

ORDINANCE 24-1290

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTER 10.06 OF THE LAKE FOREST PARK MUNICIPAL CODE, RELATED TO AUTOMATED TRAFFIC SAFETY CAMERAS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Forest Park is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and has the authority to regulate the use of City streets pursuant to RCW 35A.11.020; and

WHEREAS, the City has an interest in maintaining the safety and welfare of its citizens and to ensure City streets are monitored in a safe manner for their intended use; and

WHEREAS, this amendment to Chapter 10.06 of the Lake Forest Park Municipal Code ("LFPMC"), Automated Traffic Safety Cameras, will add types of traffic safety cameras that may be used, amend the "presumption" section of the chapter to apply to all types of traffic safety cameras in the City, and update references to state statutes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. AMENDMENT. Section 10.06.010 LFPMC, Automated traffic safety cameras – Detection of violations – Restrictions, is amended as follows:

10.06.010 Automated traffic safety cameras – Detection of violations – Restrictions

A. A City law enforcement officers and persons commissioned by the Lake Forest Park police chief are authorized to use automated traffic cameras and related automated systems to detect and record the image of: (1) stoplight violations at the intersection of two arterials; (2) school speed zone violations; (3) speed zone violations on any roadway identified in a school walk area as defined by RCW 28A.160.160; (4) speed zone violations in public park speed zone as defined in RCW 46.63.0001470(b)(ii); and (5) speed violations when the location is in an area within the city limits designated by ordinance as a zone subject to specified restrictions and penalties on racing and race attendance; (6) violations of traffic ordinances on state highways that are also classified as a city street under chapter 47.24 RCW; (7) speed violations in locations the city council has deemed high crash risk due to excessive vehicle speeds under RCW 46.63.0005(3); and (8) public transportation only lane violations. Provided, however, pictures of the vehicle and the vehicle license plate may be taken only while an

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infraction is occurring, and the picture shall not reveal the face of the driver or of any passengers in the vehicle.

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Section 2. AMENDMENT. Section 10.06.020 LFPMC, Notice of infraction, is amended as follows:

10.06.020 Notice of Infraction.

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E. 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 46.63.0002(11)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.

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Section 3. AMENDMENT. Section 10.06.030 LFPMC, Prima facie presumption, is amended as follows:

10.06.030 Prima facie presumption.

A. In 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 involved in ~~the a stoplight violation or school speed zone violation~~, together with proof that the person named in the notice of 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, under oath, states 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. AMENDMENT. Section 10.06.050 LFPMC, Fine, is amended as follows:

10.06.50 Fine.

A. The fine for an infraction detected under authority of this chapter shall be a base monetary penalty of \$145.00; ~~2~~
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B. Provided that the fine for an infraction detected under authority of this chapter for school speed zone cameras shall be as follows:

1. a base monetary penalty of \$145.00 for the first offense, unless B.3 applies;
2. a base monetary penalty of \$290 for repeat offenses; and
3. a base monetary penalty of \$290 for any offense in excess of 11 miles per hour over the posted school zone speed limit.

C. The base monetary fine for all infractions shall automatically be adjusted for inflation every five years, beginning January 1, 2029, based on the changes in the consumer price index as calculated by State Office of Financial Management for that time period.

D. Except as provided in this subsection, registered owners of vehicles who receive notices of infraction for automated traffic safety camera-enforced infractions and are recipients of public assistance under Title 74 RCW or participants in the Washington women, infants, and children program, and who request reduced penalties for infractions detected through the use of automated traffic safety camera violations, must be granted reduced penalty amounts of 50 percent of what would otherwise be assessed for a first automated traffic safety camera violation and for subsequent automated traffic safety camera violations issued within 21 days of issuance of the first automated traffic safety camera violation. Eligibility for medicaid under RCW 74.09.510 is not a qualifying criterion under this subsection. Registered owners of vehicles who receive notices of infraction must be provided with information on their eligibility and the opportunity to apply for a reduction in penalty amounts through the mail or internet.

Section 5. AMENDMENT. Section 10.06.060 LFP MC, Nonexclusive enforcement, is amended as follows:

10.06.060 . Nonexclusive 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 46.63.03020(1)(a), (b) or (c), as amended.

Section 6. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 8. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

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APPROVED BY A MAJORITY of the Lake Forest Park City Council this _____ day of _____, 2024, and signed into authentication this _____ day of _____, 2024

APPROVED:

Thomas French
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced: _____
Adopted: _____
Posted: _____
Published: _____
Effective: _____