

ORDINANCE NO. 2024-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 26 “MISCELLANEOUS PROVISIONS AND OFFENSES” BY ADOPTING ARTICLE II “SCHOOL ZONE SPEED ENFORCEMENT PROGRAM”; PROVIDING FOR THE INSTALLATION AND USE OF A SCHOOL ZONE SPEED DETECTION SYSTEM IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PROGRAM ADMINISTRATION AND IMPLEMENTATION REQUIREMENTS, DESIGNATION OF SCHOOL ZONES, AND ENFORCEMENT PROCEDURES AND FOR OTHER PURPOSES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, Florida (“Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to provide for the health, safety, and welfare of the residents and visitors of the Town of Loxahatchee Groves; and

WHEREAS, during the 2023 Legislative Session, the Florida Legislature passed CS/CS/HB 657 (“HB 657”), amending certain provisions of state law governing the use of speed detection systems in school zones, which became law effective July 1, 2023; and

WHEREAS, speeding in designated school zones presents a threat to the health and safety of the public, and, in particular, all school aged children who attend school in the Town; and

WHEREAS, HB 657 authorizes the Town to place or install, or contract with a vendor to place or install, speed detection systems in school zones in accordance with certain technical specifications established by the Florida Department of Transportation; and

WHEREAS, HB 657 provides that the Town may issue notices of violation and may authorize a law enforcement officer or traffic infraction enforcement officer to issue uniform traffic citations for violations of sections 316.1895 and 316.183, Florida Statutes, that are captured by the speed detection system during specified time periods, and further provides for notice to the registered owner of the vehicle, hearing procedures, appellate remedies, and the assessment and remittance of civil penalties; and

WHEREAS, pursuant to section 316.008(9)(c), Florida Statutes, in consideration of creating a speed detection system, the Town held a public hearing at which traffic data was presented and such data adequately demonstrated that the Loxahatchee Groves Elementary School and the Royal Palm

Beach Elementary School’s school zones constitute a heightened safety risk that warrants additional enforcement measures such as a speed detection system; and

WHEREAS, through the adoption of this Ordinance, the Town desires to implement a speed detection system program in school zones in order to reduce speeding and benefit public safety; and

WHEREAS, the Town Council has determined that the enactment of this Ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Chapter 26 “Miscellaneous Provisions and Offenses” to read as follows:

Chapter 26 – MISCELLANEOUS PROVISIONS AND OFFENSES

ARTICLE I. – GENERAL PROVISIONS.

Sec. 26-1. – Solicitation of employment.

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Sec. 26-2. – Sexual offender and predator prohibitions.

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Secs. 26-3 – 26-10. – Reserved.

ARTICLE II. – SCHOOL ZONE SPEED ENFORCEMENT PROGRAM.

Sec. 26-11. - Purpose and intent; supplemental authority; statutory references.

(a) Purpose and intent. The town desires to protect the health, safety, and welfare of individuals traveling to and from school in the town. Accordingly, the town seeks to enforce school zone speed limits by authorizing the placement or installation and use of speed detection systems on roadways that constitute a heightened safety risk warranting additional enforcement measures pursuant to F.S. § 316.008 and to adopt a quasi-judicial system to enforce violations in accordance with all applicable laws.

(b) Supplemental authority. This article provides a supplemental means of enforcing unlawful speed violations in school zones and shall not prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic violation in accordance with F.S. Ch. 316.

(c) *Statutory references.* Any statutory reference made herein shall include the most recent version of such statute, as amended from time to time.

Sec. 26-12. – Use of speed detections systems.

In accordance with Chapter 316, Florida Statutes, the town exercises its authority to authorize placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within the Town of Loxahatchee Groves’ jurisdiction. Use of such systems shall comply with all applicable laws, including but not limited to Chapter 316, Florida Statutes, including but not limited to the requirements and procedures for the collection of evidence, public records and retention, enforcement powers and procedures, review of the photograph or video images from the speed detection system, notice of violation issuance, hearing procedures, appeals, defenses, and penalties.

Sec. 26-13. - Program administration.

- (a) *Administrator.* The town manager or designee, in cooperation with the Palm Beach County Sheriff’s Office and any necessary town staff, as determined by the town manager or designee, and any approved vendor and its employees and agents, are empowered to administer and assist with the town’s school zone speed enforcement program, consistent with Chapter 316, Florida Statutes, subject to any other applicable statute (including but not limited to Chapter 318), this article, and all corresponding town council resolutions. The town manager or designee, in coordination with the town’s law enforcement agency, is responsible for establishing any other procedures, policies, and forms necessary for implementing this article. The town is authorized to enter into agreements with one or more vendors to place or install speed detection systems and conduct services consistent with the implementation and enforcement of this article.
- (b) *Local hearing officer.* Except as may be otherwise provided by resolution of the town council, the town shall utilize its special magistrate pursuant to Chapter 2, §14-2 of this Code to serve as the local hearing officer(s) who shall preside over notice of violation hearings in accordance with this article.
- (c) *Clerk.* The town council shall designate by resolution existing town staff to serve as the clerk to the local hearing officer.
- (d) *Traffic infraction enforcement officer.* The town manager or designee, in coordination with the town’s law enforcement agency, shall designate traffic infraction enforcement officers to enforce violations of this article.

Sec. 26-14. - Program implementation requirements.

- (a) *Vendor contract.* Pursuant to F.S. § 316.0776, before the town contracts or renews a contract with a vendor to place or install a speed detection system in a school zone, the contract or contract renewal must be approved by the town council at a regular or special town council

meeting. The contract or contract renewal may not be heard on the consent agenda and the public must be allowed to comment pursuant to the town's public comment policies.

