

1 **ARTICLE V – AUTOMATED RED LIGHT ENFORCEMENT**

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3 **Sec. 30-163. Intent and purpose.**

4 This article authorizes the use of traffic infraction detectors to promote compliance with red
5 light signal directives as set forth in this article and applicable Florida law. This article will supplement
6 law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law
7 enforcement officers from issuing a citation for a red light signal violation in accordance with normal
8 and customary statutory traffic enforcement mechanisms.

9
10 **Sec. 30-164. Use of traffic infraction detectors.**

11 The city may utilize traffic infraction detectors pursuant to general law as a means of
12 monitoring compliance with state laws relating to traffic control signals while assisting law
13 enforcement personnel in the enforcement of such laws, which are designed to protect and improve
14 the public health, safety, and welfare. This article shall not supersede, infringe, curtail, or conflict with
15 Florida laws relating to red light signal violations. The city may utilize traffic infraction detectors as an
16 ancillary and supplemental deterrent to traffic control and traffic signal violations and thereby reduce
17 accidents and injuries associated with such violations.

18
19 **Sec. 30-165.**

20 *Inter section* means the area embraced within the prolongation or connection of the lateral
21 curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one
22 another at, or approximately at, right angles; or the area within which vehicles traveling upon
23 different roads joining at any other angle may come in conflict.

1 Motor vehicle means the definition set forth in section 316.003(43), Florida Statutes, or its
2 successor provision.

3 Owner means the person or entity identified by the Florida Department of Highway Safety and
4 Motor Vehicles, or other state vehicle registration office, as the registered owner of a vehicle.

5 Recorded images means images recorded by a traffic infraction detector that is operated in
6 accordance with this article and Florida law.

7 Red zone infraction means a traffic offense whereby a traffic infraction detector indicates a
8 violation of this article.

9 Traffic infraction detector means a vehicle sensor installed to work in conjunction with a traffic
10 control signal and camera or cameras synchronized to automatically record two or more sequenced
11 photographic or electronic images or streaming video of only the rear of a motor vehicle at the time
12 the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control
13 signal steady red light.

14 Traffic infraction enforcement officer means the city police department employees designated
15 herein to review recorded images and issue red zone infractions based upon those images.

16
17 **Sec. 30-166. Adherence to red light traffic control signals.**

18 A motor vehicle facing a traffic control signal's steady red light indication shall stop before
19 entering the crosswalk on the near side of an intersection or, if none, then before entering the
20 intersection, and shall remain standing until a green indication is shown on the traffic control signal;
21 provided, however, the driver of a motor vehicle which is approaching a clearly marked stop line, or if
22 none, is approaching the point nearest the intersecting roadway where the driver has a view of
23 approaching traffic on the intersection roadway before entering the intersection in obedience of a
24 steady red traffic control signal, may make a right turn in a careful and prudent manner (unless such

1 turn is otherwise prohibited by posted sign or other traffic control device), but shall yield right-of-way
2 to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.

3 Further, motor vehicles facing a traffic control signal that is malfunctioning, inoperable, or is
4 emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the
5 crosswalk on the near side of the intersection, or if none, then at the point, nearest to the intersection
6 roadway where the driver has a view of approaching traffic on the intersecting roadway before
7 entering the intersection, and the right to proceed shall be subject to the rules applicable after making
8 a stop at a stop sign. In the event that only some of the traffic control signals within an intersection
9 are malfunctioning, inoperative, or emitting a flashing red light the driver of the vehicle approaching
10 the malfunctioning, inoperative, or flashing red traffic control signal shall stop in the above prescribed
11 manner.

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13 **Sec. 30-167. Violation**

14 A violation of this article (red zone infraction) shall occur when a vehicle does not comply with
15 the requirements of section 30-166 of this article and/or violations of Florida law, including but not
16 limited to, violations of sections 316.074(1) and 316.075(1)(c)1, Florida Statutes. Violations shall be
17 enforced pursuant to section 316.0083, Florida Statutes.

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19 **Sec. 30-168. Implementation of general law.**

20 Within the jurisdictional limits of the city, the city manager and the city police chief are
21 authorized to implement the provisions and requirements of Chapter 2010-80, Laws of Florida, as may
22 be amended from time to time, and may take any action which is necessary for such purpose.

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24 **Sec. 30-169. Review of recorded images.**

1 The city shall designate one or more traffic infraction enforcement officers who shall be police
2 officers of the city and who shall meet the qualifications set forth in section 316.640, Florida Statutes,
3 or any other applicable statutory provision. The traffic infraction enforcement officer shall review
4 recorded images prior to the issuance of a notice of infraction to ensure accuracy and the integrity of
5 the recorded images. The traffic infraction enforcement officer shall also verify that the traffic
6 infraction detector that captured the recorded images was functioning properly at the time the
7 recorded images were captured. Once the traffic infraction enforcement officer has verified the
8 accuracy of the recorded images and functionality of the traffic infraction detector, he or she shall
9 complete a review of the violation and authorize enforcement action, and a notice of violation shall be
10 sent to the owner at the address on record with the Florida Department of Highway Safety and Motor
11 Vehicles or any other state’s vehicle registration office.

