



## THE COMMON COUNCIL

Rouss City Hall  
15 North Cameron Street  
Winchester, VA 22601  
540-667-1815  
[www.winchesterva.gov](http://www.winchesterva.gov)

*I, Brendan W. Harlan, Deputy Clerk of the Common Council, hereby certify on this 09 day of April 2025 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 08 day of April 2025.*

### **ORDINANCE TO AMEND THE WINCHESTER CITY CODE TO CREATE AND ENACT CHAPTER 14, ARTICLE I, SECTION 14-16, PERTAINING TO THE USE OF PHOTO-MONITORING SYSTEMS TO ENFORCE TRAFFIC LIGHT SIGNALS**

**WHEREAS**, hundreds of traffic crashes occur each year in the City of Winchester resulting in personal injuries and property damage; and,

**WHEREAS**, a disproportionate number of these traffic crashes occur within certain signaled intersections due to unsafe driving practices and high traffic volume among other contributing factors; and,

**WHEREAS**, the City of Winchester is constantly pursuing new technologies and initiatives to improve roadway safety for all of its residents and visitors; and,

**WHEREAS**, § 15.2-968.1 of the Code of Virginia permits localities to install and operate a limited number of traffic signal violation monitoring systems for the purpose of enforcing traffic laws prohibiting drivers from continuing past red lights; and,

**WHEREAS**, such traffic signal violation monitoring systems would be effective tools for consistently enforcing red light traffic laws at intersections that experience high rates of violations and traffic crashes which can be challenging with traditional traffic enforcement methods.

**NOW, THEREFORE, BE IT ORDAINED**, that the Common Council of the City of Winchester, Virginia, does hereby amend and re-adopt Chapter 14, Article I, of the Winchester City Code, to create Section 14-16, as provided in Exhibit A of this Ordinance, pertaining to the use of photo-monitoring systems to enforce traffic light signals.

#### **CHAPTER 14 – MOTOR VEHICLES AND TRAFFIC ARTICLE I. –**

## IN GENERAL

### Sec. 14-16. – Use of photo-monitoring systems to enforce traffic light signals; penalty.

(a) Definitions.

(1) “*Traffic light signal violation monitoring system*” means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of Virginia Code §§ 46.2-833, 46.2-835, or 46.2-836, as amended, which are incorporated by reference in Sec. 14-5 of the Winchester City Code. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded images shall be of the same vehicle after it has illegally entered that intersection.

(2) “*Owner*” means the registered owner of such vehicle on record with the Department of Motor Vehicles.

(b) The City Manager, or his or her designee, may install and operate traffic light signal violation monitoring systems for the purpose of imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in accordance with the provisions of Virginia Code § 15.2-968.1, and the provisions of this section. Traffic light signal violation monitoring systems may be installed and operated at no more than one intersection for every 10,000 residents living within the city at any one time.

(c) The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the city.

(d) Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law enforcement officer employed by the City, which is authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, video, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, video, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

- (e) In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to subsection (d) above, was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee or renter of the vehicle:
- (1) Files an affidavit by regular mail with the Clerk of the Winchester General District Court that he or she was not the operator of the vehicle at the time of the alleged violation; or,
  - (2) Testifies in open court, under oath, that he or she was not the operator of the vehicle at the time of the alleged violation; or,
  - (3) If a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented to the court prior to the return date established on the summons issued pursuant to this section.
- (f) The imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50.00, nor shall it include court costs. Any finding in a district court that an operator has violated this Ordinance shall be appealable to the circuit court in a civil proceeding.
- (g) A summons for a violation of this section may be executed pursuant to Virginia Code § 19.2-76.2. Notwithstanding the provisions of Virginia Code § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons:
- (1) A notice of the summoned person's ability to rebut the presumption that he or she was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (e) above; and,
  - (2) Instructions for filing such affidavit, including the address to which the affidavit is to be sent.

If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in Virginia Code § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

- (h) Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information which is necessary for the enforcement of traffic light signal violations. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used only for enforcement against individuals who violate provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not:

- (1) Be open to the public;
- (2) Be sold or used for sales, solicitation, or marketing purposes;
- (3) Be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or,
- (4) Be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of Virginia Code §§ 46.2-833, 46.2-835, or 46.2- 836, or requested upon order from a court of competent jurisdiction.

Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a summons for a violation of this section is not executed within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. The City shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

- (i) The City may enter into an agreement with a private entity to provide, for compensation, the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations, and administration. However, only a sworn law-enforcement officer employed by the City may swear or affirm the certificate required by subsection (d) above. Any agreement with a private entity to provide such equipment or services shall not provide for compensation based on the number of violations or monetary penalties imposed. A private entity with which the City enters into an agreement to provide such equipment and services for the installation and operation of a traffic light signal violation monitoring system may, on behalf of the City, enter into an agreement with the Department of Motor Vehicles, in accordance with subdivision B 21 of Virginia Code § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Any such agreements shall adhere to the provisions of Virginia Code, § 15.2-968.1(H) and subsection (h) of this Ordinance, above, pertaining to the security and use of information collected by traffic light signal violation monitoring systems.
- (j) When selecting potential intersections at which a traffic light signal violation monitoring system may be installed and operated, the City shall consider factors such as:
  - (1) The accident rate for the intersection;
  - (2) The rate of red light violations occurring at the intersection (i.e. the number of violations per number of vehicles);
  - (3) The difficulty experienced by law-enforcement officers in patrol vehicles or on foot in apprehending violators;
  - (4) The ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation; and,
  - (5) The potential risks to pedestrians, if applicable.
- (k) Before the implementation of a traffic light signal violation monitoring system at an intersection, the City shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the City shall make reasonable location-specific safety improvements, including signs and pavement

markings.

- (l) The City shall evaluate each traffic light signal violation monitoring system it has installed and operates on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.
- (m) The City shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.
- (n) Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, the City shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system.
- (o) Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal violation monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

**State Law Reference** – Code of Virginia, §§ 15.2-968.1, 19.2-76, 19.2-76.2, 19.2-76.3, 46.2-208, 46.2-833, 46.2-835, & 46.2-836.

**Ordinance No. O-2025-2**

**ADOPTED** by the Common Council of the City of Winchester on this 08 day of April 2025.

***Witness my hand and the seal of the City of Winchester, Virginia.***



*Brendan W. Harlan*

**Brendan W. Harlan**  
**Deputy Clerk of the Common Council**