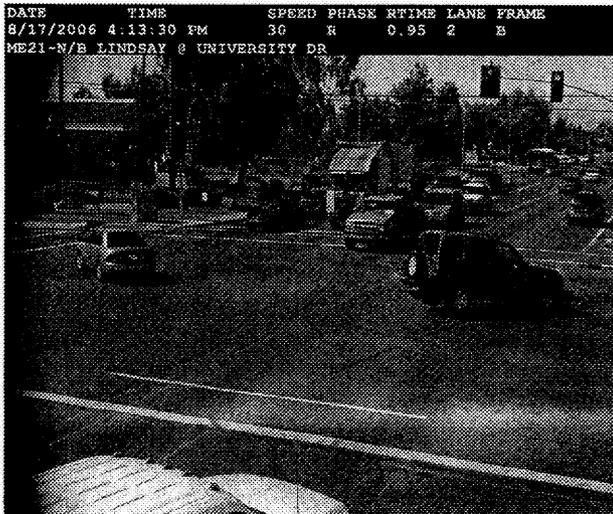


Red Light Running Facts



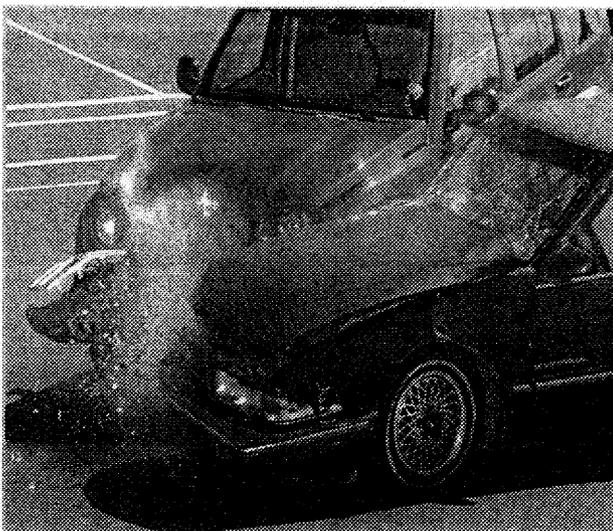
Red light running is a dangerous and costly national problem.

- Red light running is the leading cause of urban crashes according to the Insurance Institute for Highway Safety.
- In 2004, as many as 207,000 crashes, 168,000 injuries and over 900 fatalities in the U.S. were attributed to red light running.
- The financial cost to the public is estimated to be more than \$14 billion each year.
- An average of 3.2 red light violations occur per hour, according to a 2003 study conducted by University Transportation Center for Alabama in 4 states at 19 different intersections.



A crash caused by a driver who runs a red light is more likely to result in serious injury or death.

- Deaths caused by red light running are increasing at more than three times the rate of increase for all other fatal crashes.
- More people are injured in crashes involving red light running than in any other crash type.
- Reduction in red light running through a comprehensive red light camera program will promote and protect the public health, safety and welfare of your community.

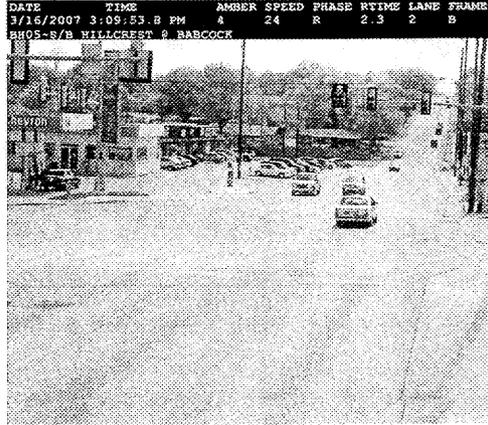
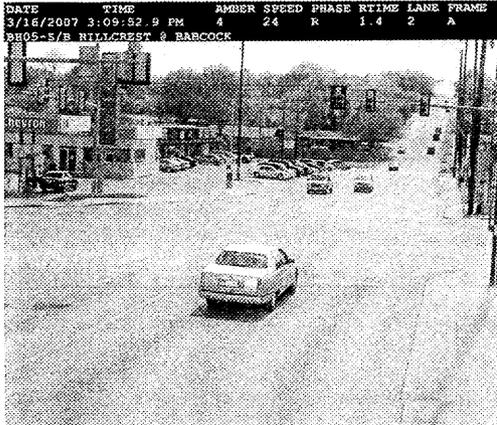


Most people run red lights because they are in a hurry, when in fact they only save seconds.

- Almost all drivers (96%) fear being struck by a red light runner.
- Majority of Americans (56%) admit to running red lights.
- Red light runners can be any one of us who drives.
- One in three Americans knows someone who has been injured or killed in a red light running crash.
- Red light running is often a result of aggressive driving, and **is completely preventable.**

The Public Supports Red Light Cameras

Reduction in red light running through a comprehensive red light camera program will promote and protect the public health, safety and welfare of citizens.



Photographic detection devices, such as red light cameras, are already being used extensively around the globe.

- Nearly 200 communities in the U.S. have red light camera systems operational.
- Other countries currently using photographic detection devices include: Australia, Austria, Belgium, Canada, Germany, Israel, the Netherlands, Singapore, South Africa, Switzerland, Taiwan, and the United Kingdom.

The public supports red light cameras.

- In Mesa, Arizona, a poll conducted in Spring 2006 confirmed that 85% of residents still support the City's red light camera program, after 10 years in operation. Additionally, 77% agreed that the program should be expanded to more locations.
- An April 2006 survey found that 82% of those interviewed supported installing red light cameras in Seattle, Washington.

| Cities without Red Light Cameras | % Public Support |
|----------------------------------|------------------|
| Fresno, CA | 72% |
| Charlottesville, VA | 74% |
| Arlington, TX | 74% |
| Raleigh/Durham, NC | 76% |
| Ft. Lauderdale, FL | 82% |

| Cities with Red Light Cameras | % Public Support |
|-------------------------------|------------------|
| San Francisco, CA | 77% |
| Mesa, AZ | 78% |
| Oxnard, CA | 79% |
| Charlotte, NC | 82% |
| Fairfax, VA | 84% |

- In 2007, polls conducted by the cities of Arlington and Irving Texas found that 87% and 88%, respectively, of the citizens support red light cameras and 83% of the respondents believe red light cameras reduce the number of people running red lights.
- 72% of Texas residents polled in 2002 by Hill Research Consultants, felt red light cameras would reduce the number of collisions and injuries.

