CHAPTER 73: DANGEROUS INTERSECTION SAFETY ACT

Section

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§ 73.01 INTENT.

The purpose of this chapter is to authorize the use of traffic infraction detectors to promote compliance with red light signal directives as defined in and prescribed by Laws of Florida, Chapter 2010-80 (the "State Act"), and to provide for the transition from the city's ordinance-based program, which had existed prior to the state's decision to preempt the area of unmanned cameras/monitoring systems to enforce compliance with red light signal directives. Consistent with State law, this chapter will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with other statutory traffic enforcement techniques.

(Ord. 1665, passed 6-16-10)

§ 73.02 AUTHORIZATION FOR ENFORCEMENT PROGRAM.

Effective July 1, 2010, the city shall enforce compliance with red light signal directives pursuant to the State Act, to utilize image capture technologies. The city shall comply with the requirements of the State Act, including, without limitation, the enforcement of violations as defined herein and in the State Act, authorized fines for violations, citation forms, review of affidavits of non-responsibility, reporting obligations to state agencies, payments to the state, and public notice. This chapter shall not supersede, infringe, curtail or impinge upon state laws related to red light signal violations or conflict with such laws.

(Ord. 1665, passed 6-16-10)

§ 73.03 DEFINITIONS.

The definitions set forth in the State Act, as may be amended, shall apply to the city's implementation and application of the State Act. In addition, the following definitions shall apply to this chapter:

NOTICE OF VIOLATION. Initial notification from the city to the registered owner of a motor vehicle involved in a violation, notifying the registered owner of the violation, and containing information required by the State Act.

RECORDED IMAGES. Images recorded by a traffic infraction detector, which includes but is not limited to photographic or electronic images or streaming video.

TRAFFIC CITATION. Notification to the registered owner of a motor vehicle involved in a violation who failed to timely pay the fine pursuant to a Notice of Violation, and containing all information required by the State Act.

TRAFFIC INFRACTION ENFORCEMENT OFFICER. The Police Department employee designated pursuant to § 73.04 herein, who meets the requirements of the State Act and who shall review the recorded images and issue Notices of Violation and Traffic Citations pursuant to the requirements of this chapter and the State Act.

VIOLATION. Violation of F.S. §§ 316.074(1) or 316.075(1)(c)1.

(Ord. 1665, passed 6-16-10)

§ 73.04 TRAFFIC INFRACTION ENFORCEMENT OFFICER.

The Police Chief shall designate Traffic Infraction Enforcement Officers, who shall meet the qualifications set forth in the State Act.

(A) A Traffic Infraction Enforcement Officer shall review the recorded images that comply with the requirements of the State Act, prior to the issuance of a Notice of Violation pursuant to the State Act. Once the Traffic Infraction Enforcement Officer has verified the accuracy of the recorded images he or she shall note the violation and a Notice of Violation shall be sent to the registered owner of the involved vehicle pursuant to the State Act no later than 30 days after the violation. The Notice of Violation shall be sent by first-class mail.

(B) The State Act provides that in the event of non-payment of the Notice of Violation, the city shall issue a traffic citation to the vehicle owner. In the event of non-payment of the Notice of Violation within 30 days of notification, the recorded images will be reviewed again by a Traffic Infraction Enforcement Officer, who will take all necessary action required by the State Act to send a traffic citation to the registered owner of the involved vehicle pursuant to the State Act no later than 60 days after the violation. The traffic Citation shall be sent by certified mail.

(Ord. 1665, passed 6-16-10)

§ 73.05 TRANSITION FROM CITY'S ORDINANCE-BASED ENFORCEMENT PROGRAM.

Prior to the express preemption of the subject matter by the state through the adoption of the State Act, the city had been enforcing compliance with red light signal directives through Ordinance 1527.

Effective July 1, 2010, the city shall no longer enforce violations using its ordinance.

(A) No Notices of Infraction, as defined in Ordinance 1527, shall be issued by the city pursuant to Ordinance 1527 after June 30, 2010, notwithstanding the date of the observed violation.

(B) All Notices of Infractions issued by the city pursuant to Ordinance 1527 shall be processed and enforced pursuant to Ordinance 1527 until payment is received by the city.

(C) All appeals of Notices of Infractions received by the CITY for notices issued on or before June 30, 2010. shall be in accordance with the requirements of Ordinance 1527. All appeals for Notices of Infractions issued on or before June 30, 2010 shall be scheduled for hearing at the next available hearing date.

(D) The penalty provisions, administrative charges, appeals and collection procedures for Noticesof Infractions established by Ordinance 1527 shall continue in full force and affect solely as to Notices of Infractions issued by the city on or before June 30, 2010.

(E) The city shall continue to use the unmanned camera/monitoring devices installed pursuant to Ordinance 1527 in conformance with the State Act.

(Ord. 1665, passed 6-16-10)

§ 73.99 PENALTY.

A violation of this chapter shall be deemed a non-criminal, non-moving violation for which a civil penalty in the amount of $125 shall be assessed. As the violation relates to this chapter and not the state statutes, no points as provided in F.S. § 322.27, shall be recorded on the driving record of the vehicle owner or responsible party.

(Ord. 1527, passed 10-19-05)

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