

**ORDINANCE NO. 2932-13**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA REPEALING OBSOLETE PROVISIONS AND AMENDING CHAPTER 98, TRAFFIC AND VEHICLES, ARTICLE VI, TRAFFIC LIGHT SAFETY ACT, OF THE CITY CODE TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICER CONSISTENT WITH GENERAL LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Florida Legislature passed CS/CS/HB 7125 during the 2013 Legislative Session authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

**WHEREAS**, the Governor of the State of Florida signed CS/CS/HB 7125 into law on June 12, 2013, resulting in the Chapter 2013-160, Laws of Florida, taking effect on July 1, 2013; and

**WHEREAS**, the use of a Local Hearing Officer allows citizens of the City of Winter Park to have a process for contesting notices of violation issued related to red light violations separate from the traffic court process; and

**WHEREAS**, the City Commission wishes to repeal certain provisions of Chapter 98, Article VI, of the City's Code of Ordinances and to amend other provisions to implement Chapter 2013-160, Laws of Florida; and

**WHEREAS**, the City Commission wishes to adopt and administer the local hearing process created by Chapter 2013-160, Laws of Florida; and

**WHEREAS**, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (\* \* \*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:**

**SECTION 1:**        **Recitals Adopted.**    The forgoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2:**            **Deletion of Obsolete Provisions.** Chapter 98, Article VI, Sections 98-194 through 98-196, Sections 98-198 through 98-208, and Section 98-210 are hereby repealed in their entirety.

**SECTION 3:**            **Amendment to Section 98-192.** Chapter 98, Article VI, Section 98-192 “Intent” is hereby amended as follows:

**Sec. 98-192.**            **Intent.**

~~The purpose of this Act is to authorize the use of traffic infraction detectors within the City’s jurisdictional limits as defined in the Mark Wandall Traffic Safety Act and in F.S. § 316.003(86) permitted by the Mark Wandall Traffic Safety Act and F.S. § 316.0083. 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.~~

**SECTION 4:**            **Amendment of Section 98-193.** Chapter 98, Article VI, Section 98-193 “Use of traffic infraction detectors” is hereby amended as follows:

**Sec. 98-193.**            **Use of traffic infraction detectors.**

~~The city shall utilize traffic infraction detectors as defined in F.S. § 316.003(86) 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.~~ exercises its option under F.S. § 316.0083 as of the effective date of this ordinance to use traffic infraction detectors within its jurisdiction to enforce F.S. § 316.074(1) or § 316.075(1)(C), when a driver fails to stop at a traffic signal on streets and highways in the city’s jurisdiction. The city may utilize traffic infraction detectors as a supplemental means of monitoring and assisting law enforcement personnel in the enforcement of compliance with laws related to traffic control signals as permitted and provided for by state law, which are designed to protect and improve the public health, safety, and welfare of the community and thereby reduce accidents, injuries and disruption of traffic associated with such violations.

**SECTION 5: Amendment of Section 98-209.** Chapter 98, Article VI, Section 98-209 “Consistency with state law” is hereby amended as follows:

**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~~, Laws of Florida 2010-80 and any subsequent amendments thereto.
  
- (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 F.S. § 316.0776, 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 D.O.T. pursuant to F.S. § 316.0745.

**SECTION 6: Creation of New Section 98- # .** Chapter 98, Article VI, Section 98-\_\_\_\_ “Implementation of General Law and Designation of Local Hearing Officer,” is hereby created as follows:

**Sec. 98- # .                    Implementation of General Law and Designation of Local Hearing Officer.**

In accordance with the provisions of the Mark Wandall Traffic Safety Act as of the effective date of this ordinance, the city authorizes the implementation of the provisions and requirements of Chapters 2010-80 and 2013-160, Laws of Florida. The city commission shall appoint by resolution a Local Hearing Officer, as defined by Chapter 2013-160, Laws of Florida, in accordance with the provisions of the Mark Wandall Traffic Safety Act.

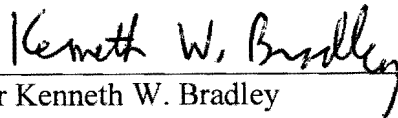
**SECTION 7:**        **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.


**SECTION 8:**        **Codification.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Winter Park, that the sections of this Ordinance may be renumbered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**SECTION 9:**        **Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 10:**      **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12th day of August, 2013.

  
\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:  
  
\_\_\_\_\_  
Cindy Bonham, City Clerk