



**CITY OF KIRKLAND**  
City Manager's Office  
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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Marilynne Beard, Deputy City Manager  
Cherie Harris, Chief of Police  
Kathy Brown, Public Works Director

**Date:** February 7, 2019

**Subject:** SCHOOL ZONE PHOTO ENFORCEMENT CAMERAS

### RECOMMENDATION:

City Councils reviews draft documents needed to authorize the use of photo enforcement of school zone speed violations and provide final policy direction to staff:

1. Attachment A draft ordinance authorizing the use of automated traffic enforcement in school zones.
2. Attachment B draft resolution establishing fines for school speed zone violations generated by speed enforcement cameras.

### BACKGROUND:

The City Council held two study sessions regarding the use of automated enforcement for speed violations in school zone. The [June 19, 2018 Study Session](#) focused on background and identifying policy issues. The [January 15, 2019 Study Session](#) included follow-up from the June 2018 study session and presented a series of policy questions for Council discussion and direction. Staff is requesting that the City Council discuss the draft ordinance and resolution authorizing the use of automated traffic cameras and setting fines. A final ordinance authorizing the use of cameras and a resolution setting fees will be presented at the March 5 City Council meeting.

A resolution authorizing execution of the vendor contract with ATS (American Traffic Solutions) will be presented at the March 5 meeting. Staff is currently working with the vendor on contract provisions. Execution of the contract is time-sensitive in that the vendor is requesting a signed contract as soon as possible to meet Kirkland's deadline of implementing the program in September 2019.

## Recap of January 15, 2019 Policy Direction and Follow-up Needed

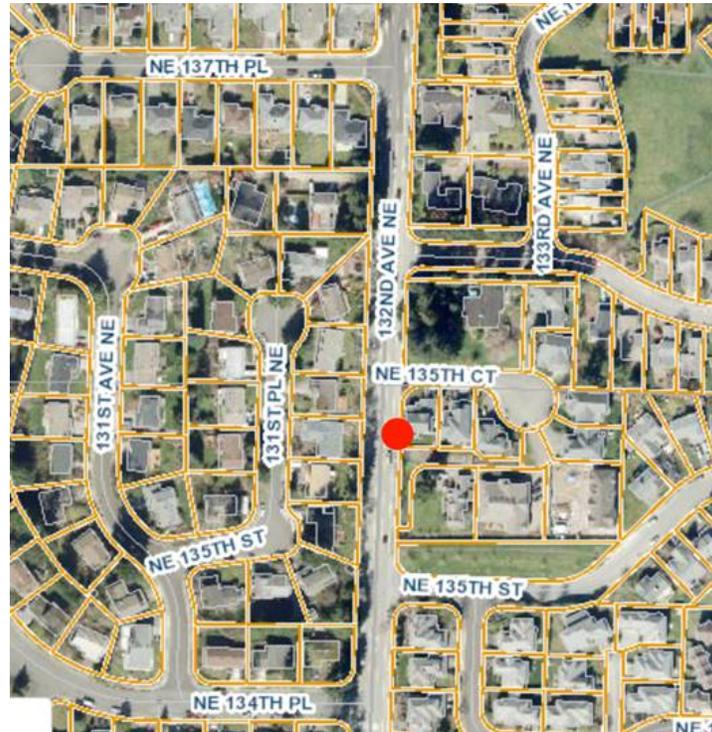
Following is a recap of the policy questions and Council direction provided. Additional information about follow-up questions is presented in the "Outstanding Policy Issues" section:

- Implement photo enforcement in September 2019 at John Muir Elementary and Rose Hill Elementary -- *Approved*
- Issue warnings for the first 30 days of photo enforcement and transition to citations after 30 days – *Approved*
- Use temporary staffing to support photo enforcement program requirements for the first three months which may include diverting a traffic unit officer for approximately two hours per day to review videos (unless a light duty officer is available). – *Approved; Confirmed that only a commissioned police officer can review video evidence and issue citations unless state law is changed.*
- Operate photo enforcement cameras 30 minutes before and after the start of school and before and after the end of school (based on individual school start and stop times). – *Approved; Cameras near John Muir Elementary and Kamiakan Junior High will overlap to allow enforcement consistent with each school's start and stop times.*
- Establish the fine for exceeding the school zone speed limit (20 mph) for speeds over 25 mph at \$136 per incident. Do not implement a graduated fine for excessive speeds or multiple infractions at the outset of the program and reevaluate after more is known about changes in driving behaviors once the cameras are installed. – *Council requested more information on a graduated fine model and asked whether the fine could be benchmarked to a state-established traffic violation fine.*
- Use net revenue (marginal citation revenue after all program costs are addressed) to augment school zone safety projects, the Safer Routes to School program and potentially replace Neighborhood Safety Program funding after the current funding expires in 2021. – *Council discussed use of proceeds for School Zone Safety projects as well as additional traffic officers and wanted to include language about the dedication of funds in the authorizing legislation.*
- Cite all public vehicles (e-plates) unless a citation is related to an emergency call for service (determined visually by reviewing videos and following up with the agency if needed. Follow up citations with all public entities to determine who the driver of the car was during the infraction and cite the driver. – *Approved*
- Use an interlocal agreement to piggyback on another jurisdiction's contract for photo enforcement services or issue an RFP if an interlocal option is not available. – *Approved; Kirkland will use the Galveston-Houston Area Council's ATS contract.*
- Implement a robust communication plan that focuses on safety and provides ample notice to drivers of the planned use of photo enforcement devices. *Approved; Conduct early communication with the public to inform them that the City will be using photo enforcement in school zones and ask for comments.*

