existing cameras that detect violations; and

WHEREAS, the amendments to the Poulsbo Municipal Code contained in this Ordinance are necessary to bring the City's automated traffic safety camera program into compliance with state law as amended by ESHB 2384; and

}

WHEREAS, the Poulsbo City Council finds that the adoption of this Ordinance is necessary and proper to protect public safety and welfare.

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

Section 1. PMC 10.10.010 is amended as follows:

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.~~050440~~.
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 Chapter 46.63 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.

Section 2. PMC 10.10.020 is amended as follows:

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 [Section 2, Chapter 307, Laws of 2024 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.

Section 3. PMC 10.10.040 is amended as follows:

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 [Section 2, Chapter 307, Laws of 2024, 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.

Section 4. PMC 10.10.070 is amended as follows:

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 an infraction under Section 2(16), Chapter 307, Laws of 2024, as adjusted for inflation by the office of financial management every five years. ~~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 for an infraction under Section 2(16), Chapter 307, Laws of 2024, as adjusted for inflation by the office of financial management every five years. ~~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

D. Registered owners of vehicles who receive notices of infraction under this Chapter and are recipients of public assistance under Title 74 RCW, or are participants in the Washington women, infants, and children program, may request reduced penalties for their first automated traffic safety camera violation and for subsequent violations issued within 21 days of issuance of the first violation. Such qualifying penalty amounts will be reduced by 50%.

E. Except as provided in Subsection F of this Section, pursuant to Section 2(13), Chapter 307, Laws of 2024, revenue from fines assessed under authority of this Chapter shall be used solely

}

for:

1. Traffic safety activities related to construction and preservation projects and maintenance projects and maintenance and operations purposes including, but not limited to, projects designed to implement the complete streets approach as defined in RCW 47.04.010, changes in physical infrastructure to reduce speeds through road design, and changes to improve safety for active transportation users, including improvements to access and safety for road users with mobility, sight, or other disabilities.
2. The cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions.

F. Revenue from fines assessed under authority of this Chapter detected at camera locations in effect prior to January 1, 2024 may continue to be allocated as determined by the City, pursuant to Section 2(13)(d), Chapter 307, Laws of 2024.

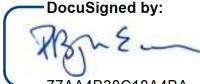
D.G. Beginning four years after an automatic traffic safety camera authorized under this Chapter is initially placed and in use, when required by Section 2, Chapter 307, Laws of 2024, 25 percent of the noninterest money received for infractions issued under this Chapter for exceeding the speed limit in excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions, shall be deposited in the Cooper Jones active transportation safety account created in RCW 46.68.480.

Section 5. 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 6. 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 7. 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:

Signed by:

BY: 833D0DC77F3647E...

OGDEN MURPHY WALLACE, PLLC

FILED WITH THE CITY CLERK: 07/11/2024

PASSED BY THE CITY COUNCIL: 08/07/2024

PUBLISHED: 08/12/2024

EFFECTIVE DATE: 08/17/2024

ORDINANCE NO. 2024-11

SUMMARY OF ORDINANCE NO. 2024-11
of the City of Poulsbo, Washington

On 08/07/2024, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2024-11, 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; AMENDING CHAPTER 10.10 OF THE POULSBO MUNICIPAL CODE AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS IN DESIGNATED ZONES, AS REQUIRED UNDER HOUSE BILL 2384 OF THE WASHINGTON STATE LEGISLATURE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 7th day of August, 2024.

DocuSigned by:


D21DA14DCC754A8

CITY CLERK, RHIANNON FERNANDEZ CMC