

- (6) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade or motorcade.
- (7) The maximum length of such parade or motorcade in miles or fraction thereof.
- (8) The disbanding area, and disbanding time.
- (9) The number of persons required to monitor the parade or motorcade.
- (10) The number and type of vehicles, if any.
- (11) The number and maximum size of any sign, banner, placard or carrying device therefor.
- (12) The materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the fire chief.  
(Code 1988, § 21-27(h))
- (13) The permittee shall advise all participants in the parade or motorcade, either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade or motorcade.
- (14) The amplification of sound permitted to be emitted from sound trucks or bull horns shall be fixed and not variable.
- (15) The parade or motorcade shall continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade or motorcade, except when reasonably required for the date and orderly conduct of the parade or motorcade, shall constitute a violation of the permit.
- (16) Such other requirements as are found by the chief of police to be reasonably necessary for the protection of persons or property. All conditions of the permit shall be complied with so far as reasonably practicable.  
(Code 1988, § 21-27(g))

**Sec. 74-143. Appeal procedure.**

Upon a denial by the chief of police of an application made pursuant to section 74-140, the applicant may appeal from the determination of the chief of police within five days thereafter to the city commission by filing a written notice of appeal for hearing by the city commission at its next meeting. Upon such appeal, the city commission may reverse, affirm or modify in any regard the determination of the chief of police. If an application is not filed within the required time, as specified in section 74-140, the applicant may request a waiver of such requirement by the city commission at its next regular meeting or at a special meeting which may be called prior thereto by the city commission to consider such matter, and the city commission, if it finds unusual circumstances and in the exercise of its sound discretion, may waive such requirement.  
(Code 1988, § 21-27(h))

**Sec. 74-144. Notification of permit application.**

Immediately upon the request of a permit for a parade or motorcade, the chief of police shall send a copy thereof to the following:

- (1) The mayor.
- (2) The city manager.
- (3) The fire chief.
- (4) The director of public works.  
(Code 1988, § 21-27(i))

**Sec. 74-145. Revocation of permit.**

Any permit for a parade or motorcade issued pursuant to this article may be summarily revoked by the chief of police at any time when, because of disaster, public calamity, riot or other emergency, the chief of police determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.  
(Code 1988, § 21-27(j))

**Secs. 74-146—74-199. Reserved.**

## ARTICLE V. THE CITY OF WINTER GARDEN TRAFFIC LIGHT SAFETY ACT

### Sec. 74-200. Intent.

This article authorizes the use of traffic infraction detectors to promote compliance with red light signal directives as set forth in this article and applicable Florida law. This article will supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with normal and customary statutory traffic enforcement mechanisms.

(Ord. No. 25-02, § II, 1-9-25)

### Sec. 74-201. Use of traffic infraction detectors.

The city may utilize traffic infraction detectors pursuant to general law as a means of monitoring compliance with state laws relating to traffic control signals while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve the public health, safety, and welfare. This article shall not supersede, infringe, curtail, or conflict with Florida laws relating to red light signal violations. The city may utilize traffic infraction detectors as an ancillary and supplemental deterrent to traffic control and traffic signal violations and thereby reduce accidents and injuries associated with such violations.

(Ord. No. 25-02, § II, 1-9-25)

### Sec. 74-202. Definitions.

The following definitions shall apply to this article.

*Intersection* means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

*Motor vehicle* means the definition set forth in F.S. § 316.003(43), or its successor provision.

*Owner* means the person or entity identified by the Florida Department of Highway Safety and Motor Vehicles, or other state vehicle registration office, as the registered owner of a vehicle.

*Recorded images* means images recorded by a traffic infraction detector that is operated in accordance with this article and Florida law.

*Red zone infraction* means a traffic offense whereby a traffic infraction detector indicates a violation of this article.

*Traffic infraction detector* means a vehicle sensor installed to work in conjunction with a traffic control signal and camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.

*Traffic infraction enforcement officer* means the city police department employees designated herein to review recorded images and issue red zone infractions based upon those images.

