

**CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2011-09**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CHAPTER 82 OF THE CITY OF ST. PETE BEACH CITY CODE BY CREATING ARTICLE V ENTITLED "TRAFFIC LIGHT SAFETY;" PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT VIOLATIONS CONSISTENT WITH GENERAL LAW; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the failure of motorists to adhere to traffic control signals creates a danger to other innocent motorists; and,

WHEREAS, the City of St. Pete Beach would like to reduce the number of accidents and injuries resulting from the failure of these drivers to adhere to traffic control signals; and,

WHEREAS, the Florida Legislature passed CS/CS/HB 325 during the 2010 Legislative Session authorizing the use of traffic detectors to enforce certain provisions of Chapter 316 of the Florida Statutes; and,

WHEREAS, the Governor of the State of Florida signed CS/CS/HB 325 into law on May 13, 2010, resulting in the Law of Florida, 2010-80 taking effect on July 1, 2010; and,

WHEREAS, the City Commission finds the amendments to Chapter 82 of the City Code, as more particularly set forth herein, in the public interest and necessary to protect the health, safety and welfare of the citizens of the City of St. Pete Beach, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. PETE BEACH,
FLORIDA:**

Section 1. There is hereby created a new Article V in Chapter 82 of the Code of the City of St. Pete Beach, entitled Traffic Light Safety, containing Sections 82-276 through 82-282.

Section 2. The Code of the City of St. Pete Beach; Chapter 82; Traffic and Motor Vehicles; Article V, Traffic Light Safety, is hereby amended by the creation of Section 82-276 through 82-282 to provide in its entirety as follows:

Sec 82-276: Use of Image Capture Technologies and Implementation of General Law.

The City shall utilize Traffic Infraction Detectors pursuant to general law as a means of monitoring compliance with laws related to Traffic Control Signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This Section shall not supersede, infringe, curtail or impinge upon state laws related to red light signal violations or conflict with such laws. The City shall utilize Traffic Infraction Detectors as an ancillary deterrent to traffic control signal violations and to thereby reduce accidents and injuries associated with such violations.

Sec. 82-277: Definitions.

Definitions.

The following words, terms, and phrases, when used in this Article, shall have the following meaning:

- (a) *Intersection* shall mean the area embraced within the prolongation or connection of the lateral curb line; or, if none, then the lateral boundary lines, of the roadways of two roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at

any other angle may come in conflict.

- (b) *Motor Vehicle* shall mean any self-propelled vehicle not operated upon rails or guide way, but not including any bicycle, motorized scooter, electric personal assisted mobility device, or moped.
- (c) *Notice of Violation/Infraction* shall mean a citation issued for a violation of §316.074(1) or §316.075(1)(c)1, Florida Statutes.
- (d) *Owner/Vehicle Owner* shall mean the person or entity identified by the Florida Department of Motor Vehicles, or other state vehicle registration office, as the registered owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six months or more.
- (e) *Recorded Images* shall mean images recorded by a Traffic Infraction Detector.
- (f) *Traffic Control Signal* shall mean a device exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in F.S. § 316.075.
- (g) *Traffic Infraction Detector* shall mean a device using a vehicle sensor installed to work in conjunction with a traffic control signal and a camera that are synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of a motor vehicle traveling through an intersection in violation of a traffic control signal's steady red light indication.
- (h) *Traffic Infraction Enforcement Officer* shall mean either an officer of the St. Pete Beach Police Department, a Traffic Infraction Enforcement Officer as provided in F.S. § 316.640(5), or a designated code enforcement officer.

Any terms not defined herein shall have the meaning as defined by Florida Statute; or, if

not defined in the Florida Statutes, the general dictionary meaning.

Sec. 82-278. Adherence to red light traffic control signals.

Pursuant to general law, motor vehicle traffic facing a Traffic Control Signal's steady red light indication shall stop before entering the crosswalk on the near side of an Intersection or, if none, then before entering the Intersection and shall remain standing until a green indication is shown on the Traffic Control Signal; as more fully described in F. S. § 316.074(1) and §316.075(1)(c)1, as may be amended from time to time; however, the driver of a vehicle which is stopped at a clearly marked stop line, or if none, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the Intersection in obedience of a steady red Traffic Control Signal, may make a right turn (unless such turn is otherwise prohibited by posted sign or other traffic control device) but shall yield right-of-way to pedestrians and other traffic proceeding as directed by the Traffic Control Signal at the Intersection, as described more fully in F.S. §316.075(1)(a) & (2), as may be amended from time to time.

Sec. 82-279. Signage.

