

CHAPTER 74. - TRAFFIC-CONTROL PHOTOGRAPHIC SYSTEMS AT SIGNALIZED INTERSECTIONS

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Sec. 74.01. - Definitions.

(a) *Traffic-control photographic system* is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic-control device to produce automatically, photographs, video, or digital images of each vehicle violating a standard traffic-control statute or ordinance.

(b) *In operation* means operating in good working condition.

(c) *System location* is the approach to an intersection toward which a photographic, video, or electronic camera is directed and is in operation.

(d) *Vehicle owner* is the person identified by the North Carolina Division of Motor Vehicles as the registered owner of a vehicle.

(Ord. No. 03-06-02-001, § 1, 6-2-03)

Sec. 74.02. - General.

(a) The Office of the Town Manager, or the Town Manager's designee, shall administer the traffic-control photographic program and shall maintain a list of system locations where traffic-control photographic systems are installed.

(b) A traffic-control photographic system shall be identified by advanced warning signs conspicuously posted not more than three hundred (300) feet from a system location. These warning signs shall conform to any applicable statewide standard adopted by the North Carolina Department of Transportation, and any amendments subsequently adopted thereto.

(c) The duration of the yellow light change interval at system locations shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics section of the North Carolina Department of Transportation.

(d) The Office of the Town Manager, at the direction of the Town Council, shall enter into a single contract with a contractor for the lease, lease-purchase, or purchase of the traffic-control photographic system. Any lease provision between the Town and a contractor shall have a maximum term of sixty (60) months, at the end of which the traffic-control photographic system shall become the property of the Town or shall be removed and returned to the contractor. If, at the end of the 60-month term, the

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traffic-control photographic system has become the property of the Town, the Town may continue to contract with a contractor for the operation of the traffic-control photographic program.

(d) Any proceeds received by the Town from the operation of the traffic-control photographic system shall be paid to the Wake County School Fund, except for those proceeds which are used to pay for the following expenses:

- (1) Lease, lease-purchase, or purchase of the traffic-control photographic system;
- (2) Paying a contractor for the operating the traffic-control photographic system; and
- (3) Administrative costs incurred by the Town for the administration of the traffic-control photographic system.

(Ord. No. 03-06-02-001, § 1, 6-2-03)

Sec. 74.03. - Offense.

(a) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for the vehicle's direction of travel is emitting a steady red light, or for a vehicle to violate any other traffic regulation specified in G.S. 20-158.

(b) the owner of a vehicle shall be responsible for a violation except when the owner can present, within twenty-one (21) calendar days after receiving the violation notification, to the Office of the Mayor, the Mayor's designee or the administrative hearing officer set forth in subsection 74.05(b) if established by the Office of the Mayor or the Mayor's designee, evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The evidence presented by the owner can take the form of:

- (1) The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle;
- (2) An affidavit stating that the vehicle involved was, at the time of the violation, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle; or
- (3) A statement that the person who received the citation is not the owner or driver of the vehicle, or that the person who received the citation was not driving a vehicle at the time and location designated in the citation.

(Ord. No. 03-06-02-001, § 1, 6-2-03)

Sec. 74.04. - Penalty.

(a) Any violation of subsection 74.03(a) detected by a traffic-control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle, nor insurance points assigned to the owner or driver of the vehicle as authorized by G.S. 58-36-65.

(b) Failure to pay the civil penalty or file an appeal within twenty-one (21) calendar days after receipt of the violation notification shall result in an additional penalty of fifty dollars (\$50.00). The Town may establish procedures for the collection of the civil penalties and may enforce the penalties by a civil

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action in the nature of a debt.

(c) Notwithstanding subsection 74.04(a), if a violation of G.S. 20-158 is detected by both a Knightdale police officer and a traffic-control photographic system, the officer shall charge the offender with an infraction and the civil penalty issued by the Town for the same offense becomes void and unenforceable.

(Ord. No. 03-06-02-001, § 1, 6-2-03)

Sec. 74.05. - Appeals.

(a) The owner of the vehicle shall be issued a citation that shall be attached to photographic evidence of the violation which identifies the vehicle involved. The citation shall state the manner in which the violation may be appealed. The citation shall be processed by the Office of the Manager, or the Manager's designee(s), and shall be forwarded by personal service or first class mail to the address given on the motor vehicle registration.

(b) A notice of appeal shall be filed within twenty-one (21) calendar days after receipt of the violation notification. Failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the citation. Appeals shall be heard through a nonjudicial administrative hearing process established by the Office of the Mayor or the Mayor's designee. If the Office of the Mayor, or the Mayor's designee, fails to appoint a municipal employee to serve as an administrative hearing officer to consider appeals, the Mayor shall review and make final decisions on all appeals.

(c) The decision by the administrative hearing officer, or the Mayor, will be subject to review in the Superior Court of Wake County by proceedings in the nature of certiorari.

(Ord. No. 03-06-02-001, § 1, 6-2-03)