

ORDINANCE NO. 4054

AN ORDINANCE to amend and reordain Section 10-3-833.01 (PHOTO-MONITORING OF TRAFFIC LIGHT SIGNALS) of Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-3-833.01 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 10-3-833.01 Photo-monitoring of traffic light signals.

(a) It shall be unlawful for the operator of a motor vehicle to fail to stop or remain stopped when directed to do so by a steady red traffic light signal.

(b) For the purposes of this section, the following words shall have the meanings set out below:

(1) "System" means a traffic light signal violation-monitoring system that operates by means of a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time that the operator of the vehicle fails to stop or remain stopped at a steady red traffic light signal in violation of this section.

(2) "Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles.

(c) The city manager or the manager's designee may install and operate a System at no more than three intersections in the city, for the purpose of imposing monetary liability on the operator of a motor vehicle for failure to stop or remain stopped at a steady red traffic light signal.

(d) Proof of violation; presumption.

(1) Proof of a violation of this section shall be evidenced by information obtained from the System. A certificate, or a facsimile thereof, sworn to or affirmed by a technician employed by the city, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by the System, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate liability for a violation of this section.

(2) Prima facie evidence that the vehicle described in the summons issued pursuant to subsection (f) was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee or renter of the vehicle, shall constitute in evidence a rebuttable presumption that the defendant was the person who committed the violation. This presumption shall be rebutted (i) if the owner, lessee or renter of the vehicle either files an affidavit by regular mail

with the city manager or the manager's designee, or, following service of a summons under section 19.2-76.3 of the Virginia Code, with the clerk of the general district court, stating that he was not the operator of the vehicle at the time of the alleged violation, or testifies in open court under oath that he was not the operator of the vehicle at the time of alleged violation, or (ii) if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation, is filed with the city manager or the manager's designee, or, following service of a summons under section 19.2-76.3 of the Virginia Code, with the clerk of general district court prior to the return date established on said summons.

(e) The operator of a vehicle shall be liable for a monetary penalty of up to \$50 if the operator is found, as evidenced by information obtained from the System, to have failed to comply with a steady red traffic light signal. No monetary penalty imposed under this section shall include court costs. Imposition of a penalty under this section shall not be deemed a conviction as an operator, and shall not be made part of the operating record of the person upon whom such liability is imposed; nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(f) A summons for a violation of this section may be executed pursuant to section 19.2-76.2 of the Code of Virginia (1950), as amended. Notwithstanding the provisions of section 19.2-76 of the Virginia Code, a summons for a violation of this section may be executed by mailing by first-class mail a copy of the summons to the address of the owner, lessee or renter of the vehicle as shown, in the case of vehicle owners, in the records of the Department of Motor Vehicles or, in the case of vehicle lessees or renters, in the records of the vehicle lessor or renter. Every such mailing shall include, in addition to the summons, a notice of:

- (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (d)(2), above; and
- (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent.

If the summoned person fails to appear on the date of return set out in the mailed summons, the summons shall be executed in the manner set out in section 19.2-76.3 of the Virginia Code. No proceedings for the contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons.

Section 2. That this ordinance shall become effective on July 1, 1999.

KERRY J. DONLEY
Mayor

Introduction: 06/08/99
First Reading: 06/08/99
Publication: 06/09/99; 06/10/99

Public Hearing: 06/12/99
Second Reading: 06/12/99
Final Passage: 06/12/99