

ORDINANCE NO.: 2827-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO TRAFFIC LIGHT SAFETY; REPLACING ARTICLE VI OF CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK ENTITLED "TRAFFIC LIGHT SAFETY ACT" IN ORDER TO COMPLY WITH CS/CS/HB 325 (THE MARK WANDALL TRAFFIC SAFETY ACT); REPEALING ORDINANCE 2757-09; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF VIOLATION/INFRACTION, APPEAL PROCEDURES; DEFENSES AND PENALTIES; PROVIDING FOR EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed CS/CS/HB 325 during the 2010 Legislative Session authorizing the use of traffic infraction 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 12, 2010, resulting in the creation of Chapter 2010-80, Laws of Florida (2010) (the "Mark Wandall Traffic Safety Act" or the "Act") taking effect on July 1, 2010; and

WHEREAS, the running of red lights continues to be a safety hazard affecting every citizen and traveler in the City of Winter Park; and

WHEREAS, the City wishes to further reduce the running of red lights by amending its Code of Ordinances to implement the Act; and

WHEREAS, THE City Commission finds that the provisions of Article VI of Chapter 98 of the Code of City Ordinances entitled "Traffic Light Safety" which were previously authorized by the City's Home Rule authority and by Sec. 316.08(1)(w), Florida Statutes, will be as of July 1, 2010, preempted to the State as provided by Section 3 of the Act; and

WHEREAS, the City Commission desires to replace Article VI of Chapter 98 of the City Code so as to conform with and implement the Act.

NOW THEREFORE, be it enacted by the people of City of Winter Park, Florida as follows:

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. The following provisions shall replace Article VI, Traffic Light Safety Act, of Chapter 98 of the Code of Ordinances of the City of Winter Park, prior Ordinance 2757-09 is repealed, and the new provisions shall be in compliance with CS/CS/HB (the Act) enacted in the 2010 Legislature, as follows:

CHAPTER 98
TRAFFIC AND VEHICLES
Article VI: Traffic Light Safety Act

Sec. 98-192. Intent. The purpose of this Act is to authorize the use of traffic infraction detectors as defined in the Mark Wandall Traffic Safety Act and in Section 316.003(86), Florida Statutes. This Act shall authorize the use of traffic infraction detectors to promote compliance with red light signal directives and to adopt a civil enforcement system for red light signal violations that are enforced through the use of traffic infraction detectors. This Act will supplement law enforcement and grants supplemental authority to law enforcement personnel in their enforcement of red light signal violations, and nothing herein shall prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with normal statutory traffic enforcement techniques.

Sec. 98-193. Use of Traffic Infraction Detectors. The City shall utilize traffic infraction detectors as defined in Section 316.003(86), Florida Statutes as a supplemental means of monitoring compliance with laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws. This technology is in the public interest and is used as an ancillary deterrent to persons running red lights and otherwise committing traffic control signal violations, for the purpose of reduction of accidents, deaths and injuries associated with such violations.

Sec. 98-194. Definitions. The following definitions shall apply to this Act.

- a. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines, 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. The definition of "intersection" shall be interpreted to be consistent with state law as set out in Section 316.003(17), Florida Statutes.
- b. "Motor Vehicle" shall mean any self propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped. The definition of "Motor Vehicle" shall be consistent with state law as set out in Section 316.003(21), Florida Statutes.
- c. "Notice of Infraction" shall mean a citation issued for a red zone infraction in accordance with the provisions of this Article. This shall also mean a Notice of Violation issued pursuant to this Article.
- d. "Notification" shall mean that notification required to be served pursuant to the Mark Wandall Traffic Safety Act within 30 days after a violation, and as required by this Article. This shall also mean a Notice of Violation issued pursuant to this Article.

- e. "Owner" shall mean the person who holds the legal title of the vehicle, or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for the purposes of this Article. The definition of "Owner" shall be consistent with state law as set out in Section 316.003(26), Florida Statutes, as defining the owner of a Motor Vehicle.
- f. "Recorded Images" shall also include the terms "photographic", "electronic images" or "streaming video", and all of such terms shall mean the following: The automatic recordation of two or more sequenced photographic or electronic images or streaming video of only the rear of a Motor Vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stopline when facing a traffic control signal steady red light. Any Notification of infraction and traffic citation issued pursuant to this Article must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.
- g. "Red Zone Infraction" shall mean a traffic offense whereby a traffic control signal monitoring system established that a vehicle entered an intersection controlled by a duly erected traffic infraction detector at a time when the traffic control signal for such vehicle's direction of travel was emitting a steady red signal.
- h. "Traffic Infraction Detector" shall mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced Recorded Images of only the rear of a Motor Vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stopline when facing a traffic control signal steady red light.
- i. "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 apply to drivers of motor vehicles as provided and defined in Section 316.075, Florida Statutes.
- j. "Traffic Control Signal Monitoring System/Device" shall mean a traffic infraction detector as defined in this Article.
- k. "Article" shall mean this Article VI of Chapter 98, Municipal Code of Ordinances of the City of Winter Park.
- l. "Act" shall mean Florida's Mark Wandall Traffic Safety Act, effective July 1, 2010.

