

ADOPTED

APR 09 2024

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 66A-81

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-15, TRAFFIC LIGHT SIGNAL VIOLATION MONITORING SYSTEMS; ENFORCEMENT AND PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-15, Traffic light signal violation monitoring systems; enforcement and penalty.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-15. Traffic light signal violation monitoring systems; enforcement and penalty.

(a) *Definitions.* The following words and terms used in this section shall have the following meanings:

Owner. The registered owner of such vehicle on record with the Virginia Department of Motor Vehicles.

Traffic light signal violation monitoring system. A vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video or other recorded images of each vehicle at the time a vehicle is used or operated in violation of Code of Virginia sections 46.2-833, 46.2-835 or 46.2-836, which are incorporated herein by reference. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

(b) *Installation and operation of traffic light signal photo-monitoring systems.* Traffic light signal violation monitoring systems may be installed and operated at no more than one intersection for every 10,000 residents within the county, at any one time.

(c) *Monetary penalty; effect of conviction.* The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the county. Imposition of a penalty pursuant to 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. The ~~Ne~~ monetary penalty imposed under this section shall ~~exceed~~ be \$50.00, ~~nor shall it include~~ *not including* court costs.

- (d) *Proof; certificate.* Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system. A certificate, sworn to or affirmed by a law enforcement officer employed by the county authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring 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 the liability for such violation pursuant to this section.
- (e) *Evidence of violation; presumption.* In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section 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 such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle:
- (i) files an affidavit by regular mail with the clerk of the general district court that he or she was not the operator of the vehicle at the time of the alleged violation; or
 - (ii) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation.

Such presumption shall also be rebutted 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 of this section, is presented, prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation.

- (f) *Summons.* A summons for a violation of this section may be executed pursuant to the Code of Virginia, section 19.2-76.2. Notwithstanding the provisions of the Code of Virginia section 19.2-76, a summons for violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the 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 (e); and
 - (ii) instructions for filing such 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 summons mailed pursuant to this section, the summons shall be executed in the manner set out in the Code of Virginia section 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 60 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

- (g) *Admissibility of evidence.* Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations.
- (h) *Private entities.* On behalf of the county, a private entity may not obtain records regarding the registered owners of vehicles, which fail to comply with traffic light signals. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not:
 - (i) be open to the public;
 - (ii) be sold or used for sales, solicitation, or marketing purposes;
 - (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or
 - (iv) be used in court in a pending action or proceeding unless the action or proceeding relates to a violation of Virginia Code sections 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction.

A private entity may enter into an agreement with the county to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a summons for a violation of this section has not been executed within 10 business days, all information collected pertaining to that suspected violations shall be purged within 2 business days. The traffic light signal violation monitoring system shall be annually certified in compliance with Virginia Code.

Ruth M. Larson

Ruth M. Larson
 Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
 Teresa J. Saeed
 Deputy Clerk to the Board

NULL
 HIPPLE
 MCGLENNON
 ICENHOUR
 LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2024.