

ORDINANCE NO. 13-633

AN ORDINANCE OF THE CITY OF PORT RICHEY, FLORIDA DELETING OBSOLETE PROVISIONS AND AMENDING THE CITY CODE BY AMENDING PART II, CHAPTER 38, TRAFFIC AND VEHICLES, ARTICLE 38-81 TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

WHEREAS, Chapter 2013-160, Laws of Florida, shall take effect on July 1, 2013; and

WHEREAS, the use of a local hearing officer allows citizens of Port Richey to have a process for contesting notices of violation issued related to red light violations separate from the traffic court process; and

WHEREAS, the City of Port Richey wishes to utilize its existing code enforcement system to implement the local hearing process; and

WHEREAS, the City of Port Richey, Florida wishes to remove obsolete provisions and amend its Code of Ordinances to implement Chapter 2013-160, Laws of Florida.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT RICHEY, FLORIDA:

SECTION 1: **Recitals Adopted.** The forgoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2: **Deletion of Obsolete Provisions.** Sections 38-81 of Article III of the Port Richey Code Ordinance are hereby deleted.

SECTION 3: **Updated Intersection Safety Provisions.** Article III, Chapter 38, Section 38-81 is hereby amended as follows:

Sec. 38-81 - Purpose and intent.

(a) The purpose of this article is to specifically authorize the use of traffic infraction detectors, as permitted by general law as of the effective date of this ordinance or July 1, 2013, whichever occurs later, within the City of Port Richey's jurisdictional limits.

(b) The City of Port Richey exercises its option under F.S. § 316.0083 as of the effective date of this ordinance or July 1, 2013, whichever occurs later, to use traffic infraction detectors within its jurisdiction to enforce F.S. § 316.074(1) or § 316.075 (1)(C), when a driver fails to stop at a traffic signal on streets and highways in the City of Port Richey's jurisdiction. The City of Port Richey may utilize traffic infraction detectors as a supplemental means of monitoring and assisting law enforcement personnel in the enforcement of compliance with laws related to traffic control signals as permitted and provided for by state law, which are designed to protect and improve the public health, safety, and welfare of the community and thereby reduce accidents, injuries and disruption of traffic associated with such violations.

(c) In accordance with the provisions of the Mark Wandall Traffic Safety Act as of the effective date of this ordinance or July 1, 2013, whichever occurs later, the City of Port Richey authorizes the implementation of the provisions and requirements of Chapters 2010-80 & 2013-160, Laws of Florida. Effective July 1, 2013, the City of Port Richey shall utilize its Special Magistrate as its Local Hearing Officer, as defined by Chapter 2013-160, Laws of Florida, in accordance with the provisions of the Mark Wandall Traffic Safety Act.

SECTION 4:

Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5:

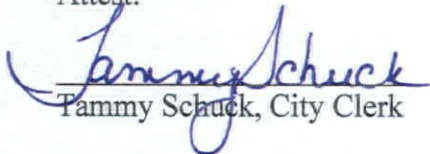
Inclusion in the Code. It is the intention of the City Council of the City of Port Richey and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Port Richey that the sections of this Ordinance may be renumbered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

SECTION 6:

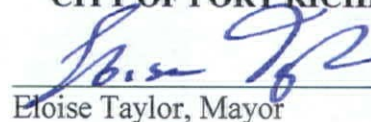
Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance No. 13-633 was read and passed on its first reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on this 16th day of June, 2013.

Attest:

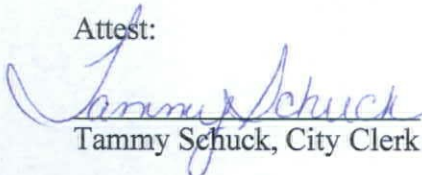

Tammy Schuck, City Clerk

CITY OF PORT RICHEY

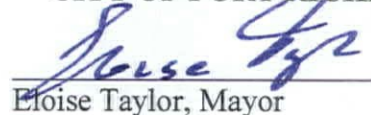

Eloise Taylor, Mayor

The foregoing Ordinance No. 13-536B was read and passed on its second reading in an open and regular meeting of the City Council of the City of Port Richey, Florida, on this 25th day of June, 2013.

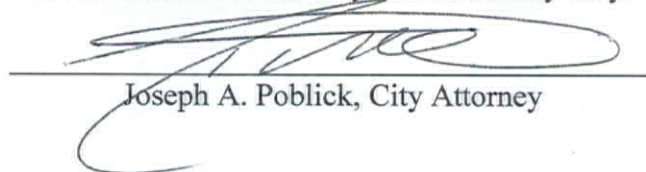
Attest:


Tammy Schuck, City Clerk

CITY OF PORT RICHEY


Eloise Taylor, Mayor

Approved as to legal form and legal content
for the reliance of the City of Port Richey only:


Joseph A. Poblick, City Attorney