Sec. 98-195. Adherence to Red Light Traffic Control Signals. 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 and stopped until a green indication is shown on the Traffic Control Signal; however, the driver of a vehicle which is stopped at a clearly marked stop line, or if none, at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersection roadway before entering the Intersection in obedience of a steady read 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. Notwithstanding the statement and definition of a violation under this Article, a Motor Vehicle may pass through the Intersection despite a Traffic Control Signal's steady red light indication under only the following circumstances:

- a. The Motor Vehicle passed through the Intersection in order to yield right of way to an emergency vehicle or as part of a funeral procession;
- b. The Motor Vehicle passed through the Intersection at the direction of a law enforcement officer.
- c. The operator of the Motor Vehicle made a right hand turn in a careful and prudent manner as allowed by the Act. However, an operator of a Motor Vehicle has not made a right hand turn in a careful and prudent manner if he or she makes a right hand turn at a speed that is continuously throughout the turn in excess of 12 mph. If the Traffic Infraction Detector, in accordance with the requirements of this Article, shall document that a right hand turn was continuously in excess of 12 mph, then an Infraction under this Article has occurred. Additionally, the operator of a Motor Vehicle has not made a right hand turn in a careful and prudent manner, even if the operator makes a right hand turn at the intersection at a rate of speed less than 12 mph, if a duly authorized Traffic Infraction Enforcement Officer upon review of the Recorded Images shown by the use of the Traffic Infraction Detector observes that there was other traffic entering or in the intersection heading in the same direction as the Motor Vehicle operator will drive in upon completion of the right hand turn or, there were pedestrians or any item or property pushed or carried by the pedestrian in the intersection on the side of the median that was on the same side of the road in which the operator is making the right hand turn. Under such circumstances, the turn would not be deemed reasonable or prudent and a citation may be issued by the Traffic Infraction Enforcement Officer.

Sec. 98-196. Violation. A violation of this Article known as a Red Zone Infraction shall occur when a vehicle does not comply with the requirements of Section 98-195. Violations of this Article shall be enforced pursuant to Section 98-198 herein.

Sec. 98-197. Authority for The Use of Traffic Infraction Detectors.

- a. Compliance With State Law: Pursuant to the Act, and Section 316.0076, Florida Statutes, regulation of the use of cameras for enforcing the provisions of the law related to unlawful running of red lights is expressly preempted to the State.
- b. Municipal Authority: The City of Winter Park may use Traffic Infraction Detectors to enforce this Article and Sections 316.074(1) and 316.075(1)(c)1, Florida Statutes, all of which govern traffic control signals and violations of such signals under Florida law and the ordinances of the City of Winter Park. The City is authorized pursuant to Section 316.008, Florida Statutes, to install or authorize the installation of Traffic Infraction Detectors within the jurisdictional boundaries of Winter Park, and pursuant to state law, this installation of detectors may be accomplished by contract, interlocal agreement or direct installation by the City.

Sec. 98-198. Notice and Citation Procedures.

- a. This Article supplements the enforcement of traffic infraction laws by law enforcement officers. Accordingly, the use of Traffic Infraction Detectors is supplemental to the authority of law enforcement officers to enforce traffic signal violations pursuant to the ordinances of the City of Winter Park and Sections 316.074(1) and 316.075(1)(c)1, Florida Statutes, when a driver fails to stop at a traffic signal. Nothing in this Article prohibits a law enforcement officer from issuing a traffic citation for a violation of this Article or Sections 316.074(1) or 316.075(1)(c)1, when a driver fails to stop at a traffic signal in accordance with normal traffic enforcement techniques.
- b. Use of a Traffic Infraction Enforcement Officer: The City shall designate a Traffic Control Infraction Review Officer who shall meet the qualifications set forth in Section 316.640, Florida Statutes, as authorized by Section 316.0083, Florida Statutes, to issue traffic citations for violations of this Article, when the violation is determined pursuant to the use of a Traffic Infraction Detector. The Traffic Infraction Enforcement Officer shall review Recorded Images from the Traffic Infraction Detector prior to the issuance of a Notice of Infraction to insure 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. After the Traffic Infraction Enforcement Officer has verified the accuracy of the Recorded Images and the proper operation and functioning of the Traffic Infraction Detector, he or shall comply with the requirements set out in this Article regarding the procedures for Notification and Citation.
- c. Notification:
 - i. Within 30 days after a violation, Notification must be sent to the registered Owner of the Motor Vehicle involved in the violation, specifying the remedies available under this Article and stating that the owner receiving

