

Chapter 19
TRAFFIC *

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***Cross references**--Offenses, Ch. 11; streets and sidewalks, Ch. 16; vehicles for hire, Ch. 21.

State law references--Authority to provide devices to control the flow of traffic, Ga. Const. art. 9, sec. 2, par. 3(a)(4); Uniform Rules of the Road, O.C.G.A. § 40-6-1 et seq.; power of local authorities generally, O.C.G.A. § 40-6-371; adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372; prosecution of traffic offenses, O.C.G.A. § 40-13-1 et seq.

Section 19-75A ARTICLE IV. AUTOMATED TRAFFIC ENFORCEMENT
(2006 [19-75A], Added, 02/13/2006)

Section 19-76 Title

For convenience in reference, this article shall be entitled "The Automated Traffic Enforcement Ordinance."
(2006 (19-76), Added, 02/13/2006)

Section 19-77 Purpose

The purpose of this article is to enhance public safety through the use of technologies which reduce the violation of red traffic signals.
(2006 (19-77), added, 02/13/2006)

Section 19-78 Definitions

As used in this article, the following definitions shall apply:
Certified Law Enforcement Officer means an employee of the City of Thomasville in its police department who is a certified peace officer in good standing with the Georgia Peace Officers Standards and Training Council (P.O.S.T.).
In operation means operating in good working condition.

Owner means the registered owner of a motor vehicle, except that such term shall not include a motor vehicle leasing company or similar entity which owns a motor vehicle operated by another person under a rental or lease agreement with such company.

Operator shall mean any individual driving or in possession of a motor vehicle.

Recorded images means images recorded by a traffic-control signal monitoring device:

1. with
 - a. Not less than two photographs; or
 - b. Not less than two microphotographs; or
 - c. Not less than two electronic images; or
 - d. Videotape.
2. Showing a traffic-control signal displaying a circular red or red arrow signal along with the rear of a motor vehicle apparently operated in disregard or disobedience of such signal and, on at least one image or portion of tape, clearly depicting the number or other identifying designation of the license plate displayed on the motor vehicle.

Signature means any original or facsimile of a person's signature.

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

Traffic-Control Signal Monitoring Device means a device with one or more motor vehicle sensors working in conjunction with a traffic-control signal to produce recorded images of motor vehicles being operated in disregard or disobedience of a circular red or red arrow signal.

(2006 (19-78), added, 02/13/2006)

Section 19-79 Compliance with traffic control signals; monetary penalty

(a) An operator of a motor vehicle who faces a steady circular red traffic signal (commonly referred to as a "red light") shall stop at a clearly marked stop line; or, if there is no stop line, before entering the crosswalk on the nearside of the intersection; or, if there is no crosswalk, before entering the intersection; and shall remain stopped until an indication is to proceed is shown by a steady circular green signal (commonly referred to as a "green light").

(b) An operator of a motor vehicle who faces a steady red arrow traffic signal indication shall stop at a clearly marked stop line; or, if there is no stop line, before entering the crosswalk of the nearside of the intersection; or if there is no crosswalk, before entering the intersection; and shall remain stopped until an indication to proceed is shown by a steady green arrow traffic signal indication.

(c) The operator of a motor vehicle shall be liable for a civil monetary penalty imposed pursuant to this article if such operator is found, as evidenced by information obtained from a Traffic-Control Signal Monitoring Device, to have failed to comply with a traffic control signal, as designated in Sections 19-79(a) and (b) of this article, within the corporate limits of the City of Thomasville and such disregard or disobedience was not otherwise authorized by law.

(2006 (19-79), added, 02/13/2006)

Section 19-80 Proof; certificate

(a) Proof that a motor vehicle entered an intersection in violation of Section 19-79(a) or (b), above, as detected by a Traffic-Control Signal Monitoring Device, together with proof that the motor vehicle is registered with the Georgia Department of Public Safety (or any other state or local vehicle registration office) in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation of that section that the charged person was the person driving the motor vehicle depicted in the recorded image.

(b) A certificate, sworn to or affirmed by a Certified Law Enforcement Officer, which states that, based upon inspection of recorded images, the owner's motor vehicle was operated in disregard or disobedience of a circular red or red arrow signal in violation of Section 19-79(a) or (b), above, and that such disregard or disobedience was not otherwise authorized by law, shall be considered prima facie evidence of the facts contained therein.

(c) Such prima facie evidence shall be rebutted if the owner, lessee or renter of the motor vehicle files a sworn, notarized statement with the Clerk of the Municipal Court of the City of Thomasville, prior to the return date established on the citation, identifying the name and address of the operator of the vehicle at the time of the alleged violation. Upon review of the notarized statement by the Clerk of the Municipal Court of the City of Thomasville, the statement may be accepted by the Clerk of the Municipal Court or a hearing may be set for prosecution of the alleged violation.