- (b) Installation and operation of speed detection systems. Pursuant to F.S. §§ 316.008 and 316.0776, speed detection systems may be installed and operated only in the school zones designated by this article, as amended from time to time.
- (c) Signage requirements. The installation and operation of speed detection systems, including required signage, shall be in accordance with F.S. §316.0776, any other applicable section(s) of F.S. Ch. 316, all applicable regulations of the Florida Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles, and the terms of any memorandum of understanding or other written agreement that may be entered into between the town's law enforcement agency and/or the town and its vendor(s).
- (d) Public awareness. Pursuant to F.S. § 316.0776, before notices of violation for school zone speed infractions may be issued, the town must make a public announcement and conduct a public awareness campaign of the proposed use of speed detection systems at least thirty (30) days before commencing enforcement under the speed detection system program and must notify the public of the specific date on which the program will commence. During the 30-day public awareness campaign, only a warning may be issued to the registered owner for a school speed zone infraction and a fine shall not be imposed.
- (e) Annual reporting requirements. The town, with the assistance of the town's law enforcement agency and/or the vendor, will annually report on the town 's school zone speed enforcement program to the public and to the Florida Department of Highway Safety and Motor Vehicles in accordance with F.S. §§ 316.0776(3)(c) and 316.1896. Pursuant to F.S. § 316.0776 (3)(c), the compliance or sufficiency of compliance with this requirement may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.
- (f) Collected fines and costs. All fines and costs collected pursuant to this article must be remitted in accordance with F.S. §§ 316.1896 and 318.18, and any other relevant state law.

Sec. 26-15. - Designation of school zones.

The town council considered evidence at a public hearing supporting the installation and operation of speed detection systems on certain roadways maintained as school zones within the jurisdiction of the town. Based on this evidence, the town council found that the school zones, located on portions of Okeechobee Boulevard, for the following schools constitute a heightened safety risk that warrants additional enforcement measures by installation or placement of speed detection systems pursuant to F.S. § 316.008. Subsequent speed detection systems may be approved for inclusion or removal via amendment to this section in accordance with applicable law.

Loxahatchee Groves Elementary School, 16020 Okeechobee Blvd., Loxahatchee, FL 33470.

Royal Palm Beach Elementary School, 11911 Okeechobee Blvd., Royal Palm Beach, FL 33411, to the extent that the school zone and the violations that occur are within the town's jurisdiction.

Sec. 26-16. - Enforcement procedures.

- (a) Generally. The town, Palm Beach County Sheriff's Office and any applicable vendor shall be authorized to enforce violations of this article. Violations shall be enforced in accordance with this article, Chapter 2023-174, Laws of Florida, and F.S. § 316.1896, and any other applicable statute. Any conflicts between this article and a statute shall be resolved in accordance with the applicable statute.
- (b) Notice of violation. Within 30 days after a violation, a notice of violation must be sent by first-class mail to the registered owner of the motor vehicle involved in the violation. The notice of violation shall comply with F.S. § 316.1896.
- (c) Owner options. A registered owner who receives a notice of violation may, within 30 days:
 - (1) Pay the fine of \$100, as fixed by F.S. § 318.18(3)(d); or
 - (2) Submit an affidavit establishing an exception to liability pursuant to F.S. § 316.1896(8); or
 - (3) Request a hearing.
- (d) Hearings. When a person timely requests a hearing, the clerk of the local hearing officer shall schedule such hearing, and a notice of the hearing shall be sent to the requestor by first-class mail. Hearings shall be conducted in accordance with this article and F.S. §§ 316.1896(14) and 316.0083(5).
- (e) Final administrative order. In accordance with F.S. § 316.1896(14)(e), the local hearing officer shall determine whether a violation under this article has occurred, in which case the local hearing officer shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay municipal costs not to exceed \$250 per violation, as authorized pursuant to section 316.0083(5)(e), Florida Statutes. The final administrative order shall be mailed to the petitioner by first-class mail.
- (f) Appeals. An aggrieved party may appeal a final administrative order of the local hearing officer in accordance with F.S. § 316.1896(14)(f).
- (g) Issuance of a uniform traffic citation. If the registered owner of a vehicle does not timely pay the fine reflected on the notice of violation, submit a sufficient affidavit, or request a hearing, a uniform traffic citation must be issued by a law enforcement officer or a traffic infraction enforcement officer to the registered owner and transmitted to the Palm Beach County Clerk of the Court for disposition by the county court. A law enforcement officer or traffic infraction enforcement officer shall be authorized, pursuant to F.S. § 316.1896, to issue a uniform traffic citation for violations of F.S. §§ 316.1895 or 316.183 as authorized by F.S. § 316.008(9).

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>VOTE</u>
ANITA KANE, MAYOR	_____
MARGARET HERZOG, VICE MAYOR	_____
PHILLIS MANIGLIA, COUNCILMEMBER	_____
LAURA DANOWSKI, COUNCILMEMBER	_____
ROBERT SHORR, COUNCILMEMBER	_____

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 12TH DAY OF NOVEMBER, 2024.

Councilmember _____ offered the foregoing ordinance. Councilmember seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>VOTE</u>
ANITA KANE, MAYOR	_____
MARGARET HERZOG, VICE MAYOR	_____
PHILLIS MANIGLIA, COUNCILMEMBER	_____
LAURA DANOWSKI, COUNCILMEMBER	_____
ROBERT SHORR, COUNCILMEMBER	_____

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 3RD DAY OF DECEMBER, 2024.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Town Clerk

Voted:
Mayor Anita Kane, Seat 3

Voted:
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Laura Danowski, Seat 2

Voted:
Councilmember Robert Shorr, Seat 4