Red Light Camera Systems Increase Safety

Red light cameras do affect driver behavior in the long run.

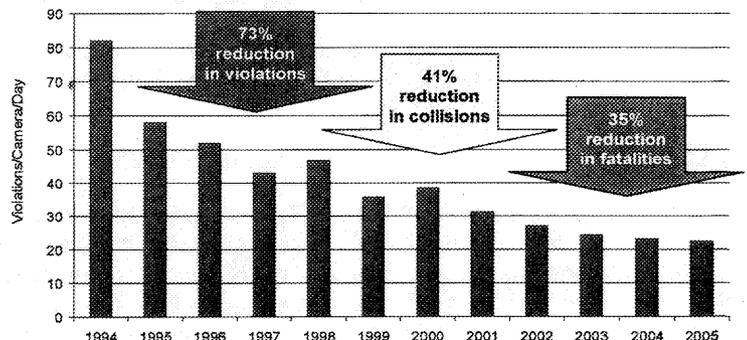


- According to a 2007 study completed by the Insurance Institute for Highway Safety, researchers tallied signal violations at intersections in **Philadelphia, Pennsylvania** before and after red light camera enforcement had been in effect for about 1 year and found the cameras reduced violations by 96%.
- From 1994-2005, red light running violations decreased 73% in **New York City**.
- **Houston, Texas** Mayor Bill White reported a 30% reduction in crashes overall during the first 6 months of operation of the City's Intersection Safety program.
- Accidents are down 11% in the intersections with red light cameras in **Arnold, Missouri** according to Police Chief Robert Shockey. At the Rockport intersection located in front of a school, accidents are down 50%.
- Public safety officials in **Columbus, Ohio** report a 72% decline in red light violations between March and August 2006. Additionally intersections monitored by cameras previously averaged 5 to 14 crashes caused by red light running per year, and since the program was implemented only one crash has been recorded.
- Significant citywide crash reductions have followed the introduction of red light cameras in **Oxnard, California**: 7% overall crash reduction; 29% reduction in injury-related crashes; 32% reduction in front-into-side crashes; 68% reduction in front-into-side crashes involving injury.¹
- In **Fairfax, Virginia** after one year of camera enforcement, violations were reduced by about 40%. Additionally, 84% of its residents supported the use of red light cameras.¹

- **Garden Grove, California** found a 56.2% reduction in right-of-way violation accidents.¹
- **Charlotte, North Carolina** reported the following findings based on a before-and-after study done at 17 intersections: 37% decrease in angle crashes at intersections with cameras; 60% decrease in angle crashes at approaches with cameras; all crash types reduced by 19%; crash severity reduced 16%.¹
- Red light running accidents decreased 30% in the year after red light cameras were installed in **Baltimore County, Maryland** compared to the prior year.¹
- Red light running in **Savannah, Georgia** has decreased by 45% since installing a red light camera.¹
- **Calgary, Canada** reports that there was a 29.4% decrease in the total number of right angle collisions and a 39.4% decrease in the number of injury right angle collisions, and a 100% decrease in the number of fatal right angle collisions.

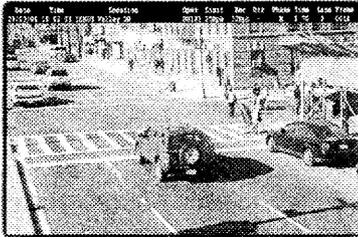
Producing Safer Intersections

New York City Red Light Camera Program
Historical Violations Per Camera Per Day
1994 to 2005



¹Source: "Red light Cameras: A Proven Method to Save Lives," National Campaign to Stop Red Light Running, www.stoppedlightrunning.com/html/redlight.htm.