(d) Such prima facie evidence shall be rebutted if the owner, lessee or renter of the motor vehicle proves, through photographic evidence produced and maintained by the City of Thomasville, that he or she was not the driver of the motor vehicle depicted therein.

(e) Such prima facie evidence shall be rebutted if the owner, lessee or renter of the motor vehicle testifies under oath in open court that he or she was not the operator of the motor vehicle at the time of alleged violation.

(f) Such prima facie evidence shall be rebutted if, prior to the return date established on the citation issued pursuant to this section, a certified copy of a report of a law enforcement agency, showing that the motor vehicle had been reported to the law enforcement agency as stolen prior to the time of the alleged violation, is presented to the Clerk of the Municipal Court of the City of Thomasville. Upon review of the certified copy of the report, by a Certified Law Enforcement Officer, the certified copy of the report may be accepted or a hearing may be set for prosecution of the alleged violation.

(g) Such prima facie evidence shall be rebutted if the recorded image depicts the motor vehicle passed through the intersection in violation of Section 19-80(a) or (b), above, as part of a funeral procession.

(h) Such prima facie evidence shall be rebutted if the recorded image depicts the motor vehicle passed through the intersection in violation of Section 19-80(a) or (b), above, in order to avoid impeding the efforts of an emergency vehicle to pass through the intersection.

(i) Notwithstanding anything to the contrary contained here, the prosecution and imposition of a civil penalty for a violation of this article shall not require a photograph of the operator described in Section 19-78(e) above.

(j) Recorded images made for the purpose of this subsection shall not be a public record.

(k) The provisions of this article shall not limit the City of Thomasville Police Department to the use of Traffic-Control Signal Monitoring Devices in enforcing O.C.G.A. § 40-6-20(a); and, when there is evidence obtained from another source (or sources) which constitutes a prima facie case of a violation of O.C.G.A. § 40-6-20(a), such violation may be prosecuted as otherwise provide by law in lieu of, but not in addition to, enforcement under this article.

(2006 (19-80), added, 02/13/2006)

Section 19-81 Penalty; effect of a conviction

(a) Imposition of a civil monetary penalty pursuant to this article shall not be deemed a criminal conviction of an operator and shall not be made a part of the operating record of the person against whom such penalty is imposed, nor shall it be used for information purposes in the provision of motor vehicle insurance coverage. The civil monetary penalty imposed by this article for each violation shall not exceed \$70.00.

(b) Upon a failure to respond to any notice of violation by the prescribed date, the notice shall be considered a judgment and shall carry interest at the legal rate.

(2006 (19-81), added, 02/13/2006)

Section 19-82 Summons

(a) A summons for a violation of this article may be executed by the Clerk of the Municipal Court of the City of Thomasville by sending the summons by first class mail to the owner, renter or lessee of the motor vehicle shown, at the address designated in the records of the Georgia Department of Public Safety (or any other state vehicle registration office) or, in the case of vehicle lessees or renters, in the records of the leasing or renting company. The summons shall be postmarked not later than ten days after the date of the alleged violation.

(b) No proceedings for contempt or arrest shall be instituted for failure to appear on the return date of the summons.

(2006 (19-82), added, 02/13/2006)

Section 19-83 Private entities

(a) A private entity may enter into an agreement with the City of Thomasville to be compensated for providing the traffic light signal violation monitoring system or equipment and all related support services, to include consulting, operations and administration. However, only a Certified Law Enforcement Officer may swear to or affirm the certificate required by Section 19-80(b) of this article.

(b) No portion of any fine collected through the use of a traffic-control signal monitoring devices may be paid to the manufacturer or vendor. Compensation to the manufacturer or vendor shall be based on contractual arrangements and shall not be based on the number of traffic citations issued or the revenue generated by traffic-control signal monitoring devices.

(2006 (19-83), added, 02/13/2006)

Section 19-84 Signage

(a) In order to warn motorists that Traffic Control Signal Monitoring Devices are being employed by the City of Thomasville, the City shall erect signs to that effect on every highway which forms a part of the state highway system at that point on the state highway which intersects the jurisdictional limits to the City. A sign also shall be erected by the City of Thomasville on every public road on the approach to the next traffic-control signal which is monitored by a Traffic- Signal Control Monitoring Device.

(b) Such signs shall be at least 30 inches by 30 inches in size.

(2006 (19-84), Added, 02/13/2006)

Section 19-85 Warning period

Only warning notices shall be sent during the 30-day period commencing with the installation of each Traffic-Control Signal Monitoring Device.

(2006 (19-85), Added, 02/13/2006)