(Ord. No. 25-02, § II, 1-9-25)

### Sec. 74-203. Adherence to red light traffic control signals.

A motor vehicle facing a traffic control signal's steady red light indication shall stop before entering the crosswalk on the near side of an intersection or, if none, then before entering the intersection, and shall remain standing until a green indication is shown on the traffic control signal; provided, however, the driver of a motor vehicle which is approaching a clearly marked stop line, or if none, is approaching the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway before entering the intersection in obedience of a steady red traffic control signal, may make a right turn in a careful and prudent manner (unless such turn is otherwise prohibited by posted sign or other traffic control device), but

shall yield right-of-way to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.

Further, motor vehicles facing a traffic control signal that is malfunctioning, inoperable, or is emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point, nearest to the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In the event that only some of the traffic control signals within an intersection are malfunctioning, inoperative, or emitting a flashing red light the driver of the vehicle approaching the malfunctioning, inoperative, or flashing red traffic control signal shall stop in the above prescribed manner.

(Ord. No. 25-02, § II, 1-9-25)

#### **Sec. 74-204. Violation.**

A violation of this article, known as a red light violation, shall occur when a vehicle does not comply with the requirements of section 74-203 and/or violations of Florida law, including, but not limited to, violations of F.S. §§ 316.074(1) and 316.075(1)(c). Violations shall be enforced pursuant to F.S. § 316.0083.

(Ord. No. 25-02, § II, 1-9-25)

#### **See. 74-205. Review of recorded images.**

The city shall designate one or more traffic infraction enforcement officers who shall be police or community service officers of the city and who shall meet the qualifications set forth in F.S. § 316.640, or any other applicable statutory provision. The traffic infraction enforcement officer shall review recorded images prior to the issuance of a notice of infraction to ensure accuracy and the integrity of the recorded images. The traffic infraction enforcement officer shall also verify that the traffic infraction detector that captured the recorded images was functioning properly at the time the recorded images were captured. Once the traffic infraction enforce-

ment officer has verified the accuracy of the recorded images and functionality of the traffic infraction detector, he or she shall complete a review of the violation and authorize enforcement action, and a notice of violation shall be sent to the owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or any other state's vehicle registration office.

(Ord. No. 25-02, § II, 1-9-25)

#### **Sec. 74-206. Notice of violation.**

Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under F.S. § 318.14, and that the violator must pay the penalty of \$158.00 to the city, or furnish an affidavit in accordance with F.S. § 316.0083(1)(d), or request a hearing within 60 days following the notification in order to avoid the issuance of a traffic citation. Such notification must be sent by first-class mail. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographs or electronic image or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing. A request for hearing shall waive any challenge or dispute as to the delivery of the notice of violation. Further, the notice of violation shall include:

- (1) The name and address of the owner;
- (2) The license plate number and registration number of the vehicle;
- (3) The make, model, and year of the motor vehicle;
- (4) Notice that the infraction charged is pursuant to this article;
- (5) The location of the intersection where the violation occurred;

- (6) The date and time of the red zone infraction;
- (7) Images depicting the infraction, showing the license tag of the offending vehicle and the traffic control device being violated;
- (8) Instructions on all methods of payment of the penalty;
- (9) A statement specifying the remedies available under F.S. § 318.14;
- (10) A statement that the owner must pay a penalty of \$158.00 to the city or provide an affidavit that complies with F.S. § 316.0083 within 30 days of the date the notice is issued in order to avoid court fees, costs, and the issuance of a uniform traffic citation; and
- (11) A signed statement by the traffic infraction enforcement officer that, based on inspection of the recorded images, the vehicle was involved in a red zone infraction.

(Ord. No. 25-02, § II, 1-9-25)

#### **Sec. 74-207. Affidavit of non-responsibility.**

An affidavit of non-responsibility proffered as a defense to an alleged red light violation must meet the requirements of F.S. § 316.0083(1)(d), as such statutory requirements pertaining to such affidavits may be amended or transferred from time to time. An affidavit of non-responsibility may be used as a basis for the issuance of a citation for the red light violation to a person identified in the affidavit as being in actual care, custody, or control of the motor vehicle at issue as permitted by statute. Submission of a false affidavit is a misdemeanor of the second degree, punishable as prescribed by general law.

(Ord. No. 25-02, § II, 1-9-25)

#### **Sec. 74-208. Uniform traffic citation.**

A uniform traffic citation may be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle in the notice of violation if payment has not been made within 60 days after the date of

the notice of violation, if the registered owner has not requested a hearing, or if the registered owner has not submitted an affidavit as provided in sections 74-206 and 74-207.

