

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	* \$ -0-	-0-	-0-	-0-	-0-

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* Fiscal impact is indeterminable at this time. The parameters of the program will be changing as will the contract with the vendor providing the monitoring service.

C. Departmental Fiscal Review: April White

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 [Signature] OFMB MC 8-10-10 8/11/10
 [Signature] Contract Dev. and Control 8/11/10

B. Approved as to Form and Legal Sufficiency:

 [Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

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(Background and Justification continued)

During the 2010 Legislative Session, the Florida Legislature passed CS/CS/HB325, authorizing the use of red light cameras as traffic infraction detectors to enforce Chapter 316, (the State of Florida Uniform Traffic Code). This legislation was signed into law by the Governor on May 13, 2010, resulting in "Mark Wandall Traffic Safety Act" or "Act" (2010-80, Laws of Florida) and took effect on July 1, 2010. Pursuant to the Act, the regulation and use of cameras is expressly preempted by the State.

The failure of drivers to obey red lights continues to be a safety hazard affecting the citizens of Palm Beach County. This amendment confirms the Board's intent to continue a red light traffic enforcement system in the County and conform to and implement 2010-80, Laws of Florida.

ORDINANCE NO. 2010 - _____

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY,
5 FLORIDA, AMENDING PALM BEACH COUNTY CODE
6 CHAPTER 19, ARTICLE IV, RED LIGHT CAMERAS;
7 (ORDINANCE 2008-013), RELATING TO THE USE OF
8 UNMANNED CAMERAS AT TRAFFIC SIGNALS TO
9 PROMOTE TRAFFIC SAFETY; PROVIDING FOR TITLE
10 AND PURPOSE; DELETING USE OF IMAGE CAPTURE
11 TECHNOLOGIES; PROVIDING FOR TRAFFIC
12 INFRACTION DETECTORS; DELETING DEFINITIONS;
13 PROVIDING FOR ADHERENCE TO RED LIGHT
14 TRAFFIC CONTROL SIGNALS; PROVIDING FOR
15 VIOLATION; PROVIDING FOR SIGNS AT MONITORED
16 INTERSECTIONS; PROVIDING FOR REVIEW OF
17 RECORDED IMAGES; PROVIDING FOR NOTICE OF
18 VIOLATION; DELETING VEHICLE OWNER
19 RESPONSIBILITIES; PROVIDING FOR ISSUANCE OF
20 A TRAFFIC CITATION; PROVIDING FOR OWNERS
21 DEFENSES; PROVIDING FOR PENALTIES;
22 PROVIDING FOR ADMINISTRATIVE COSTS; NO
23 COMMISSIONS; DELETING CIVIL PENALTIES;
24 DELETING EXCEPTIONS; DELETING THREE-MONTH
25 NOTICE; INTRODUCTORY PERIOD; PROVIDING FOR
26 ACCOUNTING FOR PROGRAM REVENUES AND
27 EXPENDITURES; PROVIDING FOR CONSISTENCY
28 WITH STATE LAW; PROVIDING FOR
29 APPLICABILITY; PROVIDING FOR SEVERABILITY;
30 PROVIDING FOR INCLUSION IN THE CODE OF LAWS
31 AND ORDINANCES; PROVIDING FOR CAPTIONS;
32 PROVIDING FOR SAVINGS, RATIFICATION AND
33 RESERVATION OF RIGHTS; AND PROVIDING FOR
34 EFFECTIVE DATE.

35
36 WHEREAS, Palm Beach County is located in a high density traffic area and
37 regularly experiences traffic incidents related to the failure of motorists to obey duly
38 erected traffic control devices, which exposes its citizens and visitors to the dangers
39 of personal injury and property damages; and

1 **WHEREAS**, the Board of County Commissioners determined that the use of
2 unmanned cameras would be effective in enforcing laws requiring vehicles to stop for
3 red lights, thereby freeing law enforcement officers to respond to other, often more
4 significant incidents and crime; and

5 **WHEREAS**, on May 20, 2008 the Board of County Commissioners enacted
6 Ordinance 2008-013 to promote compliance with red light directives and to use traffic
7 infractions to establish red light violations; and

8 **WHEREAS**, the Florida Legislature passed CS/CS/HB325 during the 2010
9 Legislative Session authorizing the use of red light cameras as traffic infraction
10 detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

11 **WHEREAS**, the Governor of the State of Florida signed CS/CS/HB325 into
12 law on May 13, 2010, resulting in the Law of Florida 2010-80 taking effect on July 1,
13 2010; and

14 **WHEREAS**, implementation of Chapter 2010-80, Laws of Florida, requires
15 amendments to the County Code.

16 **WHEREAS**, the running of red lights continues to be a safety hazard affecting
17 every citizen and traveler in Palm Beach County; and

18 **WHEREAS**, the Board of County Commissioners finds that establishing a local
19 traffic infraction detection program and implementing such a program will result in the
20 enhanced health, safety and welfare of those who travel on, over or near those
21 intersections in Palm Beach County that are outfitted with traffic infraction detectors;
22 and

1 **WHEREAS**, the Board of County Commissioners wishes to reduce the running
2 of red lights by amending its Code of Ordinances to implement 2010-80 Laws of
3 Florida.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
5 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

6 **Section 1. Recitals**

7 The foregoing recitals are hereby adopted ratified and confirmed as being true
8 and correct and are hereby made a specific part of this Ordinance.

9 **Section 2.**

10 Chapter 19 (Motor Vehicles and Traffic) Article IV (Red Light Cameras) of the
11 Palm Beach County code is hereby amended as follows:

12 **Sec. 19-111. Title and Purpose**

13 This Article shall be known as the “Red Light Camera Safety Article” (Article).
14 The purpose of this Article is to authorize the use of ~~Image Capture Technology~~
15 traffic infraction detectors, in accordance with general law, including Chapter 2010-
16 80, Laws of Florida (2010), the “Mark Wandall Traffic Safety Act” or “Act” within the
17 County’s jurisdiction and to promote compliance with red light signals as proscribed
18 by this Article. and to adopt a civil enforcement system for red light signal violations.

