

RESOLUTION NO. 2012/022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, PROVIDING FOR THE SUBMISSION OF A NONBINDING ADVISORY BALLOT PROPOSITION TO THE QUALIFIED ELECTORS OF THE CITY AT THE NOVEMBER 6, 2012 ELECTION REGARDING THE AUTOMATED TRAFFIC SAFETY CAMERA PROGRAM ADOPTED UNDER ORDINANCE NO. 002/2007.

WHEREAS, to promote vehicular and pedestrian safety, the City of Monroe adopted Ordinance No. 002/2007, instituting an Automatic Traffic Safety Camera program and codifying regulations regarding the same at Chapter 10.14 of the Monroe Municipal Code (MMC); and

WHEREAS, the City Council desires to call for an election submitting to the voters of the City a nonbinding advisory ballot regarding the continuation of the City's Automatic Traffic Safety Camera program; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Election Called For. The Monroe City Council hereby calls for submission of a nonbinding advisory ballot proposition to the qualified electors of the City asking whether the City should continue the Automated Traffic Safety Camera program enacted under Ordinance No. 002/2007 and codified at Chapter 10.14 MMC. The Snohomish County Auditor, as *ex officio* supervisor of elections in Snohomish County, is hereby requested to call the election in the City of Monroe on November 6, 2011, in conjunction with the general election scheduled for that date.

Section 2. Ballot Proposition. The City Clerk is hereby authorized, not later than August 7, 2012, to certify a proposition to the Snohomish County Auditor's Office, as *ex-officio* supervisor of elections in Snohomish County Washington, in substantially the following form:

CITY OF MONROE PROPOSITION NO. 2
ADVISORY VOTE ON ORDINANCE NO. 002/2007

In 2007 the Monroe City Council adopted Ordinance No. 002/2007, establishing an Automated Traffic Safety Camera program that is now codified at Chapter 10.14 of the Monroe Municipal Code. In accordance with RCW 46.63.170, this program authorizes the use of Automated Traffic Safety Cameras to detect certain traffic infractions at specified locations within the City, imposes penalties for violations, and establishes procedural regulations.

Should the program adopted under Ordinance No. 002/2007 be continued?

YES _____

NO _____

Section 3. Changes. The Mayor and City Attorney are authorized to make such minor adjustments to the wording of such proposition as may be recommended by the Snohomish County Auditor's Office—Elections Division, as long as the intent of the proposition remains clear and consistent with the intent of this resolution as approved by the City Council.

Section 4. Retraction Authority. To the fullest extent allowed by law, the City Council expressly reserves the right in its sole discretion to retract such proposition for any sufficient cause. The Mayor is hereby authorized to exercise such authority, subject to subsequent ratification by the City Council.

Section 5. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 6. Effective Date. This resolution shall take effect and be in full force immediately upon passage by the City Council.

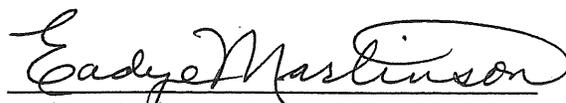
PASSED by the City Council this 24th day of July, 2012.

CITY OF MONROE, WASHINGTON



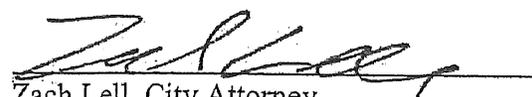
Robert G. Zimmerman, Mayor

ATTEST:



Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:



Zach Lell, City Attorney

Exhibit A
Ordinance No. 002/2007

ORDINANCE NO. 002/2007

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADOPTING A NEW CHAPTER 10.14 OF THE MONROE MUNICIPAL CODE AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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, some of the most tragic traffic accidents (those involving school children) are the result of speeding in school zones; and

WHEREAS, the strategic placement of automated cameras in school zones to record speeding violations has been shown to reduce the frequency of violations, corresponding injuries, and associated economic costs; and

WHEREAS, the City of Monroe has numerous arterial intersections that would benefit from the strategic placement of automated traffic safety cameras; and