How A Red Light Camera Works



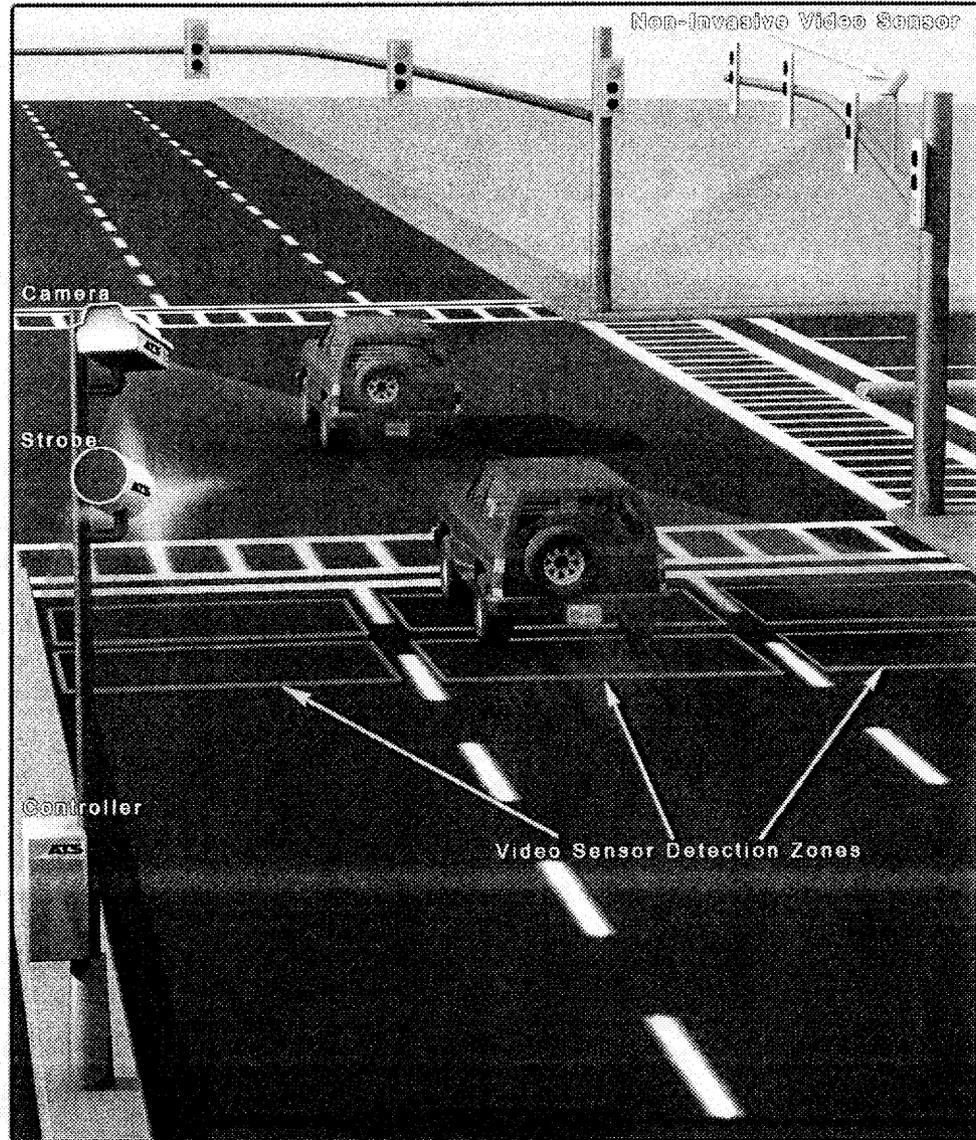
First Image - Before Shot of Violation



Second Image - Shot of Vehicle in Intersection



License Plate Close-up from one of the two violation images



The camera is activated when a vehicle enters the intersection **AFTER** the traffic signal has turned red. The camera takes a series of two images to document the violation. The violation is then mailed to the registered owner of the vehicle.

First image:

The first shot is captured from the rear showing: the scene of the violation including the back of the violating vehicle in front of the stop line; one or more visible red light signals.

Second image:

The second shot is also captured from the rear showing: the scene of the violation including the back of the violating vehicle after the rear axle has crossed the stop line and the vehicle has illegally entered the intersection; one or more visible red light signals.

License plate close-up:

A magnified "crop" of the license plate is created from one of the two images.

© American Traffic Solutions 2007



INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

RESOLUTION

Adopted at the 112th Annual Conference
Miami, Florida
September 27, 2005

Red Light Camera Systems Operational Guidelines

*Submitted by the Highway Safety Committee
AHS013.a05*

WHEREAS, in 1998 the International Association of Chiefs of Police (IACP) supported the use of red light cameras at intersections for more effective and efficient traffic law enforcement, in conjunction with normal enforcement efforts; and

WHEREAS, the use of red light camera systems can deter and reduce red light running violations by motorists, and more importantly, can reduce the number of crashes, injuries and deaths attributable to red-light running; and

WHEREAS, crashes caused by motorists running red lights are, on the average, more deadly and damaging than other types of crashes at signalized intersections; and

WHEREAS, a comprehensive approach to using red light camera systems involving partnerships inclusive of all stakeholders is more effective in the mitigation of red-light running violations; and

WHEREAS, the proper implementation of red light camera systems will improve transportation safety and operations; and

WHEREAS, the *Red Light Camera Systems Operational Guidelines* (January 2005) developed by the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) is for use by state and local agencies for the development and operation of such systems; now therefore be it

RESOLVED, that the IACP supports the use of red light camera systems to detect and reduce the incidence of red light running violations; and be it

FURTHER RESOLVED, that the IACP endorses and supports the *Red Light Camera Systems Operational Guidelines* for use by state and local law enforcement agencies during the implementation and operation of red-light camera systems.

Photo Traffic Safety & Enforcement Solutions

Axis™ RLC-300 Red Light Camera System

Our detection and imaging technology will provide the best possible evidence.

One single high resolution camera captures a set of two violation images with integrated data fields instead of an array of individual low resolution video cameras capturing multiple images, which require separate computers to integrate the images and violation data.

Versatile and Easily Customized System

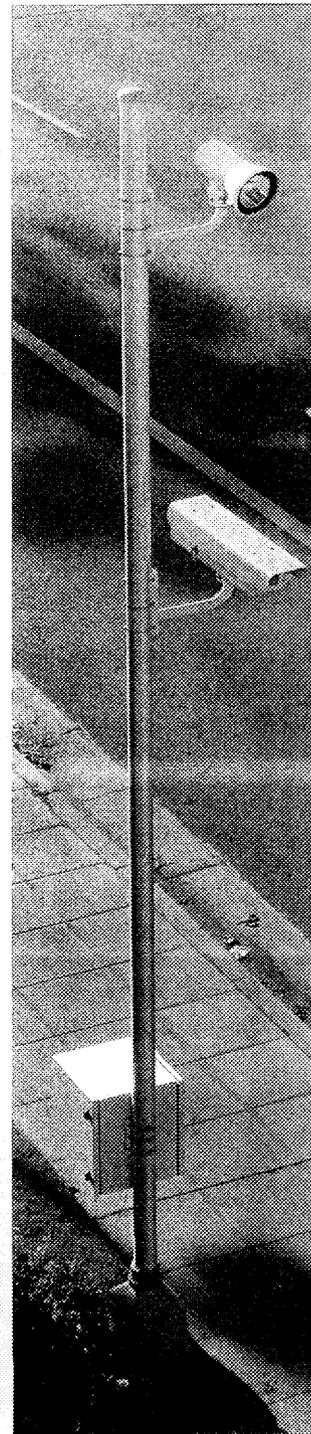
- Modular design allows for installation flexibility and ease of maintenance
- Flexible configuration - simultaneously monitor up to four traffic lanes with two separate signal phases - straight through, left-turn, and right turn
- Data capture traffic only, violation only or both
- Programmable "delay into red"
- User-defined data bar configuration outside the image area
- Sensor options: loop, piezo, video and other common detection inputs
- Wireless upgrade path for remote image data transfer and lower cost installation
- Plug-and-play digital upgrade solution replaces outmoded red light systems

Accuracy, Precision and Security

- Automatic capture of violations and corresponding traffic data
- Remote accessibility, web interface and data transfer (hands free)
- Battery backup – uninterrupted operation
- Compact flash card – high volume, secure data storage
- On-site calibration, maintenance and setup via PDA
- Functional unattended 24/7 use
- Self-test diagnostics and error checking for easy maintenance
- Compact and rugged design with no moving parts
- Fast recycle strobe triggers as fast as camera triggers with only 150W output
- 3DES encryption of data for high security

Best Images Produce the Best Results

- Most advanced digital imaging available
- Unmatched image resolution – 12.4 megapixel camera
- Quick response - 5 frames/second up to 40 consecutive images.
- Shutter Speed – 1/30 to 1/8,000 of a second
- Embedded, user-defined auto-insert data fields
- Razor-sharp focus – 11 image-focus sensors
- "Anti-Glare" engineering defeats reflected-light schemes to hide license plates.

