



Legislation Details (With Text)

File #: 070268. **Version:** 6 **Name:** THE GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT (B)
Type: Ordinance **Status:** Adopted
File created: 2/5/2009 **In control:** City Attorney
On agenda: **Final action:** 2/19/2009
Title: THE GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT (B)

Ordinance No. 0-08-71

An Ordinance of the City of Gainesville, Florida; amending Chapter 26, Article II of the Gainesville Code of Ordinances by establishing "Divisions" for Article II; titling existing provisions as "Division 1. Generally" and creating a new Division 2 to be titled "The Gainesville Traffic Safety Enhancement Act" by establishing a red light traffic safety program; providing purpose and findings; authorizing the use and implementation of image control technologies/recorded images to enforce red light infractions; providing definitions; providing for adherence to red light traffic control signals; requiring signage; providing procedures for disposition and enforcement of infractions; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine; providing penalties; providing for collection of penalties and costs; providing for appeals; amending Appendix A, Schedule of Fees, Rates and Charges, providing for a public awareness campaign and grace period; providing for severability; providing a repealing clause; and providing an immediate effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 070268a_cam red light_20080728.pdf, 2. 070268b_cam red light_20080728.pdf, 3. 070268_RLO_20090205.pdf, 4. 070268_RLO backup_20080205.pdf, 5. 070268_MOD_RedLightpsc2_20090205.PDF, 6. 070268_ordinance_20090219.pdf, 7. 070268b.pdf, 8. 070268a.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------|--------------------------------------|--------|
| 2/19/2009 | 6 | City Commission | Adopted on Final Reading (Ordinance) | Pass |
| 2/5/2009 | 6 | City Commission | Adopted on First Reading (Ordinance) | Pass |
| 8/11/2008 | 5 | City Commission | Approved as Amended | Pass |
| 3/24/2008 | 3 | City Commission | Referred | Pass |
| 7/26/2007 | 0 | City Commission | Referred | Pass |

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payment of the fine; providing penalties; providing for collection of penalties and costs; providing for appeals; amending Appendix A, Schedule of Fees, Rates and Charges, providing for a public awareness campaign and grace period; providing for severability; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

PUBLIC SAFETY COMMITTEE REPORT

This item was referred to the Public Safety Committee at the July 26, 2007 City Commission budget hearing. The Public Safety Committee discussed this referral at its November 15, 2007 and February 7, 2008 meetings. The Committee's recommendation was then heard by the City Commission on March 24, 2008, at which time the item was postponed due to pending state legislation. Both house and senate bills failed. The Committee discussed this item again at its June 25, 2008 meeting.

The Committee requested that staff research the number of intersections where the City would consider using the cameras, and research companies who provide these services and the costs. A list of the ten top intersections was compiled by GPD and Public Works staff and a draft ordinance was written. Staff has met with five companies who provide this service. On March 24, 2008, the City Commission, after hearing presentation from City staff, referred the matter to the City Manager.

Expenses of the program shall be borne by the revenue from the program.

CITY ATTORNEY MEMORANDUM

The City Commission, on August 11, 2008, after hearing presentation from GPD staff, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance establishing The Gainesville Traffic Safety Enhancement Act and authorized staff to initiate the RFP process for a service provider.

Under the ordinance:

- (1) For the first 90 days following installation and operation of the first red light cameras, the City Manager will engage in a public awareness campaign and provide courtesy notices of violation to vehicle owners.
- (2) After a red light infraction is recorded, the images will be reviewed by a police traffic infraction review officer to ensure accuracy, the integrity of the recorded images and that the images conform to the requirements of the Act.
- (3) Notice of infraction will be sent to the owner of the vehicle. The notice of infraction will contain detailed information on the violation including at least two images evidencing the violation. One of the images will show the license tag of the vehicle. The Notice will also include a link to a website with photographs and/or moving images of the violation, the penalty imposed, payment process and procedure for contesting violation.
- (4) Hearings will be conducted by a special magistrate in an administrative proceeding.
- (5) There are specified grounds for requesting a hearing including, but not limited to, the vehicle being stolen at the time of the violation, or the malfunction of the traffic control signal.
- (6) Vehicle owners may submit an Affidavit of Non Responsibility requesting dismissal of the infraction under specific grounds.
- (7) Penalties are set at \$125.00 for the first and second violations and \$175.00 for third and subsequent violations. The special magistrate may also assess administrative costs.

This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on February 19, 2009. The Gainesville Police Department will then solicit proposals from a qualified service provider to install and operate the cameras.

As of the date of this memorandum, another bill has been filed in the state legislature that would expressly authorize

a local government to enforce red light infractions through the use of recorded images. The likelihood of this bill passing both houses is uncertain at this time.