## Outstanding Questions and Policy Issues

Following is a recap of questions and follow-up on policy direction from the January 15 Study Session:

1. Location of the proposed radar speed sign on 132<sup>nd</sup> Ave. NE – The map below shows the planned location for the speed radar sign included in the Neighborhood Safety Program:



2. Are we sure we got the best price with ATS without using an RFP?

Kirkland reviewed two different vendors during the research of the program. ATS provided an original estimate of \$4,250, which is what the contract lists for a flat price. Redflex had a proposed fee of \$4,850 per month. These fees are constant no matter how much or little the program brings in from fines. The cooperative we are purchasing through (Houston-Galveston Area Council) did conduct an RFP so we consider this a competitive process that would give Kirkland the best value through ATS.

3. What is our criteria for success of the photo enforcement program, recognizing that it is one component of a larger safe school routes to school plan? What measures will be used? (e.g. reduced speeds, increased walk/bike to school, cost of achieving success). How have other cities measured success?

Public Works Transportation staff identified several possible measurements to gauge the success in reducing speeds and changing mobility choices:

- Before and after actual speeds in each 5 mph increment with a goal of reducing the incidence of speeding by 10% overall by the end of the 2019 school year

- Number of citations issued monthly
- Number of repeat offenders
- Visual surveys of increased pedestrian and bicycle traffic
- Driveway counts
- Survey of school kids and/or parents regarding any change in mobility choices

The goal of using the automated enforcement cameras is to reduce speeds in school zone thereby reducing the risk of serious injuries or fatalities from collisions. Changes in the incidence of excessive speed is relatively simple to measure. However, for those measure to be meaningful the before and after data needs to be collected around the same time of year to eliminate variables such as darkness and weather.

Aside from the goal of traffic safety, a second goal of the safe school walk routes project is to encourage alternative modes to school (walk, bike) other than automobiles. Measuring changes in mobility choices that is statistically valid is more challenging. Anecdotal polls and surveys would still need to be conducted at about the same time of year to be meaningful. To achieve greater accuracy, the City would hire a traffic count firm to conduct visual counts (photos) of pedestrians, bicycles and automobiles entering schools. Staff can research the techniques and potential costs of conducting a visual survey.

As a practical matter, there are other factors affecting mobility behaviors that should be considered. Kirkland conducted a survey some years ago that revealed that the most frequent reason cited for not walking or biking to school was fear for the risk of children's vulnerability to abduction or inappropriate contact from other adults. Safe school walk routes include appropriate lighting and visibility for children walking to school to discourage inappropriate and illegal acts of adults.

Using appropriate measures of success is an important strategy to determine if the City's investments are achieving the desired outcomes. The preliminary ideas discussed above are the beginning of a discussion about the accuracy, effectiveness and cost/benefit of measuring results. Staff will follow-up with a more complete discussion and recommendations for measuring program success this spring.

4. Can we treat this as a pilot?

The short answer is yes. The ATS contract includes a provision for discontinuing photo enforcement for the City's convenience. However, the pricing of the contract assumes amortization of the vendor's purchase, installation and maintenance of the equipment over five years. Deactivating the automated enforcement cameras would not relieve the City of its obligation to reimburse the vendor for their investment. The cost of each camera with installation is estimated at \$120,000 which is amortized over the 5-year contract period. The contract includes a provision for early contract termination that provides for a recalculation of the payments needed to fulfill the City's obligation.

5. Verify that ATS will not charge the city for issuing warnings the first 30 days of the program (the per citation charge in the contract).