(Ord. No. 25-02, § II, 1-9-25)

#### **Sec. 74-209. Signage.**

When the city installs a traffic infraction detector at an intersection, the city shall erect signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use at the intersection and shall include specific notification of intersection safety camera enforcement of violations concerning right turns. Such signage shall meet the specifications for uniform signals and devices adopted by the Florida Department of Transportation pursuant to F.S. § 316.0745.

(Ord. No. 25-02, § II, 1-9-25)

#### **Sec. 74-210. Challenge to notice of violation.**

A challenge to a notice of violation or citation issued for a red light violation shall be in the manner required by the Mark Wandall Traffic Safety Act as codified in F.S. ch. 316 (the "Act"), as may be amended from time-to-time, and the provisions of the Act relating to the procedures for challenging a notice of violation or citation, including F.S. § 316.0083(5) are incorporated herein. The city commission shall have the right and authority by resolution to: (i) adopt rules and procedures governing any local hearing process concerning challenges to notice of violations and citations for red light violations; (ii) appoint local hearing officer(s); (iii) appoint city staff to serve as the clerk to local hearing officer(s); and (iv) provide for petitioner's payment of costs authorized by the Act.

(Ord. No. 25-02, § II, 1-9-25)

#### **Sec. 74-211. Consistency with state law.**

This article shall be interpreted and applied so that it is consistent with state law, including the Mark Wandall Traffic Safety Act as set forth in F.S. § 316.0083. Any amendment to an applicable state law shall automatically apply to the enforcement and application of this article

whether or not this article or any provision thereof has been amended to specifically address such state law amendments. Without limitation, any future amendment regarding the amount of the civil penalty or the apportionment of the proceeds thereof shall be deemed to apply in the enforcement of this article, even prior to a specific amendment to this article to make this article expressly consistent with such change in state law with respect to the amount of the penalty or the apportionment of the proceeds thereof.

(Ord. No. 25-02, § II, 1-9-25)

**Secs. 74-212—74-214. Reserved.**

**ARTICLE VI. SCHOOL ZONE SPEED ENFORCEMENT**

**Sec. 74-215. Purpose and intent.**

The purpose and intent of this article is to protect the health, safety, and welfare of city residents by authorizing the placement or installation and use of speed detection systems on roadways maintained as a school zone within city limits, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations. This article provides a supplemental means of enforcing unlawful speed violations in school zones and shall not prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic violation in accordance with F.S. ch. 316.

(Ord. No. 25-01, § II, 1-9-25)

**Sec. 74-216. Definitions.**

The terms below shall, for purposes of this article, have the meanings indicated:

*Hearing procedures* shall mean the procedures set forth under F.S. § 316.1896, governing noticing, scheduling, and conducting hearings before a local hearing officer.

*Law enforcement officer* shall mean, as defined by F.S. § 943.10(1), any person who is elected, appointed, or employed full time by a municipality or the state or any political subdivision thereof, who is vested with authority to bear

arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

*Local hearing officer* shall mean the special magistrate or other city appointee as permitted by law and as established by the city commission through a resolution.

*Motor vehicle* shall mean, as defined by F.S. § 316.003, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

*Notice of violation* shall mean the written notification sent to the registered owner of a vehicle after a school zone speed infraction by that vehicle has been captured by a speed detection system and thereafter reviewed and approved by a law enforcement officer or traffic infraction enforcement officer. A notice of violation must be in the form and include the contents prescribed by F.S. § 316.1896, as it may be amended.

*School zone* shall mean that portion of a street or highway established as a school zone pursuant to F.S. § 316.1895, as it may be amended.

*School zone speed enforcement program* shall mean the regulations and procedures governing the use of speed detection systems on roadways maintained as a school zone within the jurisdiction of the city, as provided for by applicable law and established by this article.

*School zone speed infraction* shall mean a violation of F.S. § 316.183 or 316.1895, captured by a speed detection system on a roadway maintained as a school zone during the hours provided for by applicable law and set forth in this article.

*School zone speed limit* shall mean the regularly posted or reduced posted speed limit within a school zone pursuant to F.S. § 316.1895.