19
20 **Sec. 19-112. Use of Image Capture Technologies Traffic Infraction Detectors**

21 The Palm Beach County exercises its option under s.316.008, Florida
22 Statutes, to use traffic infraction detectors within its jurisdiction to enforce
23 s.316.074(1) or s.316.075(1)(c)(1), Florida Statutes and to utilize traffic infraction

1 detectors as a supplemental means of assisting law enforcement personnel in the
2 enforcement and monitoring of laws related to traffic control signals as permitted and
3 provided for by state laws that are designed to protect and improve the public health,
4 safety and welfare of the community and thereby reduce accidents, injuries and
5 disruption of traffic when a driver fails to stop at a traffic signal on streets and
6 highways under the County's jurisdiction. ~~owns, operates and maintains county~~
7 ~~roads and therefore the County is authorized to utilize image capture technologies to~~
8 ~~promote the safe, efficient and orderly use of county roads to protect and improve~~
9 ~~the public health, safety and welfare of the community and thereby reduce accidents,~~
10 ~~injuries and disruption of traffic. The Department of Engineering and Public Works~~
11 ~~shall be responsible for coordinating and establishing administrative policies~~
12 ~~germane to the effective and timely implementation of provisions set forth in the~~
13 ~~Article.~~

14 **Sec. 19-113. Definitions**

15 ~~_____ The following definitions shall apply to this Article:~~

16 ~~_____ (a) *Intersection* shall mean the area embraced within the prolongation~~
17 ~~or connection of the lateral curb line or, if none, then the lateral boundary lines, of the~~
18 ~~roadways of two roads which join or intersect one another at, or approximately at,~~
19 ~~right angles or the area within which vehicles traveling upon different roads joining at~~
20 ~~any other angle may come in conflict.~~

21 ~~_____ (b) *Motor Vehicle* shall mean any self-propelled vehicle not operated~~
22 ~~upon rails or guide ways. Motor Vehicles shall not include any bicycle, motorized~~
23 ~~scooter, electric personal assisted mobility device or moped.~~

1 ~~_____ (c) Notice of Infraction shall mean a Palm Beach County citation issued~~
2 ~~for a Red Zone Infraction.~~

3 ~~_____ (d) Owner/Vehicle Owner shall mean the person or entity identified by~~
4 ~~the Florida Department of Motor Vehicles or other state vehicle registration office, as~~
5 ~~the registered Owner of a Vehicle. Such term shall also mean a lessee of a Motor~~
6 ~~Vehicle pursuant to a lease of six months or more.~~

7 ~~_____ (e) Recorded Images shall mean images recorded by a Traffic Control~~
8 ~~Signal Monitoring System/Device presented on:~~

9 ~~_____ (1) A photograph;~~

10 ~~_____ (2) An electronic image;~~

11 ~~_____ (3) A digital image;~~

12 ~~_____ (4) A video recording; or~~

13 ~~_____ (5) Any other medium; and~~

14 ~~which shows the rear of a Motor Vehicle and on at least one image clearly identifies~~
15 ~~the license plate number of the Motor Vehicle.~~

16 ~~_____ (f) Image Capture Technology/Traffic Control Signal Monitoring~~
17 ~~System/Device shall mean an electronic system consisting of one or more Motor~~
18 ~~Vehicle sensors, working in conjunction with a Traffic Control Signal, still camera~~
19 ~~and/or video recording device, to capture and produce Recorded Images of Motor~~
20 ~~Vehicles entering an Intersection against a steady red light signal indication.~~

21 ~~_____ (g) Red Zone Infraction shall mean a traffic offense whereby a Traffic~~
22 ~~Control Signal Monitoring System establishes that a Motor Vehicle entering and~~
23 ~~proceeding through the Intersection controlled by a duly erected traffic control device~~

1 at a time when the Traffic Control Signal for such Motor Vehicle's direction was
2 emitting a steady red signal.

3 ~~_____ (h) Palm Beach County Hearing Officer shall mean an individual~~
4 ~~appointed by the County Administrator from a pool of either the Hearing Officer or~~
5 ~~Special Master Candidates selected by the Board of County Commissioners to~~
6 ~~conduct hearings pursuant to Article 17 of the ULDC.~~

7 ~~_____ (i) Traffic Control Signal shall mean a device exhibiting different~~
8 ~~colored lights or lighted arrows, successively one at a time or in combination, using~~
9 ~~only the colors green, yellow and red that indicate and apply to drivers of Motor~~
10 ~~Vehicles as provided in Florida Statutes §316.075.~~

11 **Sec. 19-113. Adherence to Red Light Traffic Control Signals**

12 Pursuant to general law, a Motor Vehicle traffic facing a traffic control
13 signal's steady red light indication shall stop before: (1) Entering the crosswalk on
14 the near side of an the Intersection; or, (2) if none, crosswalk exists, then before
15 entering the Intersection. Once stopped, the motor vehicle and shall remain standing
16 until a green indication is shown on the traffic control device- signal. However, the
17 driver of a motor vehicle may not receive a notice of violation or traffic citation for
18 failure to stop at a red light if the driver is making a right-hand turn in a careful and
19 prudent manner, which is stopped in obedience of a steady red traffic control signal,
20 may make a right turn unless such turn is otherwise prohibited by posted sign or
21 other traffic control device.

22

23 **Sec. 19-114. Violation**

1 A violation of this Article, known as a red zone violation ~~infraction~~, shall occur
2 when ~~the operator of~~ a motor vehicle does not comply with the requirements of
3 section 19-113. ~~Violations shall be enforced pursuant to this Article.~~ This Article
4 supplements enforcement of s.316.074(1) or s.316.075(1)(c)(1), Florida Statutes by
5 law enforcement officers shall not prohibit law enforcement personnel from issuing a
6 citation for a red light signal violation in accordance with normal statutory
7 enforcement techniques. ~~This section shall not supersede, infringe, curtail or~~
8 ~~impinge upon state laws related to red light signal violations or conflict with such~~
9 ~~laws.~~ ~~Notices of Infraction issued pursuant to this Article shall not be by Florida~~
10 ~~Uniform Traffic Citation and shall not be subject to prosecution or appeal in the~~
11 ~~county courts.~~

12 **Sec. 19-115. Warning Signs at Monitored Intersections**

13 ~~At Eeach h~~ At Each Intersection which has a T ~~traffic infraction~~ Control Signal Monitoring
14 detector D ~~device~~ installed, the County shall notify the public that a traffic infraction
15 detector may be in use at the intersection. Such signage shall meet the
16 specifications for uniform signals and devices adopted by the Department of
17 Transportation. ~~shall be identified as a "Monitored Intersection" by appropriate~~
18 ~~signage to be posted no less than 300 feet before the Intersection, unless conditions~~
19 ~~exist which necessitate placement of the signs closer to the Intersection. The~~
20 ~~warning signs may indicate the operation of the Traffic Control Signal Monitoring~~
21 ~~Device at the Intersection and that failure to obey the red light in accordance with this~~
22 ~~Article will result in the issuance of a Notice of Infraction. The absence of warning~~
23 ~~signs at any particular Monitored Intersection will not affect the validity of a Notice of~~

1 ~~Infraction issued for a Red Zone Infraction at that Intersection. The absence of~~
2 ~~warning signs at a Monitored Intersection shall not constitute grounds for an appeal~~
3 ~~of a Notice of Infraction issued pursuant to this Article.~~

4 **Sec. 19-116. Review of Recorded Images**

5 The owner of a motor vehicle that is shown by photographs or electronic
6 images or streaming video, (recorded images) to have been operated so as to have
7 committed a violation ~~red zone infraction~~ shall be issued a notice of infraction no later
8 than thirty (30) days after the violation occurs. The recorded image shall be
9 sufficient grounds to issue a notice of infraction.

