

**ORDINANCE ENACTING SECTION 13-1-27 – USE OF PHOTO SPEED
MONITORING DEVICES IN HIGHWAY WORK ZONES AND SCHOOL
CROSSING ZONES; PENALTY, OF THE CODE OF ORDINANCES CITY
OF HARRISONBURG, VIRGINIA**

**Be it ordained by the Council of the City of Harrisonburg, Virginia:
That Section 13-1-27 be enacted as shown:**

Section 13-1-27 – Use of photo speed monitoring devices in highway work zones and school crossing zones; penalty.

- (a) For purposes of this section, "highway work zone" has the same meaning ascribed to it in Code of Virginia, § 46.2-878.1. "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles. "School crossing zone" has the same meaning ascribed to it in Code of Virginia, § 46.2-873.
- (b) Pursuant to Va. Code § 46.2-882.1, the Harrisonburg Police Department may install and operate photo speed monitoring devices, within the jurisdictional boundaries of the City, in school crossing zones for the purposes of recording violations of Va. Code § 46.2-873 and in highway work zones for the purposes of recording violations of Va. Code § 46.2-878.1.
- (c) The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to Va. Code § 46.2-882.1 if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone, while such zone is active. Such civil penalty shall be \$100.00.
- (d) Any prosecution will be instituted and conducted in the manner prescribed by Va. Code § 46.2-882.1. Civil penalties collected from a summons issued by a Harrisonburg law-enforcement officer must be paid to the City of Harrisonburg.
- (e) In the prosecution for a violation of Va. Code § 46.2-873 or 46.2-878.1 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of Va. Code § 46.2-873 or 46.2-878.1, 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 (i) files an affidavit by regular mail with the clerk of the general district court for the City that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court, under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted 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 Va. Code § 46.2-873 or 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the general district court for the City adjudicating the alleged violation.

- (f) A private vendor may enter into an agreement with the City, on behalf of and through the Harrisonburg Police Department, to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations and administration. Any private entity contracting with the City, on behalf of the Harrisonburg Police Department, pursuant to this section will comply with all of the requirements set forth in Va. Code § 46.2-882.1.
- (g) A conspicuous sign shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

This ordinance shall be effective from the ____ of _____, 2023. Adopted and approved this ____ day of _____, 2023.

MAYOR

ATTESTE:

CITY CLERK