

ORDINANCE NO. 13- 1602

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 "TRAFFIC AND VEHICLES", ARTICLE III "DANGEROUS INTERSECTION SAFETY" AND SPECIFICALLY AMENDING SECTION 74-72 "USE OF IMAGE CAPTURE TECHNOLOGIES", SECTION 74-76 "IMPLEMENTATION OF GENERAL LAW", AND SECTION 74-77 "ISSUANCE OF NOTICE; REVIEW OF RECORDED IMAGES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES IMPLEMENTING CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/CS/HB7125 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/HB7125 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 Surfside to have a process for contesting notices of violation issued related to red light violations separate from the traffic court processes; and

WHEREAS, the Town Commission wishes to utilize its existing code enforcement system to implement the local hearing process; and

WHEREAS, the Town Commission believes it is in the best interests of the community to amend the code of ordinances and implement Chapter 2013-160, Laws of Florida; and

WHEREAS, the Town Commission held its first public hearing on June 11, 2013 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission shall have conducted a second duly notices public hearing on these regulations as required by law on July 16, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

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) and 316.074(1)(2013) or 316.075(1)(C)(2013). 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. 74-76. - 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 ~~Within the town~~, the town manager is authorized to implement the provisions and requirements of Chapter 2010-80, Laws of Florida (2010) and Chapter 2013-160, Laws of Florida (2013) as may be amended from time to time, and may take any action which is necessary for such purpose. The Town shall utilize its Special Master, as provided for in Chapter 15 Code Enforcement, as its Local Hearing Officer, as defined by Chapter 2013-160, Laws of Florida, in accordance with the provisions of the Mark Wandall Traffic Safety Act.

Sec. 74-77. - 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 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 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)~~ sixty (60) 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 60 days after the red zone infraction occurs.~~

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

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

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED and ADOPTED on first reading this 11 day of June, 2013.

PASSED and ADOPTED on second reading this 16th day of July, 2013.



Daniel Dietch, Mayor

Attest: 

Sandra Novoa, CMC, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney

On Final Reading Moved by: Graubart

On Final Reading Seconded by: Olchyk

VOTE ON ADOPTION:

Commissioner Joseph Graubart	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Michelle Kligman	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Michael Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	_____