

ORDINANCE NO. 23-9()

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE 5, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, Article 5, Video Monitoring System, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

Article 5, Division 1 of Chapter 9.

Sec. 9-500 Definitions.

Sec. 9-501 School division authorized to install and operate video-monitoring systems.

Sec. 9-502 Civil penalty.

By Adding:

Article 5, Division 2 of Chapter 9

Sec. 9-503 Definitions.

Sec. 9-504 Police Department authorized to install and operate photo speed monitoring devices.

Sec. 9-505 Civil Penalty.

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Chapter 9. Motor Vehicles and Traffic

Article 5. Video Monitoring System and Photo Speed Monitoring Devices

Division 1. Video Monitoring System

Sec. 9-500 Definition.

As used in this ~~article~~ division, “video-monitoring system” has the same meaning as in Virginia Code § 46.2-844.

(§ 9-800, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-500, Ord. 21-9(1), 8-4-21)

Sec. 9-501 School division authorized to install and operate video-monitoring systems.

- A. *Authorization.* The school division may install and operate video-monitoring systems in or on its school buses, consistent with Virginia Code § 46.2-844.
- B. *Private entities.* The school division may enter into agreements with private entities to provide video-monitoring systems and related support services. ~~However, only~~ Only a County law enforcement officer may issue a civil summons or notice of violation under this ~~article~~ division.
- C. *Restricted collection of information.* A video-monitoring system operated under this ~~article~~ division shall only collect the information referred to in Virginia Code § 46.2-208(B)(30).
- D. *Enforcement.* Enforcement of a violation of this division shall be as provided in Virginia Code § 46.2-844.

(§ 9-801, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-501, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-844.

Sec. 9-502 Civil penalty.

Any violation of Virginia Code § 46.2-844 is subject to a civil penalty of \$250.00, payable to the County of Albemarle.

(§ 9-802, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-502; Ord. 21-9(1), 8-4-21)

DIVISION 2. Photo Speed Monitoring Devices

Sec. 9-503 Definitions.

The following definitions apply to this division:

"Highway work zone" has the same meaning as in Virginia Code § 46.2-878.1.

"Photo speed monitoring device" has the same meaning as in Virginia Code § 46.2-882.1.

"School crossing zone" has the same meaning as in Virginia Code § 46.2-873.

Sec. 9-504 Police Department authorized to install and operate photo speed monitoring devices.

- A. Authorization. The Police Department may install and operate photo speed monitoring devices in school crossing zones or highway work zones, consistent with Virginia Code § 46.2-882.1.
- B. Private entities. The County may enter into agreements with private entities to provide photo speed monitoring devices and related support services, so long as the compensation is not determined in reference to or dependent on the number of violations paid or penalties imposed. Only a County law enforcement officer may swear to or affirm the certificate required by Virginia Code § 46.2-882.1 or issue a civil summons for a violation enforced under this division.
- C. Restricted collection of information. Photo speed monitoring devices operated under this division shall collect only the information necessary for enforcement of this division or referred to in Virginia Code § 46.2-208(B)(31).
- D. Enforcement. Enforcement of a violation of this division shall be as provided in Virginia Code § 46.2-882.1.
- E. Signage. Use of a photo speed monitoring device shall be indicated by a conspicuous sign within 1000 feet of any school crossing zone or highway work zone.

State law reference – Va. Code § 46.2-882.1.

Sec. 9-505 Civil penalty.

Any violation of Virginia Code §§ 46.2-878.1 or 46.2-873 that is enforced pursuant to this division is subject to a civil penalty not to exceed \$100.00, payable to the County of Albemarle.

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I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Price	_____	_____