

ORDINANCE NO. 2010- 1557

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 "TRAFFIC AND VEHICLES", CREATING ARTICLE III "DANGEROUS INTERSECTION SAFETY"; SECTION 74 PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SAVINGS, RATIFICATION AND RESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Florida Legislature passed CS/CS/HB325 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/HB325 into law on May 13, 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 Town of Surfside; and

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

**WHEREAS**, the Town Commission finds that the provisions of Article III "Dangerous Intersection Safety" of Chapter 74 of the Town Code, which were previously authorized by the

Town's Home Rule Powers 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 Town Commission desires to amend Article III of Chapter 74 of the Town Code so as to conform with and implement the Act.

NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN COMMISSION  
OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

**Section 1. Recitals Adopted.** That the recitals set forth above are hereby adopted and confirmed.

**Section 2. Code Amendment.** That Article III "Dangerous Intersection Safety" of Chapter 74 "Traffic and Vehicles," of the Town Code of the Town of Surfside is hereby created to read as follows:

**Sec.74-71. Intent.**

The purpose of this article is to 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, all in accord with general law, including Chapter 2010-80, Laws of Florida (2010) (the "Mark Wandall Traffic Safety Act" or the "Act"). This article 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 routine statutory traffic enforcement techniques.

**Sec.74-72. Use of Image Capture Technologies**

The town 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 or county laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to

install and maintain traffic signal devices. This article shall serve to enable the Town to provide enhanced enforcement and respect for authorized traffic signal devices pursuant to Florida Statutes, Sections 316.008 and 316.0083 (2010). The town may 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. 74-73. Definitions**

The following definitions shall apply to this article:

*Owner/vehicle owner.* 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.

*Recorded images.* Images recorded by a Traffic infraction detector which is operated in accordance with the Act.

*Red zone infraction.* A traffic offense whereby a Traffic infraction detector indicates a violation of Section 74-75 hereinbelow;

*Traffic Infraction Enforcement Officer.* The Town Police Department employee designated, pursuant to subsection 74-76 herein, to review recorded images and issue red zone infractions based upon those images.

*Traffic infraction detector.* A vehicle sensor(s) installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record 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 stop line when facing a traffic control signal steady red light.

### **Sec. 74-74. Adherence to Red Light Traffic Control Signals.**

(a) 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; however, the driver of a vehicle which is approaching a clearly marked stop line, but if none, is approaching the crosswalk on the near side of the intersection or, if none, then is approaching 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 in a careful and prudent manner (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.

(b) Pursuant to general law, motor vehicle traffic facing a traffic control signal that is malfunctioning, inoperable or is emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest to the intersecting roadway where the driver has a view of approaching

traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In the event that only some of the traffic control signals within an intersection are malfunctioning, inoperative or emitting a flashing red light the driver of the vehicle approaching the malfunctioning, inoperative or flashing red traffic control signal shall stop in the above prescribed manner.

**Sec. 74-75. Violation.**

A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with the requirements of sections F.S. 316.074(1) or F.S. 316.075(1)(c)(1). Violations shall be enforced pursuant to F.S. § 316.0083 and this Chapter 74 of the Town Code.

**Sec. 74-75. Implementation of General Law.**

Within the Town, the Town Manager is authorized to implement the provisions and requirements of Chapter 2010- 80, Laws of Florida (2010), as may be amended from time to time, and may take any action which is necessary for such purpose.

**Sec. 74-76. Issuance of notice; Review of recorded images.**

(a) The owner of the vehicle which is observed by recorded images committing a red zone infraction shall be issued a notice of violation (hereinafter also known as a "notice") no later than thirty (30) days after the red zone infraction occurs. The recorded image shall be sufficient grounds to issue a notice.

(b) The Town's Chief of Police shall designate one or more Infraction Enforcement-Officers, who shall be Police Officers of the Town and who shall meet the qualifications set forth in F.S. § the Mark Wandall Traffic Safety or any other relevant statute. The Traffic Infraction Enforcement Officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the Traffic Infraction Enforcement Officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.

(c) If a vehicle owner receiving a notice fails to pay the penalty 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 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. 74-77. Notice of violation.**

All notices of Violation/Infraction and hearing shall be issued and heard in accordance with the Mark Wandall Traffic Safety Act

**Sec. 74-78. Signage**

When the Town 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 the intersection safety 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 §316.0745, Florida Statute.

**Section 3. Severability.** That 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 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code.** That it is the intention of the Town Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Surfside, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 13 day of July, 2010.

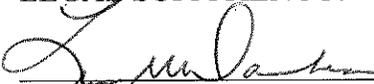
PASSED and ADOPTED on second reading this 10 day of August, 2010.

  
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Daniel Dietch, Mayor

Attest:

  
\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On 2nd Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Vice Mayor Graubart

**Vote:**

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Graubart	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Karukin	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/>
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyck	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>