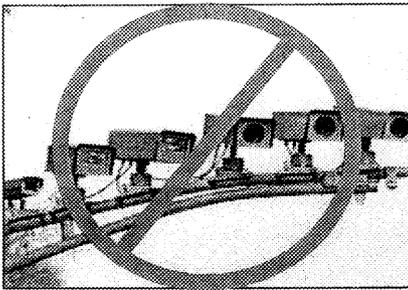
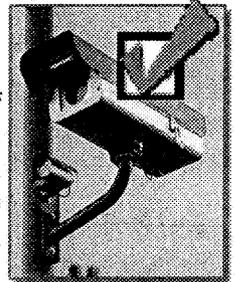


Single Camera vs. Multiple Lane Cameras

Single Cameras Provide Prima Facie Evidence.

Our detection and imaging technology will provide the best possible prima facie evidence, because we use only *one* high resolution camera to capture a single set of high resolution digital violation images, which are captured from the rear of the red light running vehicle.

The Single Camera format was the standard in the industry for decades before the advent of digital cameras when "wet film" cameras were predominant. Properly exposed film negatives provided sufficient resolution to capture an "A" image and a "B" image from a single 35 mm camera. License plate information and violation event details were extracted from the one image set, without the use of a secondary camera to capture the license plate image.



Early digital cameras did not offer equivalent resolution to traditional film cameras at the time, so the solution was to bundle a low resolution digital "scene" camera with secondary "lane" camera[s] focused on the license plate area to produce a second, higher resolution image of the license plate. This approach can present legal problems and embarrassment when one camera captures images of the vehicle running the red light, and the wrong lane camera captures the license plate of a legally stopped vehicle, whose owner later receives a violation notice. This problem has occurred frequently across the country with the older digital technology causing embarrassing headline stories in Minneapolis, Chicago, Scottsdale and Union City.

A single Axis™ RLC-300 Red Light Camera will capture two single high resolution images from the rear that contain all of the information needed to prosecute a violation.

First rear image: The "A" shot is captured from the rear approach showing: the scene of the violation including the back of the violating vehicle in front of the stop line (or crossing if desired); one or more visible red light signals; and a clear image of the license plate of the offending vehicle.

Second rear image: The "B" shot is also captured from the rear approach showing: the scene of the violation including the back of the violating vehicle after the rear axle has crossed the stop line and the vehicle has illegally entered the intersection; one or more visible red light signals; and a clear image of the license plate of the offending vehicle.

License plate crop: The Axis™ Violation Processing System will create a magnified "crop" of the license plate from one of the rear images for easy viewing. However, the cropped license plate close-up is not a separate image, but rather, a close-up view of the original violation image. This image can be taken from any of the images captured.

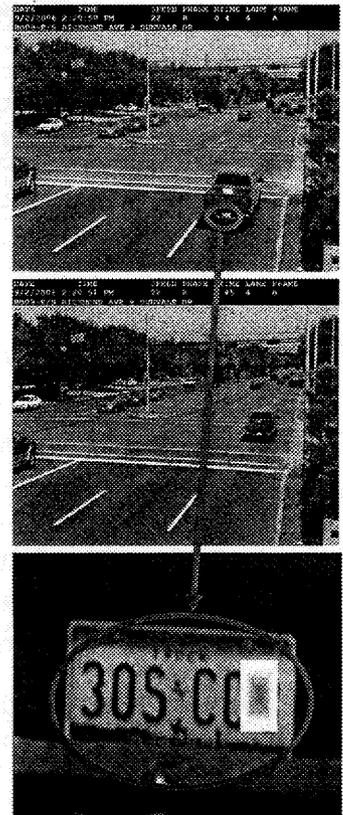
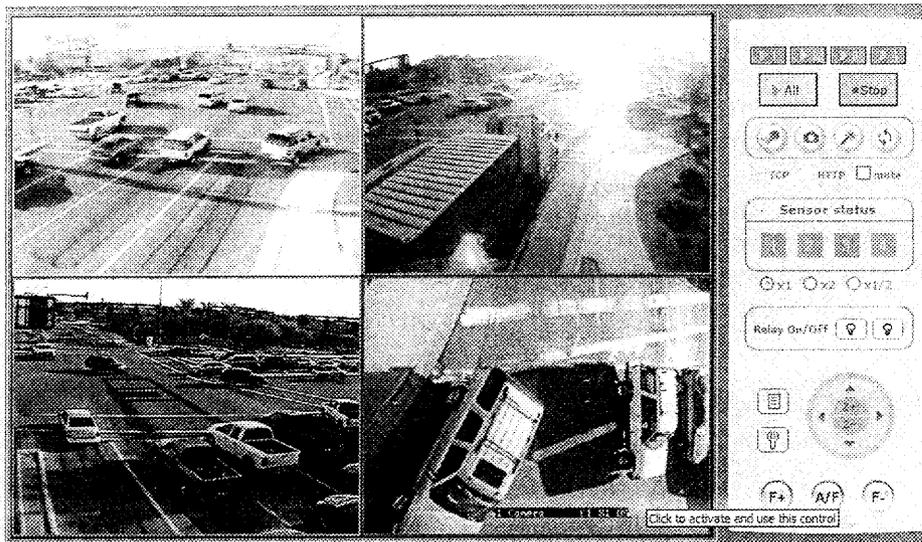


Photo Traffic Safety & Enforcement Solutions

Axis™ LIVE Red Light Camera Video System

The most flexible digital video solution to support enforcement of illegal right on red violations, reduce contested violations and provide live viewing of your intersections.

The Axis™ LIVE system is unique among competing offerings because LIVE can be implemented with up to four separate color video cameras using wireless links, one for each intersection approach. This allows viewing of violations from all four potential angles and visibility of every possible influence affecting the violating vehicle's behavior. No other vendor offers this option. The Axis™ LIVE controller manages the quad intersection scene cameras. This controller links the High Speed Internet connection, the LIVE Video Cameras and ultra large capacity local disk storage. Through the Axis™ LIVE controller, any direction of travel can be viewed live, recorded and replayed.