*Speed detection system* shall mean a portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a

motor vehicle that exceeds the speed limit in force at the time of the violation. This term is synonymous with the term "speed detection system" defined in F.S. § 316.003(83), as it may be amended.

*Traffic infraction enforcement officer* shall mean a person who meets the qualifications established by F.S. § 316.640, as it may be amended.

*Uniform traffic citation* shall mean the citation issued to the registered owner of a vehicle for a school zone speed infraction, in the form and including the contents prescribed by F.S. §§ 316.1896 and 316.650, as it may be amended. (Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-217. Use of speed detection systems.**

Pursuant to F.S. § 316.008(9), the city hereby elects to use speed detection systems on roadways properly maintained as a school zone to enforce speed limits within the city's jurisdiction. The city may utilize speed detection systems as a supplemental means of assisting law enforcement personnel in the enforcement of compliance with state law related to unlawful speed in school zones, in accordance with F.S. ch. 316. (Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-218. Program administration.**

(a) The city manager or city manager's designee, in cooperation with the Winter Garden Police Department and any necessary city staff as determined by the city manager or city manager's designee, is empowered to administer, and assist with the city's school zone speed enforcement program, consistent with the provisions of Chapter 2023-174, Laws of Florida, subject to any other applicable state law, this article, and all corresponding city resolutions.

(b) As permitted and defined by applicable law and corresponding resolution adopted by the city commission, the city may designate its special magistrate or other city appointee as its local hearing officer, who shall have jurisdiction to conduct proceedings in accordance with Chapter 2023-174, Laws of Florida, and F.S. § 316.1896, as such may be amended from time to time.

(c) In accordance with Chapter 2023-174, Laws of Florida, and F.S. § 316.1896, as may be amended, the city commission shall designate by resolution existing city staff to serve as the clerk to the local hearing officer.

(Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-219. Program implementation requirements.**

(a) *Signage requirements.* The installation and operation of speed detection systems, including required signage, shall be in accordance with F.S. ch. 316, all applicable regulations of the Florida Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles, and the terms of any written agreement that may be entered into between Winter Garden Police Department and/or the city and its vendor(s).

(b) *Public awareness.* Pursuant to F.S. § 316.0776, before notices of violation for school zone speed infractions may be issued, a public announcement and 30-day public awareness campaign of the initial proposed use of speed detection systems must be conducted. During the 30-day public awareness campaign, only a warning may be issued to the registered owner for a school speed zone infraction and a fine shall not be imposed.

(Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-220. Designation of school zones.**

(a) The city commission finds that based upon the traffic data and other evidence presented at a public hearing, the school zones on the roadways surrounding the following schools constitute a heightened safety risk that warrants additional enforcement measures by installation or placement of speed detection systems pursuant to F.S. § 316.008:

West Orange High	1625 Beulah Rd, Winter Garden, FL 34787
Tildenville Elementary	1221 Brick Rd, Winter Garden, FL 34787
Whispering Oak Elementary	15300 Stoneybrook W Pkwy, Winter Garden, FL 34787

SunRidge Elementary	14455 Sunridge Blvd, Winter Garden, FL 34787
SunRidge Middle	14955 Sunridge Blvd, Winter Garden, FL 34787
Lakeview Middle	1200 W Bay St, Winter Garden, FL 34787
Dillard Elementary	311 N Dillard St, Winter Garden, FL 34787
Maxey Elementary	602 E Story Rd, Winter Garden, FL 34787
Esteem Academy	12301 Warrior Rd, Winter Garden, FL 34787

(b) Subsequent speed detection systems may be approved for inclusion or removal via amendment to this section in accordance with applicable law.

(Ord. No. 25-01, § II, 1-9-25)

### Sec. 74-221. Enforcement procedures.

(a) *General powers.* The Winter Garden Police Department shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to Chapter 2023-174, Laws of Florida, for violations of F.S. §§ 316.183 and 316.1895, through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of ten miles per hour over the speed limit in force at the time of the violation. The Winter Garden Police Department Chief of Police or designee is responsible for establishing the business rules of procedure between the vendor and the city necessary for implementing this section.

(b) *Review of speed detection system information.* Pursuant to F.S. § 316.1896, as may be amended, information captured by a speed detection system shall be reviewed by a law enforcement officer or traffic infraction enforcement officer.