When the City installs a Traffic Infraction Detector at an Intersection, it shall erect signage at the Intersection sufficient to notify the public that a Traffic Infraction Detector may be in use at the Intersection and shall include specific notification of camera enforcement of violations concerning right turns. Such signage shall meet the specifications for uniform signals and devices adopted by the Department of Transportation pursuant to F.S. §316.0745.

Sec. 82-280. Review of recorded images.

- (a) The Owner of the vehicle observed by recorded images committing a violation of

Florida Statute §316.074(1) or Florida Statute §316.075(1)(c)1, shall be issued a Notice of Violation/Infraction no later than thirty (30) days after the violation occurs. The recorded image shall be sufficient grounds to issue a Notice of Violation/Infraction.

- (b) The City shall designate Traffic Infraction Enforcement officer(s), who shall meet the qualifications set forth in F.S. § 316.640(5)(A), or any other relevant statute. The Traffic Infraction Enforcement Officer shall review recorded images prior to the issuance of a Notice of Violation/Infraction to ensure accuracy and the integrity of the recorded images. The Traffic Infraction Enforcement Officer shall also verify that the Traffic Infraction Detector that captured the recorded images was functioning properly at the time the recorded images were captured. Once the traffic infraction enforcement officer has verified the accuracy of the recorded images and functionality of the traffic infraction detector, he or she shall complete a report, and a Notice of Violation/Infraction shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or with the appropriate agency having such information in another state.
- (c) If a vehicle owner receiving a Notice of Violation/Infraction fails to pay the penalty for red zone infractions imposed by F.S. § 316.0083 or to provide an affidavit that complies with the provisions of F.S. §316.0083 within thirty (30) days of the date of the notice is issued, then a Uniform Traffic Citation shall be issued to the vehicle owner as provided by general law. The Uniform Traffic Citation shall be issued no later than sixty (60) days after the red zone infraction occurs.

Sec. 82-281. Notice of violation/infraction.

The Notice of Violation/Infraction shall be served via first class mail and shall include:

- (a) The name and address of the vehicle owner;

- (b) The license plate number and registration number of the vehicle;
- (c) The make, model, and year of the vehicle, if available; Notice that the violation charged is pursuant to this act and F.S. § 316.074(1) and § 316.075(1)(c)1;
- (d) The location of the intersection where the violation occurred;
- (e) The date and time of the red zone infraction;
- (f) A statement that the owner has the right to review the recorded images that constitute a rebuttable presumption against the owner, together with a statement of the time and place or internet location where the evidence may be observed;
- (g) A statement that the owner must pay a penalty of \$158.00 to the City or provide an affidavit that complies with F.S. § 316.0083 within thirty (30) days of the date the Notice of Violation/Infraction is issued in order to avoid court fees, costs, and the issuance of a Uniform Traffic Citation;
- (h) Images depicting violation;
- (i) A statement specifying the remedies available under F.S. § 318.14;
- (j) A signed statement by the traffic infraction enforcement officer that, based on inspection of recorded images, the vehicle was involved in a red zone infraction; and,
- (k) Instructions on all methods of payment of the penalty.

Sec. 82-282. Vehicle owner responsibilities.

As described more fully in F.S. § 316.0083, as may be amended from time to time, a vehicle owner receiving a Notice of Violation/Infraction shall, within thirty (30) days of the date of the Notice of Violation/Infraction, in order to avoid court fees, costs, and the issuance of a Uniform Traffic Citation, either:

- (a) Pay the assessed statutory penalty pursuant to instructions on the Notice of violation/Infraction; or
- (b) Provide an affidavit that complies with F.S. §316.0083.

Any owner who does not comply with this Section within thirty (30) days from the date of the Notice of Violation/Infraction shall be issued a Uniform traffic Citation in accordance with Florida Statute §316.0083."

Section 3. For a period of thirty days prior to commencing enforcement of violations of Florida Statute §316.074(1) or Florida Statute §316.075(1)(c)1 with the assistance of Traffic Infraction Detectors, the City shall make a public announcement and conduct a public awareness campaign in accordance with Florida Statute §316.0776(2)(b).

Section 4. Should any section, sentence, clause, part or provision of this ordinance be held or declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part held or declared to be invalid.

Section 5. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall take effect immediately upon second reading.

PASSED AND ORDAINED BY THE CITY OF ST. PETE BEACH, FLORIDA.

Mayor Michael Finnerty
Mayor Michael Finnerty

First Reading	<u>3-22-11</u>
Published	<u>3-26-11</u>
Second Reading	<u>4-12-11</u>

Public Hearing 4-12-11

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 12th day of April, 2011.

Pamala A. Prell
Pamala Prell, Acting City Clerk