- Monitors all four directions simultaneously (extra fee for more than one camera)
- **The only system that records sound of passing traffic and collisions**
- Proves right turn violations
- Real-time viewing over the Internet
- Adjustable recording speed
- **Saves, for up to two months, 24/7 digital video data available for PD recall for accident reconstruction — the recall video data can be run frame by frame and has the time and date stamped on video.**
- Traffic flow and pattern evaluation for DOTs
- Records the action of any violating vehicle and all relevant circumstances

In addition to the high resolution still images, the Axis™ LIVE system also captures and stores separate full motion video "clips" of the violation event, showing the scene and key violation data. This video clip is securely transmitted to the ATS data center along with the two still violation images.

Photo Traffic Safety & Enforcement Solutions

About American Traffic Solutions, Inc. (ATS)

We operate on a fundamental and proven principle that successful, long term customer relationships are key to a successful business. These relationships are built upon trust, reliable and complete customer service and a deep knowledge and understanding of customer business needs and goals.

ATS is a leading provider of technology and business solutions that support the growing requirements for Electronic Toll and Traffic Management worldwide. Our unique solutions for automated toll and traffic violation processing, together with the proven business management expertise provide each of the required elements to ensure successful outcomes for our customers and partners.

Since its founding in 1992, ATS continues to be a client-focused transportation products and services company. Our offerings are backed by state-of-the-art hardware and software, professional and reliable services, knowledgeable and dedicated people, specific and extensive industry experience.

With regional facilities in New York City, NY, Philadelphia, PA, Mesa, AZ, St. Louis, MO and Houston, TX, ATS maintains a state-of-the-art Software Development Center in Scottsdale, Arizona, as well as high-tech research and development facilities for development and manufacturing. The Scottsdale facility also serves as the company's Global Network Operations Center which is linked to all active cameras and data collection devices worldwide.

Our products and offerings are focused on mobility and traffic safety, and have been specifically developed in response to the growing demand for traffic and transportation related systems worldwide. The company has steadily cultivated the right combination of people, processes and enabling technologies required to achieve success.

Our track record includes the implementation and operation of large and visible programs, including the City of Philadelphia, City of Houston and the New York City Red Light Camera Programs. ***The New York program alone generates more than 330,000 violation notices each year***, and is among the largest photo safety programs in the country. ATS is also responsible for the operation of Canada's largest digital red light camera program in Calgary, Alberta.

FOCUS ON
SAFETY



V.102706

Summary of ATS Photo Enforcement Operations

With 83 customers and more than 750 camera systems contracted throughout the United States, ATS has more major metropolitan municipal clients than any other vendor and has a 56% market share of the top ten U.S. cities by population served.

East

- New York City, NY
- Philadelphia, PA
- Washington, DC
- Anne Arundel County, MD
- Brentwood, MD
- Colmar Manor, MD
- Edmonston, MD
- Laurel, MD
- Mt. Ranier, MD
- New Carrollton, MD
- University Park, MD

South

- Baton Rouge, LA*
- New Orleans, LA*
- Southaven, MS
- Tupelo, MS
- Gallatin, TN
- Jackson, TN
- Red Bank, TN
- Ridgetop, TN
- Apopka, FL
- Orange County, FL
- Pembroke Pines, FL
- Florida Department of Transportation

Midwest

- St. Louis, MO
- Arnold, MO
- Bel-Nor, MO*
- Bellerive Acres Mo
- Beverly Hills, MO
- Brentwood, MO
- Clayton, MO
- Creve Coeur, MO
- Country Club Hills, MO
- Dellwood, MO
- Florissant, MO
- Hazelwood, MO
- Oak Grove, MO
- Richmond Heights, MO
- St. Ann, MO*
- St. John, MO
- Sugar Creek, MO
- Washington, MO*
- Webster Groves, MO
- Cahokia, IL
- Granite City, IL
- Highland Park, MI

International

- Calgary, Alberta Canada
- New Zealand National Police

West

- Houston, TX
- Phoenix, AZ
- Mesa, AZ
- Scottsdale, AZ
- Tucson, AZ
- Seattle, WA
- Amarillo, TX*
- Arlington, TX
- Balcones Heights, TX
- Baytown, TX*
- Burleson, TX*
- Cedar Hill, TX
- College Station, TX*
- Harris County Toll Rd., TX
- Humble, TX
- Hutto, TX
- Irving, TX
- Lubbock, TX
- Sugar Land, TX
- Arizona Department of Public Safety
- Avondale, AZ
- Glendale, AZ
- Cathedral City, CA
- Capitola, CA
- Covina, CA
- Millbrae, CA
- South San Francisco, CA
- Cherry Hill, CO
- Greenwood Village, CO
- E-470 Public Highway, CO
- Lone Tree, CO
- Northglenn, CO*
- Lacey, WA*
- Lynnwood, WA
- Puyallup, WA
- Renton, WA

* Recommended by Staff and pending Council Award
Cities with populations greater than 300,000

ATS Results

City of Calgary, Alberta Canada



ATS is the red light camera technology and service provider for the City of Calgary, Alberta. The Calgary program is the longest running and among the largest red light safety enforcement programs in Canada with 48 intersections equipped with cameras. ATS has supported all of the City's photo enforcement technology needs since 1999.