The vendor as verified that the fixed monthly payments and the per citation processing charge will not commence until after the one-month warning period.

6. What is the lag time between a violation and the receipt of the citation? How quickly can ATS and the City get the violation to the vehicle owner?

State law requires that the notice of infraction be mailed within fourteen days of the violation and the proposed contract is consistent with state law. It is possible that some notices will be mailed sooner than fourteen days. The initial review by ATS and subsequent review is a multi-step process as described below.

- ATS will record the violation and conduct a two-step review process. The data is generally uploaded to the database within five to seven business days following the violation
- The Police Department has three days to review the photos and either approve or disapprove issuing a notice of violation provided that the owner of the vehicle can be ascertained.
- Once the Police Department has approved issuing the citation, ATS will print and mail the notices via the US Postal Service.

Factors that may impact receipt of the notice of violation include:

- Follow-up needed with public agencies to determine if the violation was the result of an emergency response.
- Follow-up with a rental company to obtain the name and address of the person renting the vehicle at the time.
- Outdated address information for the vehicle resulting in returned mail.

Staff is not aware of any linkage between a lag in receiving a citation and continued speeding. It is hoped that signage will alert drivers to the presence of cameras and have a more immediate effect on speeding.

7. Does the driver see a flash of light if they are speeding indicating that they will be cited?

Drivers may or may not see a flash from the camera depending on the time of day, visibility or where the driver's vision is focused at the time of the violation. It is more likely that a driver will see a flash when it is dark or overcast, assuming the driver is looking in the direction of the camera at the time of the flash.

8. Is there a suitable alternative to a commissioned officer to review videos?

*RCW 46.63.170 provides that "A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter."*

Citations for traffic violations can only be issued by a commissioned police officer either in person or through visual evidence of the violation. When the officer reviews the photo evidence, he or she approves issuing the citation attesting that they reviewed the evidence

and issuing a citation under their badge number.

RCW 9A.76.020(2) defines a law enforcement officer. "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW [10.93.020](#), and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

*RCW 10.93.020 (1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.*

RCW 10.93.020(3) defines a law enforcement officer as follows: *"General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally."*

Approaching this issue as a legislative change may be the most effective way to allow non- or limited-commissioned personnel to review photos and issue a citation.

9. Present a tiered fine approach to Council for consideration at the February 19 Council meeting (i.e. increased fines for higher speeds).

The fine for automated traffic enforcement violations is established by the City Council within the parameters defined in state law and may be tiered based on speed.

*RCW 46.63.170(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW [46.52.101](#) and [46.52.120](#). Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW [3.50.100](#), [35.20.220](#), [46.16A.120](#), and [46.20.270\(2\)](#). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW [46.61.050](#) as provided under RCW [46.63.110](#), including all applicable statutory assessments. and can be any amount.*

The basic fee recommended by staff is based on the lowest motor vehicle fine that can be issued under RCW Chapter 46.61 – Rules of the Road. The base fine is periodically updated by the Administrative Office of the Courts (AOC). Currently the base fine is \$136 (the fine was raised from \$124). The maximum parking ticket in Kirkland is based on the Model Traffic Code and is for illegal parking in a space designated for disabled parking. The fine for this offense is established at \$450 which would set the upper limit for automated traffic safety camera speed violation fines. The table below lists surrounding cities' fines for

automated camera enforcement in school zones.

Jurisdiction	Base Fine	MPH	Graduated Fine	MPH Over Limit
Bellevue	\$124	28 mph and over	None	
Issaquah	\$124	27 mph and over	None	
Lynnwood	\$124	29 mph – 39 mph	\$250	40 mph and over
Renton	\$124	26 mph – 36 mph	\$250	37 mph and over

Staff is not aware of any city that has a graduated fine based on the number of violations. If a tiered fine were implemented it would be based on speed. Other jurisdictions appear to roughly double the fine for speeding over a threshold established by the jurisdiction.

When deciding whether to impose a graduated fine, both in amount and threshold, it is worth considering the unintended consequences of setting the fine. Offenders are more likely to pay the fine at a lower rate. Once the fine reaches a significantly higher amount, more offenders are likely to request a Court hearing or submit an affidavit declaring that they were not in control of the vehicle at the time of the violation. If the City Council wants to impose a graduated fine, staff recommends a fine that is somewhat in line with surrounding jurisdictions with a base fine of \$136 and a graduated fine of \$250 when exceeding 30 mph.

Staff recommends that Kirkland implement the \$136 fine for speeds exceeding 25 mph for the first year of the program. Council could consider a graduated fine at that point when we will have more data about changes in speeding behavior and the incidence of speeds over 30 mph.