the notice must pay a penalty of \$158.00 to the City of Winter Park, or furnish an affidavit in accordance with subsection 98-198e.i., hereinafter, within 30 days following the date of Notification in order to avoid the imposition of court fees, costs and the issuance of a Citation. This Notification shall be sent by first class mail to the Owner's address of record.

- ii. Included with the Notification to the registered Owner of the Motor Vehicle involved in the infraction must be a written notice that the Owner has the right to review the Recorded Images (including any streaming video evidence), which constitutes a rebuttable presumption against the Owner of the Motor Vehicle. The Notification must also state the time and place or Internet location where the evidence may be examined and observed.
- iii. In addition to the information required in subsections 98-198 c.i. and ii., above, the Notification must also state and include the following:
 - a) The name and address of the Motor Vehicle owner;
 - b) The license plate number and registration number of the Motor Vehicle;
 - c) The make, model, and year of the Motor Vehicle;
 - d) Notice that the infraction charged is pursuant to this Article;
 - e) The date and time of the infraction;
 - f) The location of the intersection where the infraction occurred;
 - g) A statement that the Owner of the Motor Vehicle has the right to review the Recorded Images that constitute a rebuttable presumption against the Owner of the Motor Vehicle, together with a statement of the time and place or Internet location where the evidence may be examined and observed;
 - h) Images depicting the infraction, and showing the license tag of the offending vehicle and the traffic control device being violated;
 - i) Instructions on all methods of payment of the penalty;
 - j) A statement specifying the remedies available under Section 318.14, Florida Statutes;
 - k) A statement that the Owner of the Motor Vehicle must pay a penalty of \$158 to the City or provide an affidavit that complies with Section

316.0083, Florida Statutes, within thirty (30) days of the date the Notification is issued in order to avoid court fees, costs, and the issuance of a Uniform Traffic Citation; and

d. Traffic Citation:

- i. A Traffic Citation under this Article shall be issued by mailing the Citation by certified mail to the address of the registered Owner of the Motor Vehicle involved in the violation when payment has not been made within 30 days after Notification under subsection 98-198c. hereinabove.
- ii. Delivery of the Traffic Citation constitutes Notification and Citation under this section.
- iii. In the case of joint ownership of a Motor Vehicle, the Traffic Citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.
- iv. The Traffic Citation shall be mailed to the registered Owner of the Motor Vehicle involved in the violation no later than 60 days after the date of the violation.
- v. Included with the Citation to the registered Owner of the Motor Vehicle involved in the infraction shall be a notice that the Owner has the right to review, either in person or remotely, the Recorded Images (including any streaming video evidence) that constitutes a rebuttable presumption against the Owner of the Motor Vehicle. The Citation must state the time and place or Internet location where the evidence may be examined and observed.

e. Exemptions:

- i. The Owner of the Motor Vehicle involved in the violation is responsible and liable for paying the Uniform Traffic Citation issued for a violation of this Article, when the driver has failed to stop at a traffic signal, unless the Owner can establish one of the defenses set out in this subsection. In order to establish the facts supporting a defense, the owner of the motor vehicle shall, within 30 days after the date of issuance of the Traffic Citation, furnish to the City of Winter Park an affidavit setting forth detailed information that supports a defense or exemption from this Ordinance.
- ii. It shall be a defense to a violation alleged under this Ordinance that the Motor Vehicle passed through the intersection in order to yield right of way to an emergency vehicle or as part of a funeral procession.