"The analysis shows that each year has shown a constant trend for safer driving in relation to motorist behaviour at red light camera intersections. This attitude has translated into less of a likelihood of sudden stopping by drivers, which can cause rear end collisions." - Sgt. Clive Marsh, Calgary Police

Contact:
Sergeant Clive Marsh
Specialized Traffic Enforcement Unit
403-295-7903
Email:
cmarsh@calgarypolice.ca

29.4% decrease in right angle collisions;
39.4% decrease in injury right angle collisions;
100% decrease in fatal right angle collisions; and
6.8% decrease in rear end collisions

New York City Department of Transportation, New York

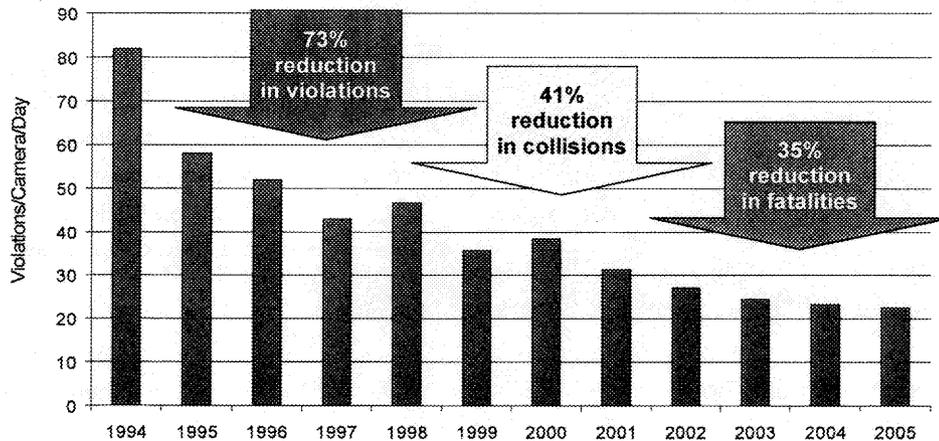


The program consists of 50 active RLC's across 75 sites and 200 "dummy" cameras installed in five boroughs in New York City. The program has been operational since 1993.

"...[Red Light Cameras] save people's lives. People get killed crossing the street when people run through red lights. When there are cameras there you catch people and teach them a lesson and they stop running red lights..." - NYC Mayor Michael Bloomberg

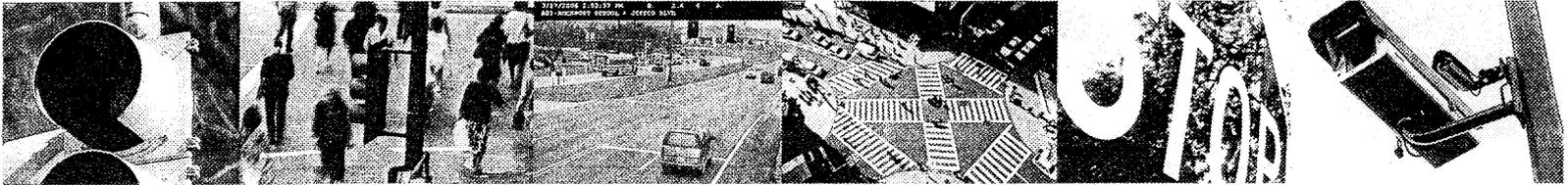
Contact:
Steven Galgano
Executive Director - Engineering
(718) 786-3550
Email:
sgalgano@dot.nyc.gov

Historical Violations Issued Per Camera Per Day 1994-2005



Tired of waiting on collections that
may never come?

Let *Revenue Advancing*™ monetize your past due accounts receivables
with guaranteed cash up front.



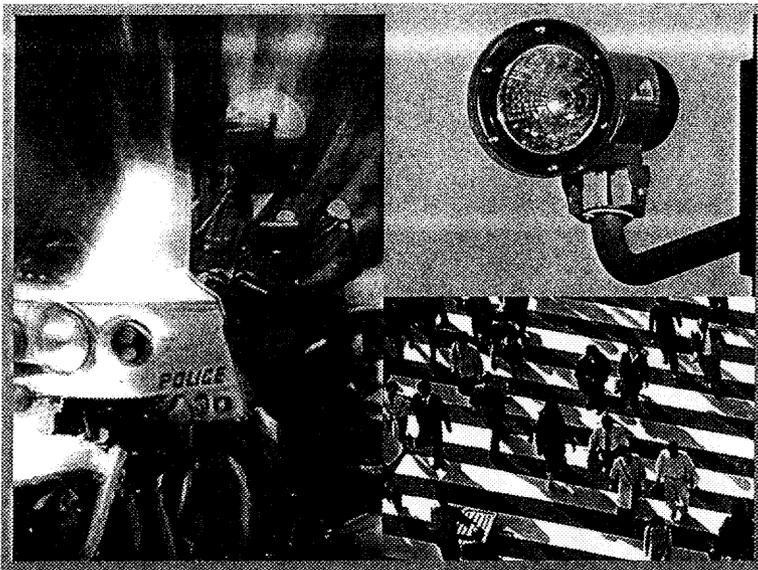
Convert delinquent fines into cash

This innovative program provides a way for communities to convert their past-due receivables into cash, services or equipment, before the receivables are collected. The cash can then be added to the general fund or converted into additional direct services by the municipality, including red light or speed cameras, parking meters or other equipment.

From parking, court fees, fines, ordinance violations, judgments, photo enforcement and other public-safety related programs, ATS Public Finance Solutions converts your receivables into a cash advance while letting you share in the upside of future collections. No matter what the past due collections generate, you keep 100% of the revenue-advancing cash (non-recourse), and you retain ownership of your receivables. No upfront write-down of past due AR!

Financial Services

ATS also provides customized leasing and lease purchase programs for photo enforcement needs. The programs provide flexible service offerings tailored to your community's needs at the lowest possible cost.



What are the benefits to cities and towns?

- Receive large amount of up-front cash - **guaranteed**
- Receive additional funds while ATS focuses on collections guaranteed
- Maintain ownership of your receivables to avoid write-downs
- Lower risk for municipalities, as ATS is incented to maximize collections
- Provides opportunity for municipality to exchange up-front cash for services:
 - o Red light cameras
 - o Speed cameras
 - o Police vehicles or motorcycles
- Avoids traditional delays of collection agencies; get paid faster

Revenue Advancing™ is an offering of the Public Finance Solutions Department of American Traffic Solutions, Inc., the leading company in photo enforcement innovation in the United States.

PROPOSED ORDINANCE NO. 2007-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING CHAPTER 26 OF THE VILLAGE CODE, "TRAFFIC AND VEHICLES", BY CREATING ARTICLE IV, "DANGEROUS INTERSECTION SAFETY", PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT INFRACTIONS AND FOR RELATED PROCEDURES AND PROVISIONS; AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE III "CODE ENFORCEMENT", SECTION 2-42 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED", TO FACILITATE USE OF CODE ENFORCEMENT MECHANISM FOR DANGEROUS INTERSECTION SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the running of red lights causes a safety hazard affecting every citizen and traveler in the Village of Key Biscayne; and

WHEREAS, the Village of Key Biscayne wishes to reduce the running of red lights by creating an additional enforcement mechanism.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the recitals set forth above are hereby adopted and confirmed.