10 One, or more, traffic control infraction reviewer(s) enforcement officer(s) shall
11 be designated who meet the qualifications set forth in the Act or any other relevant
12 statute. A traffic control infraction reviewer enforcement officer(s) shall review
13 recorded images prior to the issuance of a notice of infraction to ensure accuracy
14 and the integrity of the recorded images. Once a the traffic control infraction
15 reviewer enforcement officer has verified the accuracy and integrity of the recorded
16 images and determined that a ~~red zone infraction~~ violation occurred, he or she shall
17 approve complete a review of the violation and authorize enforcement action, and a
18 the Notice of Infraction and provide such notice to the Vehicle the violation shall be
19 sent to the Owner in compliance with Part I, Chapter 162.12, Florida Statute. at the
20 address on record with the Florida Department of Highway Safety and Motor Vehicles
21 or any other state's vehicle registration office.

22 **Sec. 19-117. Notice of Infraction Violation**

- 1 1. A violation shall occur when a motor vehicle does not comply with the
 2 requirements of section 19-113 of this code.
- 3 2. Within thirty (30) days after a violation, notification must be sent to the
 4 registered owner of the motor vehicle involved in the violation
 5 specifying the remedies available under s.318.14, Florida Statutes, and
 6 that the violator must pay the penalty of \$158.00 to Palm Beach
 7 County's Notice of Infraction shall include: or furnish an affidavit
 8 supporting an exemption that complies with s.316.0083 in accordance
 9 with section 19.119, within thirty (30) days following the date of the
 10 notification in order to avoid court fees, costs, and the issuance of a
 11 traffic citation. The Notification shall be sent by first-class mail and
 12 shall include:
- 13 (1)(a) The name and address of the vehicle owner;
- 14 (2)(b) The license plate number and registration number of the motor
 15 vehicle involved in the infraction;
- 16 (3)(c) The make, model, year and color of the motor vehicle;
- 17 (4)(d) Notice that the red zone infraction violation is pursuant to
 18 s.316.074(1) or s.316.075(1)(c)(1), Florida Statutes as codified
 19 in this Article;
- 20 (5)(e) The location of the intersection or roadway where the violation
 21 ~~red zone infraction~~ occurred;
- 22 (6)(f) The date and time of the ~~red zone infraction~~ violation;

1 ~~(7)(g) Notice of the recorded images relating to the motor vehicle~~ A
2 statement that the owner has the right to review the recorded
3 images that constitute a rebuttable presumption against the
4 owner, together with and a statement that the recorded images
5 are of the time and place or internet location where the
6 evidence of a red zone infraction may be examined;

7 ~~(8)(h)~~ A statement that the owner must pay a ~~The civil penalty of \$158~~
8 to the county or provide an affidavit within thirty (30) days off
9 the date the notice is issued in order to avoid court fees, costs,
10 and the issuance of a Uniform Traffic Citation to be imposed;

11 ~~(9)(i)~~ Instructions on all methods of ~~the procedures for payment of~~
12 the civil penalty; and ~~contesting the Notice of Infraction~~;

13 ~~(10)~~ ~~A signed statement by the Traffic Control Infraction Reviewer~~
14 that, based on inspection of the recorded images, the motor
15 vehicle was involved in a red zone infraction;

16 ~~(11)~~ ~~Information advising the vehicle owner of the manner and time~~
17 in which the Notice of Infraction may be appealed and warning
18 that a failure to pay the civil penalty or to contest the Notice of
19 Infraction in a timely manner is an admission of the red zone
20 infraction and will result in the entry of a judgment against the
21 Vehicle Owner.

22 Sec. 19-118 Vehicle Owner Responsibilities Issuance of a Traffic Citation

- 1 1. When payment has not been made within thirty (30) days after
2 notification under subparagraph 2 of Sec. 19-117, a traffic citation issued under this
3 section shall be issued by mailing the traffic citation by certified mail to the address of
4 the registered owner of the motor vehicle involved in the violation.
- 5 2. Delivery of the traffic citation constitutes notification under this section.
- 6 3. In the case of joint ownership of a motor vehicle, the traffic citation
7 shall be mailed to the first name appearing on the registration, unless
8 the first name appearing on the registration is a business organization,
9 in which case the second name appearing on the registration may be
10 used.
- 11 4. The traffic citation shall be mailed to the registered owner of the motor
12 vehicle involved in the violation no later than sixty (60) days after the
13 date of the violation.
- 14 5. Included with the notification to the registered owner of the motor
15 vehicle, involved in the infraction shall be a notice that the owner has
16 the right to review, either in person or remotely, the photographic or
17 electronic images or the streaming video evidence that constitutes a
18 rebuttable presumption against the owner of the vehicle. The notice
19 must state the time and place or internet location where the evidence
20 may be examined and observed.
- 21 6. If a traffic citation is issued under s.316.0083, Florida Statutes, and this
22 section, the traffic infraction enforcement officer shall provide by
23 electronic transmission a replica of the traffic citation data to the court

1 having jurisdiction over the alleged offense se or its traffic violations
2 bureau within five (5) days after the date of issuance of the traffic
3 citation to the violator.