- iii. It shall be a defense to a violation alleged under this Ordinance that the Motor Vehicle passed through the intersection at the direction of a law enforcement officer.
 - iv. It shall be a defense to a violation alleged under this Ordinance that the Motor Vehicle was, at the time of the violation, in the care, custody, or control of another person. However, if this defense is asserted, the affidavit furnished pursuant to this subsection must include and identify the name, address, date of birth and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody or control of the Motor Vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating the Motor Vehicle was stolen.
 - v. It shall be a defense to a violation alleged under this Ordinance that a Uniform Traffic Citation was issued by a law enforcement officer to the driver of the Motor Vehicle for the alleged violation of either Section 316.074(1) or Section 316.075(1)(c)1, Florida Statutes, with respect to the same transaction at issue that was detected by the Traffic Infraction Detector. However, if this defense is asserted, the affidavit must include the serial number of the Uniform Traffic Citation.
 - vi. It shall be a defense to a violation alleged under this Ordinance that the driver was making a right hand turn in a careful and prudent manner at an intersection where right hand turns are permissible. Additionally, the City shall not issue a Notice of Infraction or a Traffic Citation if it can determine from the Recorded Images captured by a Traffic Infraction Detector that the driver was making a right hand turn in a careful and prudent manner at an intersection where right hand turns are permissible.
- f. No Other Defenses Are Permitted. The defenses provided herein are the only defense against liability for violation of this Article by the Owner of a Motor Vehicle, when the violation is detected pursuant to the use of a Traffic Infraction Detector.

Sec. 98-199. Proceedings Against A Person Designated As Having Custody or Control Of a Motor Vehicle. Upon receipt of a defense or exemption by affidavit designating another person as having care, custody, and control of the Motor Vehicle at the time of the violation, the City may proceed against such person in accordance with the provisions hereof. The affidavit is admissible in a proceeding pursuant to this Article for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the Motor Vehicle. The City shall proceed against such person for the imposition of the civil penalties provided herein as if the person was the actual Owner of the Motor Vehicle, with the exception being that the City shall have 30 days to issue notification from the date on which the City receives the affidavit designating such person as having care, custody, and control of the Motor Vehicle. If the designated person fails to pay the civil penalty within 30 days, then the City shall issue a

Citation within 30 days thereafter in accordance with the procedures specified in this Article for issuance of a Citation.

Sec. 98-200. Vehicle Registered In The Name Of A Lessee Of A Motor Vehicle. The Owner of a leased vehicle is not liable under this Article and is not required to submit an affidavit if the Motor Vehicle involved in the violation is registered in the name of the lessee of the vehicle. Under such circumstances, the lessee shall be treated as the liable party and as the Owner of the Motor Vehicle.

Sec. 98-201. False Affidavit. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes, and as a criminal violation of the Code of Ordinances of the City of Winter Park.

Sec. 98-202. Use Of Photographic Or Electronic Images. The Recorded Images (including any streaming video) attached to or referenced in the Notification and Traffic Citation are evidence that a violation of this Article has been committed by the driver failing to stop at a traffic signal, and such evidence is admissible in any proceeding to enforce this Article and raises a rebuttable presumption that the Motor Vehicle named in the report or shown in the Recorded Images (including any streaming video) was used in violation of this Article or Sections 316.074(1) or 316.075(1)(c)1, Florida Statutes, as a result of the driver failing to stop at the traffic signal as required by law. The Owner or person designated as having custody, control, or care of the motor vehicle shall be liable for the violation and shall pay the required civil penalty in accordance with this Article.

Sec. 98-203. Penalties And Apportionment Thereof.

- a. Consistent with the Mark Wandall Traffic Safety Act and Section 316.0083, Florida Statutes, the civil penalty to be assessed and collected by the City for a violation of this Article is \$158.00 for each violation. This penalty shall be collected by the City and apportioned as follows:
 - i. \$70.00 shall be remitted to the Department of Revenue for deposit into the State's General Revenue Fund;
 - ii. \$10.00 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund;
 - iii. \$3.00 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund;
 - iv. \$75.00 shall be retained by the City.
- b. Pursuant to Section 15 of CS/CS/HB 325, the City shall retain the portion of the penalty required to be remitted to the Department of Revenue until the City is notified by the Department of Revenue that it is able to receive and distribute the retained funds. Upon notification by the Department of Revenue, the City shall remit the required amounts to the Department of Revenue as provided in Section

316.0083, Florida Statutes. Accordingly, the City Manager shall reserve an account for funds due to the Department of Revenue pending such notification.

Sec. 98-204. Required Report To The Department Of Motor Vehicles. Pursuant to Section 316.0083, Florida Statutes, the City shall submit a report on or before October 1, 2012, and annually thereafter, to the Department of Motor Vehicles, which details the results of using Traffic Infraction Detectors and the procedures utilized for enforcement of the laws prohibiting the running of red lights through the use of Traffic Infraction Detectors for the preceding state fiscal year. At a minimum, the information submitted by the City shall include statistical data and information that may be required by the Department of Motor Vehicles in order that the Department can make its annual report to the State.

