

**ORDINANCE ENACTING, TITLE 14 CHAPTER 2 – SCHOOL BUS STOP SIGN VIDEO-MONITORING SYSTEM, OF THE CODE OF ORDINANCES,**

**CITY OF HARRISONBURG, VIRGINIA**

**Be it ordained by the Council of the City of Harrisonburg, Virginia:**

**That Title 14, Chapter 2. School Bus Stop Sign Video-Monitoring System be enacted as shown:**

**Sec. 14-2-1 Definitions.**

For the purposes of this chapter, “video-monitoring system” shall mean a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of Virginia Code § 46.2-859. Such system shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in Virginia Code § 46.2- 1090 and the time, date, and location of the vehicle when the image is recorded.

**Sec. 14-2-2 Authorization.**

- A. *Authorization.* Pursuant to Virginia Code § 46.2-844(B)(2), the City authorizes the Department of Public Transit, on behalf of the school division, to install and operate video-monitoring systems in or on the division’s school buses.
- B. *Private entities.* Pursuant to the Virginia Public Procurement Act, the school division may enter into an agreement with a private entity to provide the video-monitoring systems and all related support services, to include consulting, operations, and administration for the purpose of recording, charging, and prosecuting violations of Virginia Code § 46.2-844(A). Only a law enforcement officer employed by the City may authorize the issuance of a civil summons or ticket pursuant to this chapter.
- C. *Restricted collection of information.* Personal information collected by a video-monitoring system installed and operated pursuant to this chapter shall be limited exclusively to that information that is permitted by Virginia Code § 46.2-208(B)(30).

**Sec. 14-2-3 Passing stopped school buses violations; civil penalty.**

- A. *Elements of violation.* The driver of a vehicle will be deemed to be in violation of this section if the driver fails to stop the vehicle when approaching, from any direction, any school bus which is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and if the vehicle fails to remain stopped until all of those persons are clear of the highway, private road, or school driveway and the bus is put in motion.
- B. *Evidence of violation.* In any prosecution for which a civil summons is issued within 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia,

shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in Virginia Code § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

C. *Civil summons.* A civil summons for a violation of this section may be executed as provided in Virginia Code § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle contained in the records of the Virginia Department of Motor Vehicles. Every mailing shall include, in addition to the summons, a notice of: (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in Virginia Code § 46.2-844(A); and (ii) instructions for filing the 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, the summons shall be executed in the manner set out in the Virginia Code. 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 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 video-monitoring system in connection with the violation.

D. *Civil Penalties.* The operator of a vehicle deemed to be in violation of this section shall be subject to the following:

1. Amount of civil penalty. Any violation of this section shall be subject to a civil penalty of \$250.00, payable to the City of Harrisonburg.
2. Civil penalties are in lieu of criminal penalties. A prosecution or proceeding under Virginia Code § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under Virginia Code § 46.2-859 for the same act.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2020.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

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**MAYOR**

ATTESTE: \_\_\_\_\_

CITY CLERK