10. Rather than setting a specific fine, can we benchmark to a State-adopted fine so that a new resolution is not needed when the benchmark is changed?

Yes. As mentioned above the State’s Administrative Office of the Courts periodically adjusts fines based on violations under RCW Chapter 46 for inflation. The City can benchmark to that fine, assuming there is not a graduated fine. If implementing a graduated fine, the next highest fine would need to be established either as a fixed percentage over the base (e.g. two times the base fee) or benchmarked to another traffic fine set by the State.

11. Include a provision in the adopting ordinance requiring annual reports to the City Council about program performance.

A section on annual reporting requirements is included in the ordinance that reflects the provisions of State law that jurisdictions must post an annual report of the number of traffic accidents occurring at a location where automated traffic safety cameras are located as well as the number of infractions issued by each camera.

12. Include a provision in the enabling ordinance and/or fee resolution designating how the proceeds of the program will be used (e.g. to defray the cost of the program with net revenue used to improve traffic safety).

The draft ordinance includes a provision under the “Penalties” section for use of the revenue generated by the safety cameras. The first four sections relate to recovering the costs of

the program and the final two sections authorize the use of net revenue for traffic safety purposes including personnel and capital improvements such as flashing crosswalks, sidewalks and signage. The final section specifically prohibits the diversion of such funds for non-traffic safety purposes.

13. Include a provision requiring the recipient of violation to appear in court if they want to submit an affidavit.

The City Attorney's Office researched this option and consulted with the Municipal Research and Services Center. The following is an excerpt from an email from Linda Gallagher of MRSC:

*"Inquiry: Good morning, this question relates to traffic safety cameras under RCW Chapter 46.63. There it provides in 46.63.075 the presumption that the registered owner of a vehicle committed the violation caught on camera. However, RCW 46.63.075(2) provides that "This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner." The specific question is whether the city can require the registered owner to appear in court to provide the written statement or must we allow him or her to submit the affidavit by mail? Thanks.*

*Response: The state laws authorizing automated traffic safety camera infractions provide that registered owners of vehicles receiving a camera infraction may respond by mail. [RCW 46.63.170\(1\)\(e\)](#) provides, in part:*

*(e) A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail. (Emphasis added).*

*Further, the same statute provides that the registered owner is presumed responsible for the infraction unless the provisions of RCW 46.63.075 are met. [RCW 46.63.170\(1\)\(f\)](#) provides:*

*(f) The registered owner of a vehicle is responsible for an infraction under RCW [46.63.030\(1\)\(d\)](#) unless the registered owner overcomes the presumption in RCW [46.63.075](#), or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.*

*[RCW 46.63.075\(2\)](#) provides for a response either in writing or in testimony before the court that presumable would be in person:*

*(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.*

*Taken together, these statutes provide that a person receiving this type of infraction may respond by mail and may overcome the legal presumption with a written statement under*

*oath to the court. Thus, an in-person appearance may not be required by a city with this program.*

*So, a city may require a person contesting a parking infraction to make an in-person appearance at a requested contested hearing. In my opinion, you may not require an in person appearance under an automated camera ticket enforcement program. This is because the statute itself provides that the registered owner may respond by mail.”*

Staff recommends that the ordinance not require in-person Court appearances for the purpose of submitting an affidavit.

### Conclusion and Next Steps

Policy directions are needed from the Council on the following items:

1. Is the flat fine of \$136 for speeds exceeding 25 mph acceptable the first year of the program? As an alternative, should the City implement a graduated fine based on speed? If so, staff recommends a \$250 fee for speeds in excess of 30 mph. If the Council does not concur with the staff recommendation, what does Council desire as the base fee and graduated fee and at what speed is the graduated fee triggered?
2. Should the City benchmark fines to an amount established and maintained by the State?
3. Do the proposed allowable uses of the revenue reflect Council’s intent?

## ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING THE KIRKLAND MUNICIPAL CODE TO ENACT A NEW CHAPTER 12.14 AUTHORIZING AUTOMATED TRAFFIC ENFORCEMENT IN SCHOOL ZONES.

WHEREAS, the Legislature of the State of Washington has added a new section 46.63.170 to RCW Chapter 46.63 authorizing and regulating the use of automated traffic safety cameras for traffic enforcement; and

WHEREAS, the Kirkland City Council recognizes the value of implementing an automated enforcement program in school zones to slow traffic speeds and to improve safety for school children.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. A new Chapter 12.14 entitled Automated Traffic Safety Cameras is created to read as follows:

Chapter 12.14  
Automated Traffic Safety Cameras

**12.14.010 Authorized use of automated traffic safety cameras.**

A. Law enforcement officers of the City of Kirkland and persons commissioned by the Kirkland Police Department are authorized to use automated traffic safety cameras and related automated systems to detect school speed zone violations.