Sec. 98-205. State Review and Regulation Of Traffic Infraction Detectors. Any Traffic Infraction Detector deployed on the streets of the City Of Winter Park shall meet specifications established by the Department of Transportation (DOT), and the devices shall be tested at regular intervals according to specifications prescribed by the DOT. The DOT is required by state law (Section 316.07456) to establish such specifications on or before December 31, 2010. However, as allowed by state law, the City will not be required to meet these specifications established by the DOT until July 1, 2011, with respect to any equipment acquired by purchase, lease, or other arrangement under an agreement entered into by the City as a party on or before July 1, 2011, or equipment used to enforce a municipal ordinance enacted by the City on or before July 1, 2011. Specifically, all devices in use or to be placed in use pursuant to Ordinance Number 2757-09 and this Ordinance, prior to July 1, 2011, shall be exempt from the specifications established by the DOT until July 1, 2011.

Sec. 98-206. Penalties. A violation of this Article shall be deemed a non-criminal, non-moving violation for which a civil penalty in the amount of \$158.00 shall be assessed. No points will be assessed or recorded against the driving record of the Owner of the Motor Vehicle or other responsible party in accordance with state law when the Infraction is administered pursuant to this Article. In addition to the assessment of \$158.00, administrative charges in the amount of the City's actual costs shall be assessed in the event of an unsuccessful appeal or if there is a necessity to institute collection procedures.

Sec. 98-207. Collection Of Fines. The City Manager may from time to time establish procedures for the collection of a penalty imposed herein, and may enforce such penalty by civil action in the nature of a debt. The City may also use any collection actions and enforcement techniques authorized by state law in the event of non-payment. These procedures may include the utilization of the Clerk of Court and such remedies as may be provided by Florida law for collection of penalties owed to the Clerk of Court.

Sec. 98-208. Exceptions. This Article will not apply to Red Zone Infractions that involve vehicle collisions or to any authorized emergency vehicle responding to a *bona fide* emergency; nor shall this Article apply in the event that one of the allowable defenses specified in subsection 98-198e. has occurred.

Sec. 98-209. Consistency With State Law.

- a. This Article shall be interpreted and applied so that it is consistent with state law, specifically, the Mark Wandall Traffic Safety Act; CS/CS/HB 325.
- b. Any amendment to an applicable state law shall automatically apply to the enforcement and application of this Article, whether or not this Article or any provision hereof has been amended to specifically address such amendment to state law. Without limitation, any future amendment regarding the amount of the civil penalty or the apportionment of the proceeds thereof shall be deemed applied in the enforcement of this Article, even prior to a specific amendment to this Article to make the Article expressly consistent with such change in state law with respect to the amount of the penalty or the apportionment of proceeds thereof.
- c. Pursuant to Section 316.0776, Florida Statutes, the City shall notify the public that a Traffic Infraction Detector may be in use at each intersection at which such device or devices may be in use, and such notice shall specifically specify whether the camera enforcement will apply to violations concerning right turns. The signage used to notify the public shall meet the specifications for uniform signals and devices adopted by the DOT pursuant to Section 316.0745, Florida Statutes.

Sec. 98-210. Prohibition Against Contingency Fees. Pursuant to Section 5 of the Mark Wandall Traffic Safety Act, CS/CS/HB 325, 2010 Legislature, and Section 316.0083(1)(b)4, Florida Statutes, no individual, manufacturer or vendor of any type whatsoever may receive a fee or remuneration based upon the number of violations detected through the use of a Traffic Infraction Detector, nor may any person or entity receive a commission from any revenue collected from violations detected through the use of a Traffic Infraction Detector.

Section 3. Specific authority is granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Park, pursuant to CS/CS/HB 325, 2010 Florida Legislature (referred to as the “Mark Wandall Traffic Safety Act”).

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed. Specifically, Ordinance Number 2757-09 effective January 12, 2009, shall be repealed as of the effective date of this Ordinance, but there is a savings provision herein provided whereby all action taken pursuant to Ordinance 2757-09 prior to the effective date of this Ordinance shall be ratified and deemed lawful pursuant to the authority conferred by Ordinance Number 2757-09 and the home rule authority of the City of Winter Park. And the provisions of Ordinance 2757-09 and this Article as it existed immediately before July 1, 2010, shall apply with respect to violations that occurred before July 1, 2010.

Section 5. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application or not deemed unlawful shall not be affected thereby and the unlawful provision shall be severed and the remainder of this Ordinance shall be enforced without regard to the severed provision.

Section 6. This Ordinance shall take effect upon adoption.

Adopted at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 8th day of November, 2010.

Kenneth W. Bradley
MAYOR KENNETH W. BRADLEY

ATTEST:

Cynthia Bonham
CYNTHIA BONHAM, CITY CLERK