4 A Vehicle Owner receiving a Notice of Infraction may, within thirty (30) days of
5 the date of the Notice of Infraction:

6 (a) ~~Pay the assessed civil penalty pursuant to instructions on the~~
7 ~~Notice of Infraction; or~~

8 (b) ~~Request an appeal pursuant with procedures as outlined in this~~
9 ~~Article.~~

10 ~~The failure to comply with the provisions of this Section within thirty (30) days~~
11 ~~from the date of Notice of Infraction shall constitute a waiver of the right to contest~~
12 ~~the Notice of Infraction and will be considered an admission and will result in the~~
13 ~~entry of a judgment against the Vehicle Owner as provided for in Part I, Chapter 162,~~
14 ~~Florida Statutes.~~

15 **Sec. 19-119. Appeal to Palm Beach County's Hearing Officer Owners Defenses**

16 1. The owner of the motor vehicle involved in the violation is responsible
17 and liable for paying the violation and traffic citation issued for a
18 violation of s.316.074(1) or s.316.075(1)(c)1, Florida Statutes, when
19 the driver failed to stop at a traffic signal, unless the owner can
20 establish that:

21 ~~Palm Beach County's Hearing Officer is authorized to consider appeals under~~
22 ~~this Article. Within thirty (30) days of the date of the Notice of Infraction, the Vehicle~~
23 ~~Owner may file an appeal with Palm Beach County pursuant to the directions in the~~

1 ~~Notice of Infraction. A hearing on the appeal shall be scheduled for all appeals.~~

2

3 ~~Upon receipt of this appeal, Palm Beach County shall schedule a hearing~~
4 ~~before Palm Beach County's Hearing Officer. Notice of the hearing shall be~~
5 ~~provided to the Vehicle Owner no less than ten (10) days prior to the hearing and~~
6 ~~shall be provided by certified and U.S. Mail to the same address to which the Notice~~
7 ~~of Infraction was sent.~~

8 ~~The following shall be permissible grounds for an appeal:~~

9 ~~(1)(a) The motor vehicle was, At the time of the infraction violation,~~
10 ~~the motor vehicle was not under in the care, custody, or control~~
11 ~~of the Vehicle Owner or an individual with the Vehicle Owner's~~
12 ~~consent another person.~~

13 ~~(2)(b) The motor vehicle driver A uniform traffic citation was issued -a~~
14 ~~citation for violating a traffic signal by a law enforcement~~
15 ~~officer to the driver of the motor vehicle for the alleged violation~~
16 ~~of s.316.074(1) or s.316.075(1)(c)1, Florida Statute. which was~~
17 ~~separate and distinct from the Notice of Infraction issued under~~
18 ~~this Article for violating the steady red Traffic Control Signal;~~

19 ~~(3)(c) The motor vehicle driver passed through the intersection in~~
20 ~~order to yield right-of-way to an emergency vehicle or as part of~~
21 ~~a funeral procession was required to violate the steady red~~
22 ~~Traffic Control Signal in order to comply with other governing~~
23 ~~laws ;~~

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~~(4)(d) The motor vehicle passed through the intersection at the direction of a law enforcement officer driver was required to violate the steady red Traffic Control Signal in order to reasonably protect the property or person of another;~~

~~(5) The steady red Traffic Control Signal was inoperable or malfunctioning;~~

2. In order to establish facts to support his/her defense as provided above, the owner of the motor vehicle shall, within thirty (30) days after the date of issuance of the notice of violation or traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

(a) An affidavit supporting an exemption under paragraph 1.(a) above must include the name, address, date of birth, and if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offence, the affidavit must include the police report indicating that the vehicle was stolen.

(b) If a traffic citation for a violation of s.316.074(1) or s.316.075(1)(c)1, Florida Statutes, was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

1 (c) Upon receipt of an affidavit, the person designated as having care,
2 custody, and control of the motor vehicle at the time of the
3 violation may be issued a traffic citation for a violation of
4 s.316.074(1) or s.316.075(1)(c)1, Florida Statutes, when the driver
5 failed to stop at a traffic signal. The affidavit is admissible in a
6 proceeding pursuant to this section for the purpose of providing
7 proof that the person identified in the affidavit was in actual care,
8 custody, and control of the motor vehicle. The owner of a leased
9 vehicle for which a traffic citation is issued for a violation of
10 s.316.074(1) or s.316.075(1)(c)1, Florida Statutes, when the driver
11 failed to stop at a traffic signal is not responsible for paying the
12 traffic citation and is not required to submit an affidavit as specified
13 in this subsection if the motor vehicle involved in the violation is
14 registered in the name of the lessee of such motor vehicle.

15 (d) The submission of a false affidavit is a misdemeanor of the second
16 degree, punishable as provided in s.775.082 or s.775.083, Florida
17 Statutes.

18
19 ~~All testimony before the Hearing Officer shall be under oath and shall be~~
20 ~~recorded. The Traffic Control Infraction Reviewer who issued the Notice of Infraction~~
21 ~~shall testify at the appeal. Then, the Vehicle Owner may present evidence and~~
22 ~~testimony and cross examine witnesses. The formal rules of evidence shall not~~
23 ~~apply, but fundamental due process shall be observed and shall govern the~~

1 ~~proceedings. Upon determination of the Hearing Officer, irrelevant, immaterial and~~
2 ~~unduly repetitious evidence may be excluded, but all other evidence of a type~~
3 ~~commonly relied upon by reasonable prudent persons in the conduct of their affairs~~
4 ~~shall be admissible. Any part of the evidence may be received in written form. The~~
5 ~~Hearing Officer may inquire of or question any witness present at the hearing. The~~
6 ~~Vehicle Owner or his/her attorney and the Traffic Control Infraction Reviewer or~~
7 ~~his/her attorney shall be permitted to inquire of any witness present at the hearing.~~
8 ~~The Hearing Officer may consider testimony presented by the Vehicle Owner, the~~
9 ~~Traffic Control Infraction Reviewer or any other witness. All decisions by the Hearing~~
10 ~~Officer shall be final and reviewable by writ of certiorari to Palm Beach County Circuit~~
11 ~~Court.~~

12 ~~Recorded Images indicating a red zone infraction verified by a Traffic Control~~
13 ~~Infraction Reviewer are admissible in any proceeding before Palm Beach County's~~
14 ~~Hearing officer to enforce the provisions of this Article.~~

15 **Sec. 19-120. Penalties**

16 Penalties to be assessed by the County for a violation of this Article shall be in
17 the amount of one hundred fifty-eight dollars (\$158.00) when a driver has failed to
18 stop at a traffic signal if enforcement is by a County traffic infraction enforcement
19 officer. ~~A red zone Infraction, in violation of this Article shall be deemed a non-~~
20 ~~criminal, civil infraction for which a civil penalty in the amount of \$125.00 shall be~~
21 ~~assessed.~~

22 ~~As the violation relates to this Article and not the State Statutes, Nno points~~
23 ~~shall be imposed for a violation of s.316.074(1) or s.316.075(1)(c)1, Florida Statutes,~~

1 when a driver has failed to stop at a traffic signal and when enforced by a traffic
2 infraction enforcement officer. In addition, when a driver has failed to stop at a traffic
3 signal in violation of s.316.074(1) or s.316.075(1)(c)1, Florida Statutes, and when
4 enforced by a traffic infraction enforcement officer, the violation may not be used for
5 purposes of setting motor vehicle insurance rates, as provided in F.S. §322.27 shall
6 be recorded on the driving record of the Vehicle Owner or responsible party.