Section 2. Dangerous Intersection Safety. That the Village Code of the Village of Key Biscayne is hereby amended by amending Chapter 26 "Traffic and Vehicles" by creating Article IV "Dangerous Intersection Safety", to read as follows:

Chapter 26 Traffic and Vehicles

Article IV Dangerous Intersection Safety

Sec. 26-44. Intent.

The purpose of this article is to authorize the use of an unmanned cameras/monitoring system to promote compliance with red light signal directives as proscribed by this article, and to adopt a civil enforcement system for red light signal violations. This article will also supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a notice for a red light signal violation in accordance with other routine statutory traffic enforcement techniques.

Sec. 26-45 Use of Image Capture Technologies.

The Village shall utilize image capture technologies as a supplemental means of monitoring compliance with laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall not supersede, infringe, curtail or impinge upon state or county laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to install and maintain traffic signal devices. This article shall serve to enable the Village to provide enhanced enforcement and respect for authorized traffic signal devices. The Village may utilize image capture technologies as an ancillary deterrent to traffic control signal violations and to thereby reduce accidents and injuries associated with such violations. Notices of infractions issued

pursuant to this article shall be addressed using the Village's own Board of Special Magistrates and not through uniform traffic notices or county courts. This shall not bar the use of uniform traffic citations and the county courts when Village police personnel decide not to rely on this article as the enforcement mechanism for a specific violation.

Sec. 26-46 Definitions.

The following definitions shall apply to this article:

INTERSECTION. The area embraced within the prolongation or connection of the lateral curb line; or, if none, then the lateral boundary lines, of the roadways of two roads which join or intersect 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. Any self-propelled vehicle not operated upon rails or guide way, but not including any bicycle or electric personal assisted mobility device.

OWNER/VEHICLE OWNER. The person or entity identified by the Florida Department of Motor Vehicles, or other state vehicle registration office, as the registered owner of a vehicle. Such term shall also mean a lessee of a motor vehicle pursuant to a lease of six months or more.

RECORDED IMAGES. Images recorded by a traffic control signal monitoring system/device:

- (1) On:
 - (a) Two or more photographs;
 - (b) Two or more electronic images;

- (c) Two or more digital images;
- (d) Digital or video movies; or
- (e) Any other medium that can display a violation; and

(2) Showing the rear of a motor vehicle and on at least one image, clearly identifying the license plate number of the vehicle.

RED ZONE INFRACTION. A traffic offense whereby a traffic control signal monitoring system established that a vehicle entered an intersection controlled by a duly erected traffic control device at a time when the traffic control signal for such vehicle's direction of travel was emitting a steady red signal.

BOARD OF SPECIAL MAGISTRATES. The Village's Code Enforcement Board of Special Magistrates as described in Article III of Chapter 2 of this Code.

TRAFFIC CONTROL INFRACTION REVIEW OFFICER. The Village employee designated, pursuant to Sec. 26-50 herein, to review recorded images and issue red zone infractions based upon those images.

TRAFFIC CONTROL SIGNAL. A device exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, using only the colors green, yellow, and red which indicate and apply to drivers of motor vehicles as provided in F.S. § 316.075.

TRAFFIC CONTROL SIGNAL MONITORING SYSTEM/DEVICE . An electronic system consisting of one or more vehicle sensors, working in conjunction with a traffic control signal,

still camera and video recording device, to capture and produce recorded images of motor vehicles entering an intersection against a steady red light signal indication.

Sec. 26-47. Adherence to Red Light Traffic Control Signals.

Motor vehicle traffic 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; however, the driver of a vehicle which is stopped 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 the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience of a steady red traffic control signal, may make a right turn (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.

Sec. 26-48. Violation.

A violation of this article, known as a red zone infraction, shall occur when a vehicle does not comply with the requirements of Sec. 26-47. Violations shall be enforced pursuant to Sec. 26-50.

Sec. 26-49 Ninety Day notice; introductory period.

The Police Chief shall notify the Village Manager when the red light camera system is operating correctly at the initial location established. For the ninety days following said notification, unless the driver of a vehicle received a citation from a police officer at the time of a

red zone infraction in accordance with routine traffic enforcement techniques, the vehicle owner shall receive a warning in the form of a courtesy notice of the violation. Commencing ninety one days after the above referenced notification, the vehicle owner is subject to the enforcement provisions as provided herein and no warning shall be given pursuant to this Article.

Sec. 26-50 Review of Recorded Images.

(A) The owner of the vehicle which is observed by recorded images committing a red zone infraction shall be issued a notice of violation (hereinafter also known as a “notice”). The recorded image shall be sufficient grounds to issue a notice.

(B) The Village’s Chief of Police shall designate a Traffic Control Infraction Review Officer, who shall be a police officer of the Village or who shall meet the qualifications set forth in F.S. Section 316.640(5)(A), or any other relevant statute. The Traffic Control Infraction Review Officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the Traffic Control Infraction Review Officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.

Sec. 26-51 Notice of Violation.

The notice shall be in the form as provided for in Sec. 2-39 of this code but shall also include:

(A) The name and address of the vehicle owner;

- (B) The license plate number and registration number of the vehicle;
- (C) The make, model, and year of the vehicle;
- (D) Notice that the infraction charged is pursuant to this article;
- (E) The location of the intersection where the infraction occurred;
- (F) Notice that there are recorded images relating to the vehicle and a statement that the recorded images are evidence of a red zone infraction;
- (G) Images depicting the infraction;
- (H) A signed statement by the Traffic Control Infraction Review Officer that, based on inspection of recorded images, the vehicle was involved in and was utilized to commit a red zone infraction.

Sec. 26-52 Vehicle Owner Responsibilities

- (A) A vehicle owner receiving a notice may:
 - (1) Pay the assessed civil penalty pursuant to instructions on the notice; or
 - (2) Appear before the Board of Special Magistrates to contest the notice.
- (B) The failure to pay the assessed civil penalty and failure to appear before the Board of Special Magistrates to contest the notice will be considered an admission of liability and in such case an order may be entered against the violator for an amount up to the maximum civil penalty, plus any administrative costs.

Sec. 26-53 Hearing before the Special Master.

