

MEMORANDUM

Substitute
Agenda Item No. 5(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 8, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance related to red
light cameras; repealing Section
30-422 of the Code

This substitute differs from the original item in that it further clarifies that this ordinance has no impact on red light camera programs by municipalities, and provides a fiscal impact statement signed by Chief of Staff/Deputy Mayor Genaro "Chip" Iglesias.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez and Co-Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



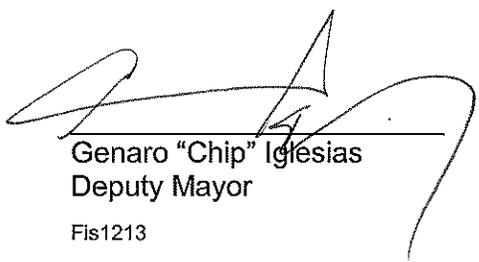
Date: November 8, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Genaro "Chip" Iglesias
Deputy Mayor 

Subject: Ordinance Related to Red Light Cameras; Repealing Section 30-422 of the Code

The proposed ordinance related to red light cameras, repealing Section 30-422 of the Code, repeals the authority to use traffic infraction detectors/red light cameras in the unincorporated area of the County. Because no red light cameras have been installed, the implementation of this ordinance will not have a fiscal impact to the County.


Genaro "Chip" Iglesias
Deputy Mayor

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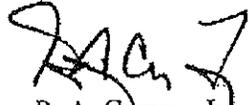


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 8, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Substitute
Agenda Item No. 5(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 5(A)
11-8-12

ORDINANCE NO. _____

ORDINANCE RELATED TO RED LIGHT CAMERAS; REPEALING SECTION 30-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REPEALING THE AUTHORITY TO USE TRAFFIC INFRACTION DETECTORS/RED LIGHT CAMERAS IN THE UNINCORPORATED AREA OF MIAMI-DADE COUNTY, FLORIDA; REPEALING RESOLUTION NO. R-759-10, REPEALING DIRECTION AND AUTHORITY TO THE MAYOR OR DESIGNEE TO IMPLEMENT A RED LIGHT CAMERA PROGRAM IN MIAMI-DADE COUNTY; SETTING POLICY THAT NO RED LIGHT CAMERA PROGRAM SHALL BE IMPLEMENTED OR MAINTAINED BY MIAMI-DADE COUNTY IN THE UNINCORPORATED AREA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, on July 8, 2010, this Board adopted Resolution No. R-759-10, which set policy for Miami-Dade County, authorized the installation of red light cameras and directed the Mayor or designee to implement a red light camera program in Miami-Dade County; and

WHEREAS, on January 20, 2011, this Board adopted Ordinance No. 11-01, which created section 30-422, Code of Miami-Dade County, authorizing the use of red light cameras in the unincorporated area of Miami-Dade County, and authorized the Mayor or designee to implement a red light camera program in the unincorporated area of Miami-Dade County pursuant to the Mark Wandall Traffic Safety Act, enacted by the Florida Legislature in 2010, Chapter 2010-80, Laws of Florida; and

WHEREAS, no red light camera system has been implemented by Miami-Dade County to date; and

WHEREAS, as such, not a single notice of violation or traffic citation has been issued on behalf of Miami-Dade County based on red light cameras; and

WHEREAS, this Board now desires to repeal all authority and direction to implement or maintain a red light camera program in the unincorporated area of Miami-Dade County by repealing Ordinance No. 11-01 and Resolution No. R-759-10,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30-422 of the Code of Miami-Dade County, Florida, is hereby deleted in its entirety as follows: ¹

~~[[Sec. 30-422. Traffic intersection safety and traffic infraction detectors.~~

~~(1) Purpose and intent. The purpose of this ordinance is to implement the Mark Wandall Traffic Safety Act, Chapters 2010-80 and 2010-163, Laws of Florida (HB 325 and HB 5501), as such may be amended from time to time (hereinafter the "Mark Wandall Traffic Safety Act" or the "Act"), in order to promote, protect and improve the health, safety and welfare of individuals and protect property in Miami-Dade County.~~

