

## Chapter 75. Traffic Control Photographic Systems

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### §75.01 DEFINITIONS.

**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 and to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control.

**In operation** means operating in good working condition.

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

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

### §75.02 GENERAL

(A) The Town of Matthews Police 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 Matthews Police Department at a system location shall be treated in the same manner as prescribed in this Chapter.

(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 Town of Matthews and shall be forwarded by personal service or first-class mail to the owner's address as given on the motor vehicle registration.

### §75.03 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 21 days after notification of the violation, he furnishes the officials or the agents of the Town:

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 him 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 his permission to use the vehicle.

#### **§75.04 PENALTY**

Any violation of Section 75.03(A) shall be deemed a non- criminal 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. Failure to pay the civil penalty or file an appeal within twenty-one (21) days after notification of the violation 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 action in the nature of a debt.

#### **§75.05 APPEALS**

A notice of appeal shall be filed within twenty-one (21) days after notification of the violation. 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 Town of Matthews Police Department. 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 in the Superior Court of Mecklenburg County by proceedings in the "nature of certiorari". (Ord. No. 1087, passed 2-8-00)