7 **Sec. 19-121. Administrative Costs; No Commissions**

8 An individual may not receive a commission or per ticket fee from any revenue
9 collected from violations detected through the use of a traffic infraction detector. A
10 manufacturer or vendor may not receive a fee or remuneration based upon the
11 number of violations detected through the use of a traffic infraction detector.

12 In addition to the civil penalty assessed pursuant to Section 12, there shall be
13 imposed and assessed against the Vehicle Owner an administrative cost of \$25.00 in
14 the event of an unsuccessful appeal of the Notice of Infraction.

15 **Sec. 19-123. Collection of Civil Penalties**

16 — Palm Beach County may establish procedures for the collection of civil
17 penalties and administrative costs imposed herein and may enforce such penalty by
18 civil action in the nature of debt collection.

19 **Sec. 19-124. Exceptions**

20 — This Article shall not apply to Red Zone Infractions involving vehicle collisions
21 investigated by a law enforcement officer or to any authorized emergency vehicle
22 responding to a *bona fide* emergency.

23 **Sec. 19-125. Three-Month Notice; Introductory Period**

1 ~~For the first three months after the first installation is installed and this Article~~
2 ~~is in effect, the Vehicle Owner shall receive a courtesy Notice of Infraction.~~
3 ~~Subsequently, the Vehicle Owner is subject to the enforcement provisions as~~
4 ~~provided herein.~~

5 **Sec. 19-122. Accounting for Program Revenues and Expenditures**

6 1. Penalties assessed and collected by the County for a violation of this
7 Article is one hundred fifty eight dollars (\$158.00) when a driver has failed to stop at
8 a traffic signal if enforcement is by a County traffic infraction enforcement officer.
9 Seventy dollars (\$70.00) shall be remitted by the County to the Department of
10 Revenue for deposit into the General Revenue Fund, ten dollars (\$10.00) shall be
11 remitted to the Department of Revenue for deposit into the Department of Health
12 Administrative Trust Fund, three dollars (\$3.00) shall be remitted to the Department
13 of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and
14 seventy-five dollars (\$75.00) shall be retained by the County pursuant to law.

15 2. Penalties assessed and collected by the County less the amount
16 retained by the County pursuant to this section shall be paid to the state Department
17 of Revenue weekly by electronic funds transfers. In addition to the payment,
18 summary detail of the penalties remitted shall be reported to the Department of
19 revenue.

20 3. If a person who is cited for a violation of s.316.074(1) or
21 s.316.075(1)(c)1, Florida Statutes, as enforced by a traffic infraction enforcement
22 officer under s.316.0083, Florida Statutes, presents documentation from the
23 appropriate governmental entity that the traffic citation was in error, the clerk of court

1 may dismiss the case. Pursuant to s.318.18(5), Florida Statutes, the clerk of court
2 may not charge for this service. Revenue and expenditures derived from this activity
3 shall be accounted for in the County's general fund and deposited and segregated in
4 a county special revenue fund.

5 **Sec. 19-123. Consistency with State Law**

6 1. This Article shall be interpreted and applied so that it is consistent with
7 state law, specifically, the Mark Wandall Traffic Safety Act, (Chapter 2010-08, Laws
8 of Florida).

9 2. Any amendment to an applicable state law shall automatically apply to
10 the enforcement and application of this Article, whether or not this Article or any
11 provision hereof has been amended to specifically address such amendment to state
12 law. Without limitation, any future amendment regarding the amount of the penalty or
13 the apportionment of the proceeds thereof shall be deemed applied in the
14 enforcement of this Article, even prior to a specific amendment to this Article in order
15 to make this Article expressly consistent with such change in state law with respect to
16 the amount of the penalty or the apportionment of proceeds thereof.

17 **Sec. 19-1247. Applicability**

18 This Article shall apply to streets and highways under Palm Beach County
19 jurisdiction pursuant to s.316.0083, Florida Statutes and in the unincorporated area
20 of Palm Beach County. Municipalities may by interlocal agreement with the County
21 and by Ordinance or resolution, authorize the enforcement of this Article within their
22 municipality.

23 **Section 3. Severability**

1 If any section, paragraph, sentence, clause, phrase or word of this Ordinance
2 is for any reason held by a Court of competent jurisdiction to be unconstitutional,
3 inoperative or void, such holding shall not affect the remainder of this Ordinance.

4 **Section 4. Inclusion in the Code of Laws and Ordinances**

5 The provisions of this Ordinance shall become and be made a part of the Palm
6 Beach County Code. The sections of this Ordinance may be renumbered or re-
7 lettered to accomplish such and the word "ordinance" may be changed to "section,"
8 "article," or other appropriate word.

9 **Section 5. Captions**

10 The captions, section headings and section designations used in this
11 Ordinance are for convenience only and shall have no effect on the interpretation of
12 the provisions of this Ordinance.

13 **Section 6. Savings, Ratification and Reservation of Rights.**

14 Notwithstanding any other provision of this Ordinance, the provisions of the
15 Chapter 19, Article IV, of the County Code, which existed immediately prior to July 1,
16 2010, shall remain in full force and effect to the extent necessary to give effect to the
17 Contract by and between the County and ATS entered into July 21, 2009, R 2009-
18 1133 as amended (Contract) and to preserve and reserve each and every right,
19 power, authority, benefit and exemption to which the County is entitled relating to the
20 right to contract, including those rights, powers, authority, benefits and exemptions
21 established by the Contract.

1 **Section 7. Effective Date**

2 The provisions of this Ordinance shall become effective upon filing with the
3 Department of State.

4
5 APPROVED and ADOPTED by the Board of County Commissioners of Palm
6 Beach County, Florida, on this the ____ day of _____, 20____.

8 SHARON R. BOCK, CLERK &
9 COMPTROLLER
10
11 By: _____
12 Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS
By: _____
Burt Aaronson, Chair

15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY
17
18 By: _____
19 County Attorney

22 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
23 _____, 20____.