(c) *School zone speed detection system violations.* The applicable speed limit on a roadway properly maintained as a school zone may be enforced through the capturing of a violation by a speed detection system as follows:

- (1) For a violation of F.S. § 316.1895 in excess of ten miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program.
- (2) For a violation of F.S. § 316.1895 in excess of ten miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session.
- (3) For a violation of F.S. § 316.183 in excess of ten miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.
- (4) For a violation of F.S. § 316.1895 in excess of ten miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.

(d) *Notice of violation.* A notice of violation must be sent to the registered owner of the motor vehicle involved in the violation as provided under F.S. § 316.1896.

(e) *Hearing procedures and appeals.* Hearings to contest notices of violations shall be held in accordance with the requirements of Chapter 2023-174, Laws of Florida, and F.S. §§ 316.0083(5) and 316.1896. An aggrieved party may appeal a final administrative order of the local hearing officer in accordance with F.S. § 316.1896.

(f) *Defenses and penalties.* The enforcement of school zone speed infractions including the issuance of notices of violation and uniform traffic citations, the processing of affidavits to assert an exception to liability, and the assessment of fines and costs must comply with F.S. § 316.1896. In accordance with F.S. § 316.1896(14)(e), the local hearing officer must assess the statutory authorized penalty if the registered owner is

found in violation and may also require the registered owner to pay municipal costs not to exceed \$250.00 per violation. A registered owner who receives a notice of violation may, within 30 days:

- (1) Pay the fine of \$100.00, as fixed by F.S. § 318.18(3)(d), as it may be amended;
- (2) Submit an affidavit establishing an exception to liability pursuant to F.S. § 316.1896(8), as it may be amended; or
- (3) Request a hearing.

(g) *Issuance of a uniform traffic citation.* A law enforcement officer or traffic infraction enforcement officer shall be authorized, pursuant to F.S. § 316.1896, to issue a uniform traffic citation for violations of F.S. §§ 316.1895 or 316.183 as authorized by F.S. § 316.008(9). If the registered owner of a vehicle does not timely pay the fine reflected on the notice of violation, submit a sufficient affidavit, or request a hearing, a uniform traffic citation must be issued by a law enforcement officer or a traffic infraction enforcement officer to the registered owner and transmitted to the Orange County Clerk of the Court for disposition by the county court.

(Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-222. Collection of evidence, public records, and retention requirements.**

In accordance with F.S. § 316.1896, a speed detection system in a school zone may not be used for remote surveillance. The collection of evidence by a speed detection system to enforce school zone speed infractions, or user-controlled pan or tilt adjustments of speed detection components, do not constitute remote surveillance. Recorded video or photographs collected as part of a speed detection system in a school zone may only be used to document school zone speed infractions and for purposes of determining criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system. Any recorded video or photograph obtained via a speed detection system must be destroyed within 90 days after the final disposition of the recorded event, pursuant to F.S. § 316.1896. Written

notice that such records have been destroyed must be provided by December 31 of each year to the city by its speed detection system vendor. All public records related to the administration of this section must be maintained in accordance with Florida law and all requests for such records must be addressed in accordance with F.S. ch. 119, and any other applicable state law.

(Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-223. Annual reporting requirements.**

The city, with the assistance of Winter Garden Police Department and/or the vendor, will annually report on the city's school zone speed enforcement program to the public and to the Florida Department of Highway Safety and Motor Vehicles in accordance with F.S. §§ 316.0776 and 316.1896, as they may be amended.

Pursuant to F.S. § 316.0776(3)(c), the compliance or sufficiency of compliance with this requirement may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.

(Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-224. Collected fines and costs.**

All fines and costs collected pursuant to this article must be remitted in accordance with F.S. §§ 316.1896 and 318.18, and any other relevant state law.

(Ord. No. 25-01, § II, 1-9-25)

#### **Sec. 74-225. School crossing guard recruitment and retention program.**

Pursuant to F.S. § 316.1894, as may be amended, the law enforcement agency having jurisdiction over a municipality conducting a school zone speed detection system program authorized by F.S. § 316.008(9), must use funds generated pursuant to F.S. § 316.1896(5)(e), from the school zone speed detection system program to administer the school crossing guard recruitment and retention program. Such program may provide recruitment and retention stipends to crossing guards at K—12 public schools, including charter schools, or stipends to third parties