

46 and, as provided in RCW 46.63.170(1)(f) are not open to the public and
47 may not be used in a court in a pending action or proceeding unless the
48 action or proceeding relates to a violation under this chapter. No
49 photograph, microphotograph or electronic image may be used for any
50 purpose other than enforcement of violations under this chapter nor
51 retained longer than necessary to enforce this chapter.

52

53 **12.14.020 Definition of automated traffic safety camera.**

54 For the purposes of this ordinance, "automated traffic safety
55 camera" means a device that uses a vehicle sensor installed to work in
56 conjunction with a speed measuring device, and a camera synchronized
57 to automatically record one or more sequenced photographs,
58 microphotographs, or electronic images of the rear of a motor vehicle
59 at the time the vehicle exceeds a speed limit in a school zone as detected
60 by a speed measuring device.

61

62 **12.14.030 Notice of infraction.**

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

68

69 B. If the registered owner of the vehicle is a rental car business,
70 the police department shall, before a notice of infraction is issued,
71 provide a written notice to the rental car business that a notice of
72 infraction may be issued to the rental car business if the rental car
73 business does not, within eighteen days of receiving the written notice,
74 provide to the police department by return mail:

75

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

79

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

83

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

86

87 Timely mailing of either statement to the police department relieves a
88 rental car business of any liability under this chapter for the notice of
89 infraction.

90

91 C. The law enforcement officer issuing the notice of infraction shall
92 include with it a certificate or facsimile thereof, based upon inspection
93 of photographs, microphotos or electronic images produced by an
94 automated traffic safety camera, stating the facts supporting the notice
95 of infraction. This certificate or facsimile is prima facie evidence of the
96 facts contained in it and is admissible in a proceeding charging a
97 violation under this chapter.

98

99 **12.14.040 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

100 mail in accordance with Kirkland Municipal Court policy. The person
101 receiving the infraction may also request a hearing.

102 **12.14.050 Presumption of committed infraction/presumption**
103 **overcome.**

104 A. In a traffic infraction case involving an infraction detected
105 through the use of an automated traffic safety camera under this
106 chapter, proof that the particular vehicle described in the notice of traffic
107 infraction was in violation of this chapter, together with proof that the
108 person named in the notice of traffic infraction was at the time of the
109 violation the registered owner of the vehicle, constitutes in evidence a
110 prima facie presumption that the registered owner of the vehicle was
111 the person in control of the vehicle at the point where, and for the time
112 during which, the violation occurred.

113
114 B. This presumption may be overcome only if the registered owner
115 states, under oath, in a written statement to the court or in testimony
116 before the court that the vehicle involved was, at the time, stolen or in
117 the care, custody, or control of some person other than the registered
118 owner.

119
120 **12.14.060 Infractions processed.**

121 Infractions detected through the use of automated traffic safety
122 cameras are not part of the registered owner's driving record under
123 RCW 46.52.101 and 46.52.120. Additionally, infractions generated by
124 the use of automated traffic safety cameras under this chapter shall be
125 processed in the same manner as parking infractions, including for the
126 purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216 and
127 46.20.270(3).

128
129 **12.14.070 Issuing infractions.**

130 Nothing in this section prohibits a law enforcement officer from
131 issuing a notice of traffic infraction to a person in control of a vehicle at
132 the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

133
134 **12.14.080 Penalties.**

135 A. After establishing initial penalties by resolution, unless otherwise
136 designated, subsequent penalties shall be set by resolution of the city
137 council. The maximum penalty for infractions detected pursuant to the
138 provisions of this chapter shall not exceed the maximum amount of fine
139 issued for other parking infractions within the City.

140
141 B. Revenue from fines assessed under authority of this ordinance
142 shall be used solely for traffic safety purposes or as otherwise provided
143 by state law. For purposes of this section, the term "traffic safety
144 purposes" may include, but is not limited to, the following:

- 145
146 1. Personnel costs for employees or contractors who are involved
147 in automated speed enforcement planning and implementation,
148 including professional services such as traffic engineering services;
149 2. Personnel costs for employees or contractors who are involved
150 in automated speed enforcement, court hearings, fine collection or other
151 processing, including expert witness fees;

152 3. Costs associated with speed studies and training of employees
153 or contractors involved with the automated speed enforcement
154 program;

155 4. Purchase and/or maintenance of equipment, including signage,
156 related to the automated speed enforcement program;

157 5. Costs associated with traffic safety personnel and projects in the
158 Transportation Capital Improvement Plan, Neighborhood Safety
159 Program, and Safer Routes to School Action Plans that improve school
160 safety and pedestrian and bicycle safety, including but not limited to,
161 sidewalks, crosswalk improvements, lighting, rapid flashing beacons,
162 bicycle facilities, trails and signage.

163 6. Revenue from fines assessed under authority of the ordinance
164 shall not be diverted to non-traffic safety purposes.
165

166
167 **12.14.090 Compensation for services.**

168 The compensation paid to the manufacturer or vendor of the
169 automated speed enforcement camera equipment used shall be based
170 only upon the value of the equipment and services provided or rendered
171 in support of the system and shall not be based upon a portion of the
172 penalty imposed or the revenue generated by the equipment.
173

174 **12.14.100 Annual Reporting**

175 The City shall post an annual report that includes the effectiveness
176 of traffic safety cameras on slowing speeds and improving school safety
177 on the number of traffic accidents occurring at a location where
178 automated traffic safety cameras are located as well as the number of
179 infractions issued by each camera.
180

181 Section 2. If any provision of this ordinance or its application to
182 any person or circumstance is held invalid, the remainder of the
183 ordinance or the application of the provision to other persons or
184 circumstances is not affected.
185

186 Section 3. This ordinance shall be in force and effect five days
187 from and after its passage by the Kirkland City Council and publication
188 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
189 form attached to the original of this ordinance and by this reference
190 approved by the City Council.
191

192 Passed by majority vote of the Kirkland City Council in open
193 meeting this 5th day of March, 2019.
194

195 Signed in authentication thereof this 5th day of March, 2019.


Penny Sweet, Mayor

Attest:

Publication Date: 03/11/2019


Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4681

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING THE KIRKLAND MUNICIPAL CODE TO ENACT A NEW CHAPTER 12.14 AUTHORIZING AUTOMATED TRAFFIC ENFORCEMENT IN SCHOOL ZONES.

SECTION 1. Creates a new Kirkland Municipal Code Chapter 12.14 entitled "Automated Traffic Safety Cameras."

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 5th day of March, 2019.

I certify that the foregoing is a summary of Ordinance O-4681 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk

Publication Date: 03/11/2019