(A) The Village's code enforcement Board of Special Magistrates is authorized to hold hearings related to the enforcement of this article. A hearing shall be scheduled for all notices for which the vehicle owner timely requests an administrative hearing.

(B) Upon receipt of the named violator's timely request for an administrative hearing, the Village shall schedule a hearing before the Board of Special Magistrates pursuant to section 2-41 of this Code. Notice of hearing shall be provided to the vehicle owner pursuant to the notice provisions contained in Article III of Chapter 2 of this Code.

(C) The hearing shall be held pursuant to the procedures set forth in Article III of Chapter 2 of this Code. The Traffic Control Infraction Review Officer may testify at the hearing. The vehicle owner may present testimony and evidence.

(D) Recorded images indicating a red zone infraction, verified by the Traffic Control Infraction Review Officer, are admissible in any proceeding before the Village's Board of Special Magistrates to enforce the provisions of this article, and shall constitute prima facie evidence of the violation.

(E) Unless an affidavit is provided pursuant to 26-54, it is presumed the person registered as the vehicle owner with the Florida Department of Motor Vehicles or any other state vehicle registration office, or an individual having the owner's consent, was operating the vehicle at the time of a red zone infraction.

Sec. 26-54 Vehicle Owner Affidavit of Non-Responsibility.

(A) In order for the vehicle owner to establish that the motor vehicle was, at the time of the red zone infraction: (1) in the care, custody, or control of another person without the consent of the registered owner or (2) was subject to a short term (less than six months) car rental agreement entered into between a car rental agency, which is licensed as required by applicable law and is authorized to conduct business in the State of Florida, and the operator of the vehicle, the vehicle owner is required, within 20 days from the date listed on the notice, to furnish to the Village, an affidavit setting forth the circumstances demonstrating either: (1) that the motor vehicle was not in the vehicle owner's care, custody, or control, and was not in the care, custody or control of another person with the vehicle owner's consent or (2) that the motor vehicle was subject to a short term (less than six months) rental agreement between the car rental agency receiving the notice and the vehicle operator and provide a true and correct copy of the short term car rental agreement, as applicable. The affidavit must be executed in the presence of a notary, and include:

- (1) If known to the vehicle owner, the name, address, and the driver's license number of the person who had care, custody, or control of the motor vehicle, without the vehicle owner's consent, at the time of the alleged red zone infraction; or
- (2) The name, address and drivers license number of the person who rented the motor vehicle from the car rental agency which has received the notice, at the time of the alleged red zone infraction; or
- (3) If the vehicle was stolen, the police report indicating the vehicle was stolen at the time of the alleged red zone infraction; and

(4) The following language immediately above the signature line: "Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true."

(B) Upon timely receipt of a sufficient affidavit pursuant to this section, any prosecution of the notice issued to the vehicle owner shall be terminated. Proceedings may be commenced by the Village against the responsible person identified in the affidavit, and in such event, the responsible person shall be subject to the same process and procedures which are applicable to vehicle owners.

Sec. 26-55 Administrative Charges.

In addition to the penalty pursuant to Sec. 26-58 herein, administrative charges may be assessed pursuant to Article III of Chapter 2 of this Code in the event of a hearing and/or the necessity to institute collection procedures arises.

Sec. 26-56 Collection of fines.

Collection of fines shall be accomplished pursuant to Article III of Chapter 2 of this Code.

Sec. 26-57 Exceptions.

This article shall not apply to red zone infractions involving vehicle collisions or to any authorized emergency vehicle responding to a bona fide emergency; nor shall a notice be issued in any case where the operator of the vehicle was issued a citation for violating the state statute regarding the failure to stop at a red light indication for the same event or incident.

Sec. 26-58 Penalty.

A violation of this article shall be deemed a non-criminal, non-moving violation for which a civil penalty, as proscribed in Article III of Chapter 2 of this Code, shall be assessed. As the violation relates to this article and not to the Florida statutes, no points as otherwise provided in F.S. § 322.27, shall be recorded on the driving record of the vehicle owner or responsible party.

Sec. 26-59 Enforcement.

This Ordinance may be enforced by any other means available to the Village.

Sec. 26-60 Signage.

The Village shall, to the extent practicable, at the primary motor vehicle entry points to the Village, cause to be erected and maintained signs, which substantially meet the design specifications indicated in Exhibit “A”, providing notice of this article. Failure to erect, maintain or create these signs shall not invalidate any enforcement of this article.

Section 3. Civil Penalties and Related Terms Construed amended. That the Village Code of the Village of Key Biscayne is hereby amended by amending Chapter 2 "Administration", Article III "Code Enforcement", Section 2-42 "Civil penalties and related terms construed", to read as follows: ¹

Sec. 2-42. Civil Penalties and Related Terms Construed.

¹ / Proposed additions to text of Village Code are indicated by underline; proposed deletions from text of Village Code are indicated by ~~strikethrough~~.

(a) (1) Unless otherwise provided in this Code, penalties for violations of the provisions to be enforced through this article shall be \$250 per day for a first violation. The penalty for a violation relating to the failure to obtain any required development approvals, including building permits, shall be \$500 per day. The penalty for an Uncorrectable Violation shall not exceed \$5,000 per violation.

(2) The initial civil penalty for a violation of the Dangerous Intersection Safety Act shall be \$250.00. For a Repeat Violation, the amount of the civil penalty shall be \$500 per occurrence.

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 Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2007.

PASSED AND ADOPTED on second reading this _____ day of _____, 2007.

Robert L. Vernon, MAYOR

ATTEST:

CONCHITA ALVAREZ, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

Exhibit "A"

Signage shall use the following language written so that it may be readily observed from the adjacent roadways:

NOTICE OF TRAFFIC MONITORING

ALL PERSONS ARE HEREBY ADVISED THAT CERTAIN INTERSECTIONS WITHIN THE VILLAGE ARE SUBJECT TO RED LIGHT TRAFFIC SIGNAL ENFORCEMENT BY PHOTOGRAPHIC MEANS AND THAT NOTICES OF VIOLATION MAY BE ISSUED TO VEHICLE OWNERS AND/OR OPERATORS FOR THE VIOLATION OF TRAFFIC SIGNALS, PURSUANT TO THE VILLAGE'S CODE ENFORCEMENT SYSTEM.

KEY BISCAIYNE POLICE DEPARTMENT