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25 Ordinance\Amendment 1 Red Light Camera Ordinance.doc

ORDINANCE NO. 2008 -013

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY,
5 FLORIDA, AUTHORIZING THE USE OF UNMANNED
6 CAMERAS AT TRAFFIC SIGNALS TO PROMOTE
7 TRAFFIC SAFETY PROVIDING FOR TITLE AND
8 PURPOSE; PROVIDING FOR USE OF IMAGE
9 CAPTURE TECHNOLOGIES; PROVIDING FOR
10 DEFINITIONS; PROVIDING FOR ADHERENCE TO
11 RED LIGHT TRAFFIC CONTROL SIGNALS;
12 PROVIDING FOR VIOLATION; PROVIDING FOR
13 WARNING SIGNS AT MONITORED INTERSECTIONS;
14 PROVIDING FOR REVIEW OF RECORDED IMAGES;
15 PROVIDING FOR NOTICE OF INFRACTION;
16 PROVIDING FOR VEHICLE OWNER
17 RESPONSIBILITIES; PROVIDING FOR APPEAL TO
18 PALM BEACH COUNTY'S HEARING OFFICER;
19 PROVIDING FOR PENALTIES; PROVIDING FOR
20 ADMINISTRATIVE COSTS; PROVIDING FOR
21 COLLECTIONS OF CIVIL PENALTIES; PROVIDING
22 FOR EXCEPTIONS; PROVIDING FOR THREE-MONTH
23 NOTICE, INTRODUCTORY PERIOD; PROVIDING FOR
24 ACCOUNTING FOR PROGRAM REVENUES AND
25 EXPENDITURES; PROVIDING FOR APPLICABILITY;
26 PROVIDING FOR SEVERABILITY; PROVIDING FOR
27 INCLUSION IN THE CODE OF LAWS AND
28 ORDINANCES; PROVIDING FOR CAPTIONS; AND
29 PROVIDING FOR EFFECTIVE DATE.

30 WHEREAS, Palm Beach County contains a number of high density traffic
31 areas and regularly experiences traffic incidents within these areas due to the failure
32 of motorists to obey duly erected traffic control devices, which exposes its citizens to
33 the dangers of personal injury and property damage; and

34 WHEREAS, Palm Beach County is concerned with the inability to provide for
35 the safe, efficient and orderly use of county roads and to effectively reduce the
36 significant dangers presented to motorists and pedestrians by motorists who fail to
37 stop for red lights; and

38 WHEREAS, the use of unmanned cameras to enforce toll violations on the
39 state's toll roads has been determined to be fair, reasonable and sufficient by the
40 State of Florida in order to effectively enforce the laws regulating the payment of tolls,
41 without the need to commit the extreme amount of personnel that would be
42 necessary without the use of unmanned cameras; and

43 WHEREAS, the use of unmanned cameras can be similarly effective in
44 enforcing laws requiring vehicles to stop for red lights, thereby freeing law

1 enforcement officers to respond to other, often more significant incidents and crime;
2 and

3 **WHEREAS**, local governments in different parts of the state have
4 demonstrated the enhancement of vehicular and pedestrian traffic safety attributable
5 to the integration of automated image capture technologies with traditional traffic law
6 enforcement methodology; and

7 **WHEREAS**, Section 316.008, Florida Statutes, grants counties, with respect
8 to streets and highways under their jurisdiction and within the reasonable exercise of
9 police power, the authority to regulate and monitor traffic by means of law
10 enforcement officers and security devices; and

11 **WHEREAS**, Palm Beach County has authority under its Charter and local
12 home rule to enact an ordinance making the failure to stop for a red light indication a
13 violation of Palm Beach County's Code and to provide for enforcement of such
14 violations of the Palm Beach County Code; and

15 **WHEREAS**, Attorney General Opinion 05-41, dated July 12, 2005 confirms
16 the authority of Palm Beach County by the terms of §316.02 and §316.008, Florida
17 Statutes, to enact an Ordinance authorizing Palm Beach County to monitor violations
18 of traffic signals within Palm Beach County and to use unmanned cameras to monitor
19 intersections and record traffic violations; and

20 **WHEREAS**, the Attorney General has opined that local governments may not
21 issue traffic citations under the State Statute to drivers for violations observed by the
22 use of unmanned cameras and not otherwise observed by law enforcement officers;
23 and

24 **WHEREAS**, in order to be consistent with state law and the Attorney General's
25 Opinion, Palm Beach County should issue "Notices of Infraction" for failure to stop at
26 red lights to registered owners of vehicles and should not utilize the uniform traffic
27 citation prescribed by Chapter 316 of the Florida Statutes for such violations and
28 should not prosecute such violations through the county court; and

29 **WHEREAS**, Palm Beach County finds it to be fair and reasonable to use the
30 same procedure employed by the state to enforce toll violations through unmanned
31 cameras and further finds that violations for failing to stop at a red light constitute

1 serious threats to the public health, safety and welfare of the community and
2 violations that are irreparable or irreversible and are itinerant and transient in nature,
3 all as set forth in Chapter 162, Florida Statutes; and

4 **WHEREAS**, Palm Beach County finds that implementation of the enforcement
5 program as set forth herein will promote and protect the health, safety and welfare of
6 its citizens, consistent with the authority of and limitations on Palm Beach County
7 pursuant to the Florida Constitution and Florida Statutes.

8 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
9 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

10 **Section 1. Recitals**

11 The foregoing recitals are hereby adopted and confirmed as being true and
12 correct and are hereby made a specific part of this Ordinance.

13 **Section 2. Title and Purpose**

14 This Ordinance shall be known as The Red Light Camera Safety Ordinance
15 (Ordinance). The purpose of this Ordinance is to authorize the use of Image Capture
16 Technology to promote compliance with red light signals as proscribed by this
17 Ordinance and to adopt a civil enforcement system for red light signal violations.

18 **Section 3. Use of Image Capture Technologies**

19 Palm Beach County owns, operates and maintains county roads and
20 therefore Palm Beach County is authorized to utilize image capture technologies to
21 promote the safe, efficient and orderly use of county roads to protect and improve
22 the public health, safety and welfare of the community and thereby reduce accidents,
23 injuries and disruption of traffic. The Department of Engineering and Public Works
24 shall be responsible for coordinating and establishing administrative policies
25 germane to the effective and timely implementation of provisions set forth in the
26 Ordinance.

27 **Section 4. Definitions**

28 The following definitions shall apply to this Ordinance:

29 (a) *Intersection* shall mean the area embraced within the prolongation or
30 connection of the lateral curb line or, if none, then the lateral boundary lines, of the
31 roadways of two roads which join or intersect one another at, or approximately at,

1 right angles or the area within which vehicles traveling upon different roads joining at
2 any other angle may come in conflict.

3 (b) *Motor Vehicle* shall mean any self-propelled vehicle not operated
4 upon rails or guide ways. Motor Vehicles shall not include any bicycle, motorized
5 scooter, electric personal assisted mobility device or moped.

6 (c) *Notice of Infraction* shall mean a Palm Beach County citation issued
7 for a Red Zone Infraction.

8 (d) *Owner/Vehicle Owner* shall mean the person or entity identified by
9 the Florida Department of Motor Vehicles or other state vehicle registration office, as
10 the registered Owner of a Vehicle. Such term shall also mean a lessee of a Motor
11 Vehicle pursuant to a lease of six months or more.

12 (e) *Recorded Images* shall mean images recorded by a Traffic Control
13 Signal Monitoring System/Device presented on:

- 14 (1) A photograph;
- 15 (2) An electronic image;
- 16 (3) A digital image;
- 17 (4) A video recording; or
- 18 (5) Any other medium; and

19 which shows the rear of a Motor Vehicle and on at least one image clearly identifies
20 the license plate number of the Motor Vehicle.

21 (f) *Image Capture Technology/Traffic Control Signal Monitoring*
22 *System/Device* shall mean an electronic system consisting of one or more Motor
23 Vehicle sensors, working in conjunction with a Traffic Control Signal, still camera
24 and/or video recording device, to capture and produce Recorded Images of Motor
25 Vehicles entering an Intersection against a steady red light signal indication.

26 (g) *Red Zone Infraction* shall mean a traffic offense whereby a Traffic
27 Control Signal Monitoring System establishes that a Motor Vehicle entering and
28 proceeding through the Intersection controlled by a duly erected traffic control device
29 at a time when the Traffic Control Signal for such Motor Vehicle's direction was
30 emitting a steady red signal.

1 (h) *Palm Beach County Hearing Officer* shall mean an individual
2 appointed by the County Administrator from a pool of either the Hearing Officer or
3 Special Master Candidates selected by the Board of County Commissioners to
4 conduct hearings pursuant to Article 17 of the ULDC.

5 (i) *Traffic Control Signal* shall mean a device exhibiting different colored
6 lights or lighted arrows, successively one at a time or in combination, using only the
7 colors green, yellow and red that indicate and apply to drivers of Motor Vehicles as
8 provided in Florida Statutes §316.075.

9 **Section 5. Adherence to Red Light Traffic Control Signals**

10 Motor Vehicle traffic facing a Traffic Control Signal's steady red light indication
11 shall stop before:

- 12 (a) Entering the crosswalk on the near side of an Intersection; or
13 (b) If no crosswalk exists, then before entering the Intersection.

14 Once stopped, the Motor Vehicle shall remain standing until a green indication is
15 shown on the traffic control device. However, the driver of a Motor Vehicle which is
16 stopped in obedience of a steady red Traffic Control Signal, may make a right turn
17 unless such turn is otherwise prohibited by posted sign or other traffic control device.

18 **Section 6. Violation**

19 A violation of this Ordinance, known as a Red Zone Infraction, shall occur
20 when the operator of a Motor Vehicle does not comply with the requirements of
21 Section 5. Violations shall be enforced pursuant to this Ordinance. This Ordinance
22 shall not prohibit law enforcement personnel from issuing a citation for a red light
23 signal violation in accordance with normal statutory enforcement techniques. This
24 section shall not supersede, infringe, curtail or impinge upon state laws related to red
25 light signal violations or conflict with such laws. Notices of Infraction issued pursuant
26 to this Ordinance shall not be by Florida Uniform Traffic Citation and shall not be
27 subject to prosecution or appeal in the county courts.

28 **Section 7. Warning Signs at Monitored Intersections**

29 Each Intersection which has a Traffic Control Signal Monitoring Device
30 installed may be identified as a "Monitored Intersection" by appropriate signage to be
31 posted no less than 300 feet before the Intersection, unless conditions exist which

1 necessitate placement of the signs closer to the Intersection. The warning signs
2 may indicate the operation of the Traffic Control Signal Monitoring Device at the
3 Intersection and that failure to obey the red light in accordance with this Ordinance
4 will result in the issuance of a Notice of Infraction. The absence of warning signs at
5 any particular Monitored Intersection will not affect the validity of a Notice of Infraction
6 issued for a Red Zone Infraction at that Intersection. The absence of warning signs
7 at a Monitored Intersection shall not constitute grounds for an appeal of a Notice of
8 Infraction issued pursuant to this Ordinance.

9 **Section 8. Review of Recorded Images**

10 The owner of a Motor Vehicle that is shown by Recorded Images to have
11 been operated so as to have committed a Red Zone Infraction shall be issued a
12 Notice of Infraction. The Recorded Image shall be sufficient grounds to issue a
13 Notice of Infraction.

14 One, or more, Traffic Control Infraction Reviewer(s) shall be designated. A
15 Traffic Control Infraction Reviewer shall review Recorded Images prior to the
16 issuance of a Notice of Infraction to ensure accuracy and the integrity of the
17 Recorded Images. Once a Traffic Control Infraction Reviewer has verified the
18 accuracy and integrity of the Recorded Images and determined that a Red Zone
19 Infraction occurred, he or she shall approve the Notice of Infraction and provide such
20 notice to the Vehicle Owner in compliance with Part I, Chapter 162.12, Florida
21 Statute.

22 **Section 9. Notice of Infraction**

23 Palm Beach County's Notice of Infraction shall include:

- 24 (a) The name and address of the Vehicle Owner;
- 25 (b) The license plate number and registration number of the Motor
26 Vehicle involved in the infraction;
- 27 (c) The make, model, year and color of the Motor Vehicle;
- 28 (d) Notice that the Red Zone Infraction is pursuant to this Ordinance;
- 29 (e) The location of the Intersection or roadway where the Red Zone
30 Infraction occurred;
- 31 (f) The date and time of the Red Zone Infraction;

1 (g) Notice of the Recorded Images relating to the Motor Vehicle and
2 a statement that the Recorded Images are evidence of a Red Zone Infraction;

3 (h) The civil penalty to be imposed;

4 (i) The procedures for payment of the civil penalty and contesting
5 the Notice of Infraction;

6 (j) A signed statement by the Traffic Control Infraction Reviewer
7 that, based on inspection of the Recorded Images, the Motor Vehicle was involved in
8 a Red Zone Infraction;

9 (k) Information advising the Vehicle Owner of the manner and time
10 in which the Notice of Infraction may be appealed and warning that a failure to pay
11 the civil penalty or to contest the Notice of Infraction in a timely manner is an
12 admission of the Red Zone Infraction and will result in the entry of a judgment against
13 the Vehicle Owner.

14 **Section 10. Vehicle Owner Responsibilities**

15 A Vehicle Owner receiving a Notice of Infraction may, within thirty (30) days of
16 the date of the Notice of Infraction:

17 (a) Pay the assessed civil penalty pursuant to instructions on the
18 Notice of Infraction; or

19 (b) Request an appeal pursuant with procedures as outlined in this
20 Ordinance.