WHEREAS, the City of Monroe has numerous school zones 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,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY DO ORDAIN AS FOLLOWS:

Section 1. Automated Traffic Safety Cameras. A new Chapter 10.14 entitled "Automated Traffic Safety Cameras" is hereby added to the Monroe Municipal Code to read as follows:

CHAPTER 10.14

AUTOMATED TRAFFIC ENFORCEMENT

Sections:

- 10.14.010 Preamble
- 10.14.020 Authorized Use of Automated Traffic Safety Cameras
- 10.14.030 Notice of Infraction for Automated Traffic Control Systems
- 10.14.040 Request for Hearing
- 10.14.050 Presumption of Committee Infraction - Presumption Overcome
- 10.14.060 Infractions Processed
- 10.14.070 Fines
- 10.14.080 Non-Exclusive Enforcement
- 10.14.090 Authorization for Use of Electronic Signatures

10.14.010 Preamble. Washington law now authorizes the use by cities of automated traffic safety cameras for certain traffic enforcement. The city recognizes the value of implementing an automated traffic enforcement program in furtherance of city goals of creating a safer environment for its citizens.

10.14.020 Authorized Use of Automated Traffic Safety Cameras.

A. Law enforcement officers of the city and persons commissioned by the police chief are authorized to use automated traffic cameras and related automated systems to detect one or more of the following traffic infractions:

1. Stoplight infractions
2. Railroad crossing violations.
3. School speed zone violations.

B. The use of automated traffic cameras is subject to the following restrictions:

1. Use of traffic safety cameras is restricted to "two arterial intersections" (the intersections of two arterial streets), railroad crossings and school speed zones only.
2. Automated traffic cameras may only take pictures of the vehicle and the 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 a driver that he or she is 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, 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.

10.14.030 Notice of Infraction for Automated Traffic Control Systems.

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 a 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 the inspection of photographs, micro-photos or electronic images 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.

10.14.040 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 mail. The person receiving the infraction may also request a hearing.

10.14.050 Presumption of Committed Infraction – Presumption Overcome.

A. In a traffic infraction case involving an infraction detected through the use of a photo enforcement system under RCW 46.63.170, as now enacted or hereafter amended, or detected through the use of an automated traffic safety camera under this section, proof that a particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW 46.63.170, 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 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.

10.14.060 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, as now enacted or hereafter amended. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions prosecuted under this code, including for the purposes of RCW 3.50.100, 3.62.040, 46.16.216, and 46.20.270, and any other applicable statutes.

10.14.070 Fines. The fine for infractions committed pursuant to the provisions of this chapter shall be one hundred one dollars (\$101.00).

10.14.080 Non-exclusive 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 under RCW 46.63.030(1) (a), (b) or (c).

10.14.090 Authorization for Use of Electronic Signatures.

A. It is contemplated that in the use of traffic safety cameras the infractions would be developed automatically through electronic programs tied to the traffic safety camera. In order to minimize handling issues and to facilitate prompt transfer of charging documents, the city wishes to use the electronic signature system authorized pursuant to RCW Chapter 19.34.

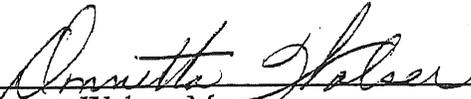
B. In connection with the traffic safety camera program, the police chief or the chief's designee is authorized to utilize electronic signatures in accordance with the provisions of RCW Chapter 19.34.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 20th day of February, 2007.

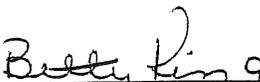
CITY OF MONROE, WASHINGTON



Donnetta Walser, Mayor

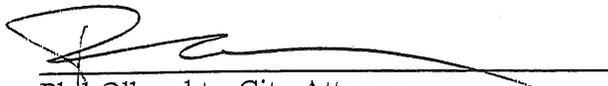
1st Reading: 02/20/07
Published: 02/27/07
Effective: 03/04/07

ATTEST:



Betty King, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney