

**SEC. 10-2-275 PENALTIES FOR VIOLATIONS.**

(A) Any violation of the provisions of this article or a failure to comply with any of its requirements shall subject the offender to a civil penalty as follows:

- (1) In the amount of \$50 for the first offense;
- (2) In the amount of \$100 for a second offense within a 12-month period; and
- (3) In the amount of \$250 for each offense when the offense is the third or subsequent offense within a 12-month period.

(B) Violators shall be issued a written citation which must be paid within 72 hours. If a person fails to pay the civil penalty within 72 hours, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(C) This article may also be enforced by an appropriate equitable action.

(D) Any violation of the provisions of this article shall be a misdemeanor punishable as provided by G.S. 14-4.

(E) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this article.

(F) The owner or lessee of the private property and any contractor, agent or other person who participates in, assists, directs or creates the violation may be held responsible for the violation and be assessed the penalties and be subject to the remedies herein provided.

(Ord. No. 01-105, § 1, passed 8-9-2001; Ord. No. 06-75, § 3, passed 8-10-2006)

**ARTICLE X. TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS****SEC. 10-2-281 DEFINITIONS.**

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

*In operation.* Operating in good working condition.

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

*Traffic control photographic system.* 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 automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

*Vehicle owner.* The person identified as the registered owner of a vehicle by the North Carolina Division of Motor Vehicles or by the agency of another state which maintains vehicle registration information for that state.

(Ord. No. 16-052, § 1, passed 9-8-2016)

**SEC. 10-2-282 GENERAL.**

(A) The city shall maintain a list of system locations where traffic control photographic systems are installed. A citation for a violation of any provision of this article shall be issued by officials or agents of the city.

(B) A citation issued for a violation of any provision of this article shall clearly state when the penalty is due and the manner in which the violation may be appealed. The citation shall be processed by officials or agents of the city and shall be forwarded by personal service or first-class mail to the vehicle owner's address as given on the motor vehicle registration.

(C) Any citation for a violation of G.S. 20-158 issued by an officer of the Greenville Police Department at a system location shall be treated in the same manner as prescribed in this article.

(Ord. No. 16-052, § 1, passed 9-8-2016)

#### **SEC. 10-2-283 OFFENSE.**

(A) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that 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 under this section, except when he can provide evidence that the vehicle was in the care, custody, or control of another person at the time of the violation, as described in subsection (C).

(C) Notwithstanding subsection (B), the owner of the vehicle shall not be responsible for the violation if, within 30 days after the date of personal service or mailing of notification of the violation, he furnishes the officials or agents of the city either of the following:

- (1) An affidavit by him stating the name and address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation; or
- (2) An affidavit by him stating that, at the time of the violation, the vehicle involved was stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.

(D) Notwithstanding subsections (B) and (C), the owner of the vehicle shall not be responsible for the violation if notice of the violation is given to the owner of the vehicle more than 90 days after the date of the violation.

(Ord. No. 16-052, § 1, passed 9-8-2016)

#### **SEC. 10-2-284 PENALTY.**

Any violation of section 10-2-283(a) shall be deemed a noncriminal violation for which a civil penalty of \$100 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 as authorized by G.S. 58-36-65. Failure to pay the civil penalty or file an appeal within 30 days after the date the citation is served or mailed shall result in an additional penalty of \$100. Failure to pay the civil penalty within 30 days after the service or mailing of the second notification of the violation shall result in the assessment of a collection assistance fee of \$20. The city may establish procedures for the collection of the civil penalties and may enforce the penalties by a civil action in the nature of a debt.

(Ord. No. 16-052, § 1, passed 9-8-2016)

#### **SEC. 10-2-285 APPEALS.**

A notice of appeal shall be filed within 30 days after the date the citation is served or mailed. The 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 an administrative process established by the city. Once an appeal is requested, an appeal hearing will be scheduled. The hearing officer's decision is subject to review in the Superior Court of Pitt County by proceedings in the nature of certiorari.

(Ord. No. 16-052, § 1, passed 9-8-2016)