

1 AN ORDINANCE AMENDING
2 ARTICLE 2 OF CHAPTER 82 OF THE FAIRFAX COUNTY CODE, RELATING TO
3 THE USE OF PHOTO MONITORING DEVICES IN HIGHWAY WORK ZONES AND
4 SCHOOL CROSSING ZONES
5

6 Draft of September 21, 2022
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8 AN ORDINANCE to amend the Fairfax County Code by adding a new
9 section 82-2-9 relating to the use of photo monitoring devices in highway
10 work zones and school crossing zones.
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12 Be it ordained by the Board of Supervisors of Fairfax County:

13 1. That Section 82-2-9 is adopted as follows:

14 Chapter 82 – Motor Vehicles and Traffic.
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16 Article 2. – Signs, Signals and Markers.

17 Section 82-2-9. Use of photo speed monitoring devices in highway work zones and school
18 crossing zones; penalty.

- 19 (a) For purposes of this section, "highway work zone" has the same meaning ascribed to it in
20 Code of Virginia, § 46.2-878.1. "Photo speed monitoring device" means equipment that
21 uses radar or LIDAR-based speed detection and produces one or more photographs,
22 microphotographs, videotapes, or other recorded images of vehicles. "School crossing zone"
23 has the same meaning ascribed to it in Code of Virginia, § 46.2-873.
- 24 (b) Pursuant to Va. Code § 46.2-882.1, the Fairfax County Police Department may install and
25 operate photo speed monitoring devices, within the jurisdictional boundaries of the County,
26 in school crossing zones for the purposes of recording violations of Va. Code § 46.2-873
27 and in highway work zones for the purposes of recording violations of Va. Code § 46.2-
28 878.1.
- 29 (c) The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to
30 Va. Code § 46.2-882.1 if such vehicle is found, as evidenced by information obtained from
31 a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour
32 above the posted school crossing zone or highway work zone speed limit within such school
33 crossing zone or highway work zone, while such zone is active. Such civil penalties will be
34 imposed on a graduated basis: (i) for speeds at least 10 but not greater than 14 miles per
35 hour above the posted speed limit, the civil penalty will be \$50.00; (ii) for speeds at least 15
36 but not greater than 19 miles per hour above the posted speed limit, the civil penalty will be
37 \$75.00; (iii) for speeds at least 20 miles over the posted speed limit, the civil penalty will be
38 \$100.00. Any prosecution will be instituted and conducted in the manner prescribed by Va.
39 Code § 46.2-882.1. Civil penalties collected from a summons issued by a Fairfax County
40 law-enforcement officer must be paid to Fairfax County.

1 (d) A private vendor may enter into an agreement with the County, on behalf of and through the
2 Fairfax County Police Department, to be compensated for providing a photo speed
3 monitoring device and all related support services, including consulting, operations and
4 administration. Any such agreement for compensation shall be based on the value of the
5 goods and services provided, not on the number of violations paid or monetary penalties
6 imposed. Any private entity contracting with the County, on behalf of the Fairfax County
7 Police Department, pursuant to this section will comply with all of the requirements set
8 forth in Va. Code § 46.2-882.1.

9 **2. That the provisions of this ordinance are severable, and if any provision of this**
10 **ordinance or any application thereof is held invalid, that invalidity shall not affect the other**
11 **provisions or applications of this ordinance that can be given effect without the invalid**
12 **provision or application.**

13
14 **3. That this Ordinance is effective upon adoption.**

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16
17 GIVEN under my hand this _____ day of _____, 2022

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19 _____
20 Clerk for the Board of Supervisors