

ORDINANCE NO. 2013-15-303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CHAPTER 24, ARTICLE II, "DANGEROUS INTERSECTIONS" OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 24, 2007, the City Council adopted Ordinance No. 2007-26-132, which authorized the operation of a red light camera program, and

WHEREAS, on May 13, 2010, Florida Governor Rick Scott signed CS/CS/HB 325, resulting of the creation of the Mark Wandall Traffic Safety Act (the "Act"), which expressly authorized municipalities to utilize traffic infraction detectors to enforce red light violations, and

WHEREAS, on July 1, 2010, the City's Red Light Camera Ordinance was subsequently amended to comply with State law, and

WHEREAS, during its most recent session, the State legislature adopted HB 7125, and

WHEREAS, the amended statute will allow violators to request a hearing within 60 days receipt of a Notice of Violation before a hearing officer designated by the City, and

WHEREAS, it is being recommended that the new red light camera hearings be conducted in accordance with the City's code enforcement Special Master process, and

WHEREAS, it is necessary to amend the City's Ordinance to comply with the revised statute,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Article II, Section 24 of the City's Code of Ordinances is hereby amended as follows:

Sec. 24-20. - 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, in accordance with ~~Chapter 2010-80, Laws of Florida (2010)~~ Section 316.0083, Florida Statutes (the "Mark Wandall Traffic Safety Act" or the "Act"), as amended. This article will 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. The city intends that the Mark Wandall Traffic Safety Act, as amended, shall govern the city's dangerous intersection program.

Sec. 24-22. - Definitions.

The following definitions shall apply to this article:

Intersection shall mean the area embraced within the prolongation or connection of the lateral curb line; or, if none, then the lateral boundary lines, of the roadways of two roads which join or intersect one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

Local Hearing Officer shall mean the City's Code Enforcement Special Master.

Motor vehicle shall mean any self-propelled vehicle not operated upon rails or guideways, but not including any bicycle, motorized scooter, electric personal assisted mobility device, or moped.

Notice of violation or traffic citation shall mean a citation issued for a red zone infraction.

Owner/vehicle owner shall mean 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 shall mean images recorded by a traffic infraction detector which is operated in accordance with this article.

Red zone infraction shall mean a traffic offense whereby a traffic infraction detector indicates a violation of this article.

Traffic control signal shall mean a device exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in F.S. § 316.075.

Traffic infraction detector shall mean 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.

Traffic infraction review officer shall mean the City of Miami Gardens employee designated, in accordance with the Mark Wandall Traffic Safety Act, to review recorded images and issue red zone infractions based upon those images.

Sec. 24-23. - Adherence to red light traffic control signals.

Pursuant to Section 316.0083, Florida Statutes, as amended (the Mark Wandall Traffic Safety Act), 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 that 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. A notice of violation and a traffic citation may not be issued under this section if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required.

Sec. 24-27. - Notice of violation/infractions/hearings.

- (1) All notices of violation/infraction and hearings shall be issued and heard in accordance with the Mark Wandall Traffic Safety Act.
- (2) Special Masters appointed in accordance with Chapter 8 of the City's Code of Ordinances shall be designated to serve as Local Hearing Officers, and conduct hearings related to a notice of violation issued pursuant to the Section 316.0083, Florida Statutes, as amended and Section 316.003, Florida Statutes, as amended.

(3) The City Clerk, or his or her designee, shall be designated to serve as the clerk to the local hearing officer in accordance with the Section 316.0083, Florida Statutes, as amended and Section 316.003, Florida Statutes, as amended.

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Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not 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 Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective on July 1, 2013.

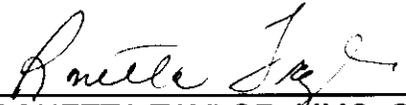
PASSED ON FIRST READING ON THE 12th DAY OF JUNE, 2013.

PASSED ON SECOND READING ON THE 26th DAY OF JUNE, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 26th DAY OF JUNE, 2013.


OLIVER GILBERT, III, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Vice Mayor Davis
Second by: Councilman Harris

VOTE: 4-0

Mayor Oliver Gilbert, III	<u> X </u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u> X </u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	_____ (Yes)	_____ (No) (not present)
Councilman David Williams Jr	_____ (Yes)	_____ (No) (not present)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	_____ (No)
Councilman Rodney Harris	<u> X </u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No) (not present)