B. The use of automated traffic safety cameras is subject to the following restrictions:

1. Use of traffic safety cameras is restricted to school speed zones only; and
2. Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. Pictures taken by automated traffic safety cameras may not reveal the face of the driver or of the passengers in the vehicle.

C. The City shall clearly mark all locations where automated traffic safety cameras are in use by placing signs in locations that clearly indicate to the driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

D. Notwithstanding any other provision of law, all photographs, microphotographs and electronic images prepared under this ordinance and, as provided in RCW 46.63.170(1)(f) are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, microphotograph or electronic image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter.

**12.14.020 Definition of automated traffic safety camera.**

For the purposes of this ordinance, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle exceeds a speed limit in a school zone as detected by a speed measuring device.

**12.14.030 Notice of infraction.**

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of the vehicle within fourteen days of establishing the renter's name and address under this section.

B. If the registered owner of the vehicle is a rental car business, the police department shall, before a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the police department by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or
3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of either statement to the police department relieves a rental car business of any liability under this chapter for the notice of infraction.

C. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotos or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter.

**12.14.040 Request for hearing.**

A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail. The person receiving the infraction may also request a hearing.

**12.14.050 Presumption of committed infraction/presumption overcome.**

A. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under this chapter, proof that the particular vehicle described in the notice of traffic infraction was in violation of this chapter, together with proof that the

person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

B. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

#### **12.14.060 Infractions processed.**

Infractions detected using automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated using automated traffic safety cameras under this chapter shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216 and 46.20.270(3).

#### **12.14.070 Issuing infractions.**

Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

#### **12.14.080 Penalties.**

A. After establishing initial penalties by resolution, unless otherwise designated, subsequent penalties shall be set by resolution of the city council. The maximum penalty for infractions detected pursuant to the provisions of this chapter shall not exceed the maximum amount of fine issued for other parking infractions within the City.

B. Revenue from fines assessed under authority of this ordinance shall be used solely for traffic safety purposes or as otherwise provided by state law. For purposes of this section, the term "traffic safety purposes" may include, but is not limited to, the following:

1. Personnel costs for employees or contractors who are involved in automated speed enforcement planning and implementation, including professional services such as traffic engineering services;
2. Personnel costs for employees or contractors who are involved in automated speed enforcement, court hearings, fine collection or other processing, including expert witness fees;
3. Costs associated with training of employees or contractors involved with the automated speed enforcement program;
4. Purchase and/or maintenance of equipment, including signage, related to the automated speed enforcement program;
5. Costs associated with traffic safety personnel, including, but not limited to, law enforcement officers, vehicles and equipment.
6. Projects in the Transportation Capital Plan, Neighborhood Safety Program, and Safer Routes to Schools Action Plans, including but not limited to, sidewalks, crosswalk improvements, lighting, rapid flashing beacons, and signage.

6. Revenue from fines assessed under authority of the ordinance shall not be diverted to non-traffic safety purposes.

**12.14.090 Compensation for services.**

The compensation paid to the manufacturer or vendor of the automated speed enforcement camera equipment used shall be based only upon the value of the equipment and services provided or rendered in support of the system and shall not be based upon a portion of the penalty imposed or the revenue generated by the equipment.

**12.14.100 Annual Reporting**

The City shall post an annual report of the number of traffic accidents occurring at a location where automated traffic safety cameras are located as well as the number of infractions issued by each camera.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

RESOLUTION R-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ESTABLISHING A PENALTIES RELATED TO AUTOMATED TRAFFIC ENFORCEMENT AS REQUIRED BY KMC SECTION 12.14.080(A).

WHEREAS, the Legislature of the State of Washington added a new section 46.63.170 to RCW Chapter 46.63 authorizing and regulating the use of automated traffic safety cameras for traffic enforcement; and

WHEREAS, the City Council of Kirkland, recognizing the value of implementing an automated enforcement program in school zones to slow traffic speeds and to improve safety for school children, adopted Ordinance \_\_\_\_\_ creating a new Chapter 12.14 in the Kirkland Municipal Code for that purpose; and

WHEREAS, pursuant to that ordinance, Council determined it would set penalties for violations of that chapter by resolution.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The penalty to be assessed for violations of KMC Chapter 12.14 is hereby set at \$136 per violation.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk