

PART II - GENERAL ORDINANCES
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ARTICLE II. - TRAFFIC CONTROL AND TRAFFIC-CONTROL DEVICES

DIVISION 5. TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS

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Sec. 5-46.1. 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 and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.
- (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. of 12-7-99, § 1)

Sec. 5-46.2. General.

- (a) The City of Wilmington Public Services and Facilities Department shall administer the Traffic Control Photographic Program and shall maintain a list of system locations where traffic control photographic systems are installed.
- (b) Any citation for a violation of G.S. 20-158 issued by an officer of the Wilmington Police Department at a system location shall be treated in the same manner as prescribed in this article.
- (c) The citation shall clearly state the manner in which the violation may be appealed. The citation shall be processed by officials or agents of the City of Wilmington and shall be forwarded by personal service or first-class mail to the owner's address as given on the motor vehicle registration.

(Ord. of 12-7-99, § 1)

Sec. 5-46.3. 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.

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- (b) The owner of a vehicle shall be responsible for a violation under this section unless the owner, within twenty-eight (28) days after issuance of the citation, can furnish reliable evidence to officials or agents of the city that the vehicle was in the care, custody, or control of another person at the time of the violation. Evidence furnished by the owner shall include, but not be limited to:
- (1) The name and address of the person or entity who, leased, rented, or otherwise had the care, custody, and control of the vehicle at the time of the violation; or
 - (2) An affidavit by the owner stating that, at the time of the violation, the vehicle involved was stolen or was in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

(Ord. of 12-7-99, § 1; Ord. of 9-5-00, § 1(a); Ord. No. 0-2001-57B, § 1(a), (b), 8-21-01)

Sec. 5-46.4. Penalty.

Any violation of section 5-46.3(a) 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 as authorized by N.C.G.S. § 58-36-65. Failure to pay the civil penalty or file an appeal within twenty-eight (28) days after the citation issuance date shall result in an additional penalty of fifty dollars (\$50.00). 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. of 12-7-99, § 1; Ord. of 9-5-00, § 1(b))

Sec. 5-46.5. Appeals.

A notice of appeal shall be filed within twenty-eight (28) days after the issuance date of the citation. 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 of Wilmington Department of Public Services and Facilities. An individual desiring a hearing must post a bond equal to the amount of the civil penalty before an appeal hearing will be scheduled. The hearing officer's decision is subject to review by the Superior Court of New Hanover County by certiorari proceeding. Any petition for review by the superior court shall be verified and filed with the Clerk of the Superior Court of New Hanover County within thirty (30) days after the hearing officer's decision is delivered to the aggrieved party. The decision of the hearing officer may be delivered to the aggrieved party either by personal service, first class mail, or by registered or certified mail, return receipt requested. If the decision of the hearing officer is delivered to the aggrieved party by first class mail, three (3) days shall be added to the prescribed period within which the petition must be filed with the Clerk of the Superior Court.

(Ord. of 12-7-99, § 1; Ord. of 9-5-00, § 1(c); Ord. No. 0-2001-57B, § 1(c), 8-21-01)

Sec. 5-47. Reserved.