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13 **Sec. 30-170. Notice of violation.**

14 Within 30 days after a violation, notification must be sent to the registered owner of the
15 motor vehicle involved in the violation specifying the remedies available under section 318.14, Florida
16 Statutes, and that the violator must pay the penalty of \$158.00 to the city, or furnish an affidavit in
17 accordance with section 316.0083(1)(d), Florida Statutes, or request a hearing within 60 days
18 following the notification in order to avoid the issuance of a traffic citation. Such notification must be
19 sent by first-class mail. Included with the notification to the registered owner of the motor vehicle
20 involved in the infraction must be a notice that the owner has the right to review the photographs or
21 electronic image or the streaming video evidence that constitutes a rebuttable presumption against
22 the owner of the vehicle. The notice of violation must be accompanied by, or direct the person to a
23 website that provides, information on the person’s right to request a hearing and on all court costs
24 related thereto and a form to request a hearing. A request for hearing shall waive any challenge or
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1 dispute as to the delivery of the notice of violation. Further, the notice of violation shall include: 1)
2 the name and address of the owner; 2) the license plate number and registration number of the
3 vehicle; 3) the make, model, and year of the motor vehicle; 4) notice that the infraction charged is
4 pursuant to this article; 5) the location of the intersection where the violation occurred; 6) the date
5 and time of the red zone infraction; 7) images depicting the infraction, showing the license tag of the
6 offending vehicle and the traffic control device being violated; 8) instructions on all methods of
7 payment of the penalty; 9) a statement specifying the remedies available under section 318.14,
8 Florida Statutes; 10) a statement that the owner must pay a penalty of \$158.00 to the city or provide
9 an affidavit that complies with section 316.0083 within 30 days of the date the notice is issued in
10 order to avoid court fees, costs, and the issuance of a uniform traffic citation; and 11) a signed
11 statement by the traffic infraction enforcement officer that, based on inspection of the recorded
12 images, the vehicle was involved in a red zone infraction.

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14 **Sec. 30-171. Uniform traffic citation.**

15 _____ A uniform traffic citation may be issued by mailing the traffic citation by certified mail to the
16 address of the registered owner of the motor vehicle in the notice of violation if payment has not
17 been made within 60 days after the date of the notice of violation, if the registered owner has not
18 requested a hearing, or if the registered owner has not submitted an affidavit as provided in section
19 30-170.

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21 **Sec. 30-172. Signage.**

22 _____ When the city installs a traffic infraction detector at an intersection, the city shall erect
23 signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use
24 at the intersection and shall include specific notification of intersection safety camera enforcement of
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1 violations concerning right turns. Such signage shall meet the specifications for uniform signals and
2 devices adopted by the Florida Department of Transportation pursuant to section 316.0745, Florida
3 Statutes.

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5 **Sec. 30-173. Consistency with state law.**

6 This article shall be interpreted and applied so that it is consistent with state law, including the
7 Mark Wandall Traffic Safety Act as set forth in section 316.0083, Florida Statutes. Any amendment to
8 an applicable state law shall automatically apply to the enforcement and application of this article
9 whether or not this article or any provision thereof has been amended to specifically address such
10 state law amendments. Without limitation, any future amendment regarding the amount of the civil
11 penalty or the apportionment of the proceeds thereof shall be deemed to apply in the enforcement of
12 this article, even prior to a specific amendment to this article to make this article expressly consistent
13 with such change in state law with respect to the amount of the penalty or the apportionment of the
14 proceeds thereof.

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17 **Section Four. SEVERABILITY.** If any section, sentence, clause, or phrase of this Ordinance is held to be
18 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
19 effect the validity of the remaining sections of this Ordinance.

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21 **Section Five. CONFLICTS.** In the event of a conflict or conflicts between this Ordinance and any other
22 ordinance of the City, this Ordinance controls to the extent of the conflict to the fullest extent
23 permissible under law.

1 **Section Six. CODIFICATION.** Section 3 of this Ordinance shall become and be made a part of the City
2 Code of the City of Belle Isle.

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4 **Section Seven. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon adoption by the
5 City Council of the City of Belle Isle.

6
7 **First Reading on April ____, 2020.**

8 **Second Reading and Adoption this _____ day of _____, 2020.**

	YES	NO	ABSENT
11 Ed Gold	_____	_____	_____
12 Anthony Carugno	_____	_____	_____
13 Karl Shuck	_____	_____	_____
14 Mike Sims	_____	_____	_____
15 Harvey Readey	_____	_____	_____
16 Jim Partin	_____	_____	_____
17 Sue Nielsen	_____	_____	_____

18
19 ATTEST: _____

20 Yolanda Quiceno, CMC

21 City Clerk

22 Nicholas Fouraker, Mayor

23 Approved as to form and legality for use and reliance
24 by the City Kurt Ardaman, City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document
4 ORDINANCE 20-03 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____
5 day of _____, 20____, at which session a quorum of its members were present.

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7 _____

8 Yolanda Quiceno, CMC-City Clerk

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