21 The failure to comply with the provisions of this Section within thirty (30) days
22 from the date of Notice of Infraction shall constitute a waiver of the right to contest the
23 Notice of Infraction and will be considered an admission and will result in the entry of
24 a judgment against the Vehicle Owner as provided for in Part I, Chapter 162, Florida
25 Statutes.

26 **Section 11. Appeal to Palm Beach County's Hearing Officer**

27 Palm Beach County's Hearing Officer is authorized to consider appeals under
28 this Ordinance. Within thirty (30) days of the date of the Notice of Infraction, the
29 Vehicle Owner may file an appeal with Palm Beach County pursuant to the directions
30 in the Notice of Infraction. A hearing on the appeal shall be scheduled for all
31 appeals.

1 Upon receipt of this appeal, Palm Beach County shall schedule a hearing
2 before Palm Beach County's Hearing Officer. Notice of the hearing shall be
3 provided to the Vehicle Owner no less than ten (10) days prior to the hearing and
4 shall be provided by certified and U.S. Mail to the same address to which the Notice
5 of Infraction was sent.

6 The following shall be permissible grounds for an appeal:

7 (a) At the time of the infraction, the Motor Vehicle was not under the
8 care, custody or control of the Vehicle Owner or an individual with the Vehicle
9 Owner's consent.

10 (b) The Motor Vehicle driver was issued a citation for violating a
11 traffic signal by a law enforcement officer, which was separate and distinct from the
12 Notice of Infraction issued under this Ordinance for violating the steady red Traffic
13 Control Signal;

14 (c) The Motor Vehicle driver was required to violate the steady red
15 Traffic Control Signal in order to comply with other governing laws;

16 (d) The Motor Vehicle driver was required to violate the steady red
17 Traffic Control Signal in order to reasonably protect the property or person of another;

18 (e) The steady red Traffic Control Signal was inoperable or
19 malfunctioning;

20 All testimony before the Hearing Officer shall be under oath and shall be
21 recorded. The Traffic Control Infraction Reviewer who issued the Notice of Infraction
22 shall testify at the appeal. Then, the Vehicle Owner may present evidence and
23 testimony and cross examine witnesses. The formal rules of evidence shall not
24 apply, but fundamental due process shall be observed and shall govern the
25 proceedings. Upon determination of the Hearing Officer, irrelevant, immaterial and
26 unduly repetitious evidence may be excluded, but all other evidence of a type
27 commonly relied upon by reasonable prudent persons in the conduct of their affairs
28 shall be admissible. Any part of the evidence may be received in written form. The
29 Hearing Officer may inquire of or question any witness present at the hearing. The
30 Vehicle Owner or his/her attorney and the Traffic Control Infraction Reviewer or
31 his/her attorney shall be permitted to inquire of any witness present at the hearing.

1 The Hearing Officer may consider testimony presented by the Vehicle Owner, the
2 Traffic Control Infraction Reviewer or any other witness. All decisions by the Hearing
3 Officer shall be final and reviewable by writ of certiorari to Palm Beach County Circuit
4 Court.

5 Recorded Images indicating a Red Zone Infraction verified by a Traffic Control
6 Infraction Reviewer are admissible in any proceeding before Palm Beach County's
7 Hearing officer to enforce the provisions of this Ordinance.

8 **Section 12. Penalties**

9 A Red Zone Infraction, in violation of this Ordinance shall be deemed a non-
10 criminal, civil infraction for which a civil penalty in the amount of \$125.00 shall be
11 assessed.

12 As the violation relates to this Ordinance and not the State Statutes, no points
13 as provided in F.S. §322.27 shall be recorded on the driving record of the Vehicle
14 Owner or responsible party.

15 **Section 13. Administrative Costs**

16 In addition to the civil penalty assessed pursuant to Section 12, there shall be
17 imposed and assessed against the Vehicle Owner an administrative cost of \$25.00 in
18 the event of an unsuccessful appeal of the Notice of Infraction.

19 **Section 14. Collection of Civil Penalties**

20 Palm Beach County may establish procedures for the collection of civil
21 penalties and administrative costs imposed herein and may enforce such penalty by
22 civil action in the nature of debt collection.

23 **Section 15. Exceptions**

24 This Ordinance shall not apply to Red Zone Infractions involving vehicle
25 collisions investigated by a law enforcement officer or to any authorized emergency
26 vehicle responding to a *bona fide* emergency.

27 **Section 16. Three-Month Notice; Introductory Period**

28 For the first three months after the first installation is installed and this
29 Ordinance is in effect, the Vehicle Owner shall receive a courtesy Notice of
30 Infraction. Subsequently, the Vehicle Owner is subject to the enforcement
31 provisions as provided herein.

1 **Section 17. Accounting for Program Revenues and Expenditures**

2 Revenue and expenditures derived from this activity shall be accounted for in
3 the County's general fund and deposited and segregated in a county special revenue
4 fund.

5 **Section 18. Applicability**

6 This Ordinance shall apply in the unincorporated area of Palm Beach County.
7 Municipalities may by interlocal agreement with Palm Beach County and by
8 Ordinance or resolution, authorize the enforcement of this Ordinance within their
9 municipality.

10 **Section 19. Severability**

11 If any section, paragraph, sentence, clause, phrase or word of this Ordinance
12 is for any reason held by a Court of competent jurisdiction to be unconstitutional,
13 inoperative or void, such holding shall not affect the remainder of this Ordinance.

14 **Section 20. Inclusion in the Code of Laws and Ordinances**

15 The provisions of this Ordinance shall become and be made a part of the Palm
16 Beach County Code. The sections of this Ordinance may be renumbered or re-
17 lettered to accomplish such and the word "ordinance" may be changed to "section,"
18 "article," or other appropriate word.

19 **Section 21. Captions**

20 The captions, section headings and section designations used in this
21 Ordinance are for convenience only and shall have no effect on the interpretation of
22 the provisions of this Ordinance.

23 **Section 22. Effective Date**

24 The provisions of this Ordinance shall become effective upon filing with the
25 Department of State.

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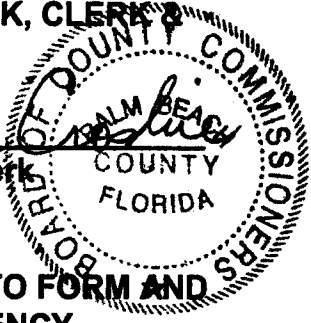
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APPROVED and ADOPTED by the Board of County Commissioners of Palm

Beach County, Florida, on this the 20th day of May, 2008.

SHARON R. BOCK, CLERK &
COMPTROLLER

By: *Judith C. [Signature]*
Deputy Clerk



PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: *Addie L. Greene [Signature]*
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *Malcolm R. [Signature]*
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of
_____, 20____.

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