

ORDINANCE NO. 1633

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, ELECTING TO IMPLEMENT THE USE OF TRAFFIC INFRACTION DETECTORS WITHIN THE CITY LIMITS OF CRESTVIEW, FLORIDA AS AUTHORIZED BY SECTION 316.008(8)(a), FLORIDA STATUTES; AUTHORIZING THE POLICE CHIEF TO IMPLEMENT THE PROVISIONS OF FLORIDA LAW RELATING TO THE USE OF TRAFFIC INFRACTION DETECTORS WITHIN THE CITY LIMITS OF CRESTVIEW FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed CS/CS/HB325 during the 2010 Legislative Session authorizing the use of red light cameras as traffic infraction detectors to enforce certain provisions of Chapter 316 of the Florida Statutes relating to red light violations; and

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

WHEREAS, the City of Crestview is concerned about the significant danger to its citizens caused by the violation of red lights within its jurisdiction; and

WHEREAS, local governments throughout the State of Florida and the United States of America have successfully used traffic infraction detectors to increase public safety; and

WHEREAS, the City of Crestview finds that the use of traffic infraction detectors will be effective in enforcing provisions of Chapter 316, Florida Statutes, and will allow for more efficient use of limited law enforcement personnel through this jurisdiction; and

WHEREAS, the City of Crestview seeks to exercise its local option to implement traffic infraction detectors to enforce the State Uniform Traffic Code; and

WHEREAS, the City of Crestview wishes to clarify its Code of Ordinances to specifically implement Law of Florida, 2010-80 and repeal any prior ordinances that may conflict with the new State law;

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

SECTION 1. AUTHORITY. The authority for enactment of this ordinance is Section 166.021 and Section 316.008(8)(a), Florida Statutes, and Article 1, Section 2 of the City Charter.

SECTION 2. The above-listed “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance and shall serve as its legislative history.

SECTION 3. The City of Crestview hereby exercises its option under Section 316.008(8)(a), Florida Statutes, to use traffic infraction detectors within its jurisdiction to enforce Sections 316.074(1) and 316.075(1)(c)(1), Florida Statutes.

SECTION 4. The installation of the traffic infraction detectors shall be in compliance with requirements of Section 316.0776, Florida Statutes.

SECTION 5. The use of the traffic infraction detectors shall be administered as provided in Section 316.0083, Florida Statutes.

SECTION 6. The Police Chief is authorized to implement the use of traffic infraction detectors in the jurisdiction of the City of Crestview, Florida in accordance with the requirements of Sections 316.008(8)(a), 316.0083 and Section 316.0776, Florida Statutes. The Chief shall determine the locations where the detectors shall be installed.

SECTION 7. The City shall utilize a local Hearing Officer, as defined in Section 316.0083, Florida Statutes.

SECTION 8. SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 9. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED ON THE SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON THE 12th DAY OF March, 2018.



J.B. WHITTEN
COUNCIL PRESIDENT

ATTEST:



ELIZABETH M. ROY
CITY CLERK

APPROVED BY ME THIS 12th DAY OF March, 2018

David Cadle

DAVID CADLE
Mayor