~~(2) Scope of regulation and applicability. The provisions of this section shall apply to and be enforced in only the unincorporated areas of Miami-Dade County.~~

~~(3) Use of Traffic Infraction Detectors. Miami-Dade County hereby exercises its authority pursuant to the Mark Wandall Traffic Safety Act to use traffic infraction detectors within the unincorporated areas of Miami-Dade County to enforce the Uniform Traffic Code of the State of Florida. The Mayor or designee is authorized to implement the provisions and requirements of the Act consistent with the specifications established by the Florida Department of Transportation, as such may be amended from time to time. The County is expressly~~

¹ Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

~~authorized to use traffic infraction detectors to enforce red light signal violations pursuant to sections 316.074(1) and 316.075(1)(c)1., Florida Statutes, when a driver fails to stop at a traffic signal on streets and highways within the unincorporated areas of Miami Dade County. The provisions of this ordinance shall not otherwise prohibit a law enforcement officer from issuing a traffic citation to a driver for a red light signal violation in accordance with Chapters 316 and 318, Florida Statutes.~~

~~(4) Right turn on red enforcement by traffic infraction detectors prohibited. Traffic infraction detectors shall not be used to enforce red light signal violations when a driver is making a right turn where such turns are permissible. This subsection shall not otherwise prohibit a law enforcement officer from issuing a traffic citation to a driver for a right turn violation in accordance with Chapters 316 and 318, Florida Statutes.~~

~~(5) Traffic infraction enforcement officers. The Mayor or designee is authorized to designate traffic infraction enforcement officers to administer the County's red light camera program pursuant to the Mark Wandall Traffic Safety Act, as such may be amended from time to time.~~

~~(6) Notice and appeals. Notification of a violation of the Mark Wandall Traffic Safety Act and appeals shall be provided as set forth in the Act, as such may be amended from time to time. The notice expressly shall advise the registered owner of the vehicle that he or she has a right to review the photographic or electronic images or streaming video evidence.~~

~~(7) Penalties. A violation of the Mark Wandall Traffic Safety Act and section 30-422 shall be punishable as set forth in the Act, as such may be amended from time to time. The Act currently sets the fine at one hundred fifty eight dollars (\$158.00) per violation.~~

~~(8) Signage and public awareness campaign. The Mayor or designee is directed to:~~

~~i. Prior to installation of a traffic infraction detector at an intersection, install signage at the intersection indicating that traffic infraction detectors may be in use; and~~

~~ii. No less than 30 days before traffic infraction detectors are installed, conduct a public awareness campaign related to traffic infraction detectors and red light safety.~~

~~(9) Permits for installation of traffic infraction detectors by municipalities on county roads and infrastructure. The Mayor or designee shall develop a policy for approval by this Board consistent with the Act setting the requirements for municipalities to acquire permits from the County to install traffic infraction detectors, including any applicable fees:~~

- ~~i. On County roads within or adjacent to cities; and~~
- ~~ii. On County traffic signal mast arms and other county infrastructure.~~

~~(10) Revenue. Revenue realized by the County pursuant to the Act, once all associated costs have been paid and distributions made as required by the Act, shall supplement the unincorporated municipal service area (UMSA) budget. This provision shall be subject to annual appropriation by the Board.~~

~~(11) Reporting. The Mayor or designee shall submit a report by October 1, 2012, and annually thereafter, to both the Florida Department of Highway Safety and Motor Vehicles or its successor state department (DHSMV) and this Board detailing the results of using traffic infraction detectors and the procedures for enforcement for the preceding state fiscal year. The information submitted must include statistical data and information required by the DHSMV to complete the report required by the Mark Wandall Traffic Safety Act.]]~~

Section 2. Resolution No. R-759-10 is hereby repealed.

Section 3. It is the policy of this Board that no red light camera program shall be implemented or maintained by Miami-Dade County in the unincorporated area ~~[[or on County roads]].~~ >>Nothing contained herein shall be construed to affect any red light camera program implemented or maintained by a municipality.<<²

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jess M. McCarty

Prime Sponsor: Chairman Joe A. Martinez
Co-Sponsor: Commissioner Rebeca Sosa