

RESOLUTION NO. R-2013-7

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DIRECTING CITY ADMINISTRATION TO REFRAIN FROM UTILIZING RED LIGHT CAMERAS TO ENFORCE RIGHT TURNS ON RED LIGHT TRAFFIC INFRACTIONS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, in 2010, the Florida Legislature enacted the Mark Wandall Traffic Safety Act, authoring the use of cameras to enforce red light traffic violations; and

WHEREAS, the Act provides that red light camera violations related to red light turns can be issued if a driver drives straight through an intersection or makes a left turn in an intersection while the light is red; and

WHEREAS, a citation can only be issued to a driver making a right turn on red that is not made in a “careful and prudent manner”; and

WHEREAS, most dangerous intersection crashes occur when drivers run a red light straight through the intersection rather than on a right turn; and

WHEREAS, if a right turn on red is done in a careful and prudent manner, and therefore subject to dismissal in court, a driver should not have to bear the expense, effort and unnecessary hardship of attending a court hearing for same; and

WHEREAS, Miami-Dade County recently passed Resolution R-1055-12, urging municipalities not to enforce right turn on red violations, attached hereto as “Exhibit A.”

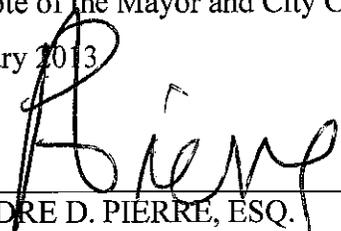
NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recitals. The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

Section 2. Directions. The Mayor and City Council of the City of North Miami, Florida, hereby direct City Administration to no longer utilize red light cameras to enforce right turns on red unless the right turn is made in a manner that is clearly not “careful and prudent or otherwise illegal.”

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

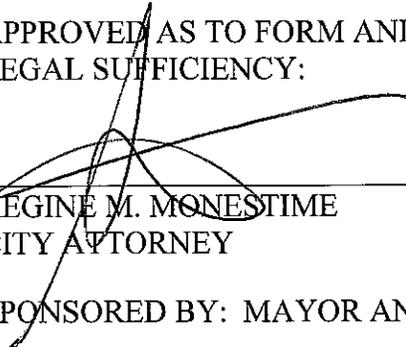
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 22 day of January 2013



ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST: 

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: MAYOR ANDRE D. PIERRE

Moved by: Vice Mayor Steril

Seconded by: Mayor Pierre

Vote:

Mayor Andre D. Pierre, Esq.	<u>x</u>	(Yes)	<u> </u>	(No)
Vice Mayor Marie Erlande Steril	<u>x</u>	(Yes)	<u> </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>x</u>	(Yes)	<u> </u>	(No)
Councilperson Scott Galvin	<u>x</u>	(Yes)	<u> </u>	(No)
Councilperson Jean R. Marcellus	<u>x</u>	(Yes)	<u> </u>	(No)

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(11)
12-4-12

RESOLUTION NO. R-1055-12

**RESOLUTION URGING MUNICIPALITIES IN MIAMI-DADE
COUNTY NOT TO USE RED LIGHT CAMERAS TO
ENFORCE RIGHT TURNS ON RED**

WHEREAS, during the 2010 state legislative session, the Florida Legislature enacted HB 325, the Mark Wandall Traffic Safety Act, authorizing the use of cameras for red light enforcement, and on May 13, 2010, the Governor signed HB 325 into law, Chapter 2010-80, Laws of Florida; and

WHEREAS, HB 325 authorizes cities, counties and the Florida Department of Highway Safety & Motor Vehicles to install traffic infraction detectors, also known as red light cameras; and

WHEREAS, HB 325 imposes a fine of \$158 for red light violations identified by camera, of which \$75 would be retained by the county or city; \$70 would go to the state general revenue fund; \$10 would go to trauma centers, including Jackson Memorial Hospital, and \$3 would go to the Miami Project to Cure Paralysis; and

WHEREAS, HB 325 provides that red light camera violations related to right turns can be issued if the driver is not making the right turn in a "careful and prudent" manner; and

WHEREAS, the most dangerous intersection crashes occur when drivers run a red light driving straight through the intersection rather than on right turns; and

WHEREAS, in many jurisdictions, the vast majority of red light camera violations have been on right turns; and

WHEREAS, in Collier County, for example, 89 percent of red light camera citations issued in April 2010 were based on right turns, leading Collier County to prohibit issuing red light camera citations based on right turns; and

WHEREAS, claims that red light cameras are used to generate government funds rather than to improve public safety may be centered on excessive red light camera enforcement of right turns on a red light; and

WHEREAS, excessive red light camera enforcement on right turns also causes unnecessary traffic backups because even after motorists have the right of way, they are sometimes fearful of making right turns out of fear that they will still be cited, further exacerbating roadway congestion; and

WHEREAS, people who receive right turn on red infractions often have to incur the expense of hiring an attorney to have the red light camera infraction dismissed even though state law expressly prohibits red light camera enforcement of rights turns on red when the turn is made in a careful and prudent manner, which is an added hardship in this very difficult economy; and

WHEREAS, on January 20, 2010, Miami-Dade County passed Ordinance No. 11-01 authorizing a red light camera program; and

WHEREAS, although Miami-Dade County's red light camera program has not yet been implemented, the Miami-Dade County ordinance prohibits enforcement of right turns on red by red light cameras; and

WHEREAS, many municipalities in Miami-Dade County continue to issue citations for right turns on a red light using red light cameras,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges municipalities in Miami-Dade County not to use red light cameras to enforce right turns on red.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Mayor or City Manager of each municipality in Miami-Dade County and the Executive Director of the Miami-Dade League of Cities.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner José "Pepe" Diaz who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

	Audrey M. Edmonson, Vice Chairwoman	aye	
Bruno A. Barreiro	aye	Lynda Bell	absent
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	absent
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	absent
Xavier L. Suarez	absent	Juan C. Zapata	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty