

ORDINANCE #2010-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, REPEALING SECTION 44-19 THROUGH SECTION 44-33 OF THE CODE OF ORDINANCES OF THE CITY OF DORAL ENTITLED "THE DORAL DANGEROUS INTERSECTION SAFETY ACT"; IN ITS ENTIRETY; CREATING NEW SECTION 44-19 OF THE CODE OF ORDINANCES OF THE CITY OF DORAL ENTITLED "THE DORAL DANGEROUS INTERSECTION SAFETY ACT"; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF TRAFFIC INFRACTION DETECTORS FOR RED LIGHT INFRACTIONS PURSUANT TO STATE LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR TRAFFIC INFRACTION ENFORCEMENT OFFICERS; AUTHORIZING CITY ADMINISTRATION TO TAKE ALL STEPS NECESSARY TO IMPLEMENT AND OPERATE THE ENFORCEMENT PROGRAM PURSUANT TO THE REQUIREMENTS OF STATE LAW; PROVIDING FOR THE LOCATION OF TRAFFIC INFRACTION DETECTORS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Doral adopted Ordinance 2009-8 which enacted the Doral Dangerous Intersection Safety Act, the provisions of which were codified in Section 44-19 through Section 44-33 of the City's Code of Ordinances; and

WHEREAS, Ordinance 2009-8 authorized the City to enforce civil infractions for violations of red light indications on traffic control signals, using traffic infraction detectors; and

WHEREAS, Ordinance 2009-8 was adopted pursuant to the City's Constitutional and home rule authority in Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, as well as Section 316.008, Florida Statutes, which grants municipalities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of police power, the authority to regulate and monitor traffic by means of police officers and security devices, as well as other authority provided by law; and

WHEREAS, on May 13, 2010, Governor Charlie Crist signed the "Mark Wandall Safety Program," enacted as Laws of Florida, Chapter 2010-80 (the "State Act"), which, among other things, now expressly preempts to the state the subject matter of using unmanned cameras/monitoring devices, referred to as traffic infraction detectors in the State Act and defined therein, to enforce violations of red light indications on traffic control devices as of July 1, 2010; and

WHEREAS, the City Council of the City of Doral finds that implementation of the enforcement program pursuant to the State Act effective July 1, 2010, will promote, protect and improve the health, safety and welfare of its citizens, consistent with the authority of and limitations on the City pursuant to the Florida Constitution and Florida Statutes; and

WHEREAS, the City Council desires to implement the enforcement program set forth in the State Act; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA:

Section 1. The foregoing "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. Section 44-19 through Section 44-33 of the Code of Ordinances of the City of Doral, entitled Doral Dangerous Intersection Safety Act, are hereby repealed in their entirety.

Section 3. New Section 44-19 of the Code of Ordinances of the City of Doral, entitled Doral Dangerous Intersection Safety Act, shall be created to read as follows:

Sec. 44-19. Doral Dangerous Intersection Safety Act.

1. Intent.

The purpose of this Act 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"). 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.

2. 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.

3. 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:

- (a) *Notice of Violation* shall mean initial notification from the City to the registered owner of a motor vehicle involved in a violation, notifying the registered owner of a the violation, and containing information required by the State Act.
- (b) *Recorded Images* shall mean images recorded by a traffic infraction detector, which includes but is not limited to photographic or electronic images or streaming video.
- (c) *Traffic Citation* shall mean 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.
- (d) *Traffic Infraction Enforcement Officer* shall mean the City Police Department employee who meets the requirements of the State Act and who shall review the recorded images and be authorized to issue Notices of Violation and Traffic Citations pursuant to the requirements of this Chapter and the State Act.

- (e) Violation shall mean violations of Sections 316.074(1) or 316.075(1)(c)(1), Florida Statutes.

4. Traffic Infraction Enforcement Officer.

- (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/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 thirty (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 thirty (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 sixty (60) days after the violation. The Traffic Citation shall be sent by certified mail.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in Code. It is the intention of the City Council of the City of Doral, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Doral Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date. This Ordinance shall become effective upon adoption by the City Council. Prior to the enforcement of the provisions of this

Ordinance, the City will conduct a public awareness campaign, consistent with Section 316.0776(2)(b), Florida Statutes.

The foregoing Ordinance was offered by Vice Mayor Van Name, who moved its adoption. The motion was seconded by Councilman Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Robert Van Name	Yes
Councilman Pete Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on first reading this 11TH day of August, 2010.
PASSED AND ADOPTED on second reading this 13th day of October, 2010.



Juan Carlos Bermudez, Mayor

ATTEST:



Barbara Herrera, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jimmy Morales, City Attorney