

## ORDINANCE NO. 758-B TRAFFIC LIGHT SAFETY

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE 758, SECTION 1 LEGISLATIVE FINDINGS AND SECTION 2 DEFINITIONS RELATING TO CAREFUL AND PRUDENT MANNER; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. Ordinance 758, as adopted by City Council on April 21, 2008, and amended on June 21, 2010, is hereby further amended as follows:

SECTION 1. Legislative Findings is hereby amended as follows:

(d). The City of Brooksville uses the speed of ten miles per hour as a determination of making a right hand turn in a careful and prudent manner based upon a study by the Florida Department of Transportation. This determination is made only because of the insertion by the State of Florida of the term of careful and prudent, irrespective of the traffic law requiring a complete stop at the stop bar before making a right turn. Additionally, the City of Brooksville accepts and adopts the specifications adopted by the Florida Department of Transportation for traffic infraction detectors and amends said specifications contemporaneously with any amendments made by the Florida Department of Transportation.

SECTION 2. Definitions is hereby amended as follows:

- (a) *Careful and Prudent Manner* shall mean having regard for width, grade, curves, corners, traffic, actual and potential hazards, and all other attendant circumstances so as not to endanger pedestrians, other motor vehicles, or the property of another while ~~progressing at a rate of speed that does not exceed five (5) mph.~~ making a right turn. In addition to the above considerations, a vehicle being driven at a rate of speed, captured at the stop bar, of ten (10) miles per hour, is not being driven in a careful and prudent manner. However, due to the error rate of + or - one (1) mile per hour of the device capturing the speed of a vehicle, the City will not enforce a violation of a right turn below eleven (11) miles per hour unless there is evidence of a lack of regards to the initial considerations listed in this definition.
- (g) *Red Zone infraction* means a traffic offense whereby a traffic infraction detector established that a motor vehicle entered an intersection controlled by a duly erected traffic control signal at a time when the traffic control signal for such motor vehicle's direction of travel was emitting a steady red signal. Additionally, an infraction also includes a vehicle being driven in an attempt at making a right turn while violating the defined careful and prudent standard.

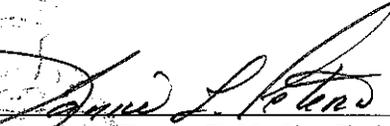
**SECTION 2. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

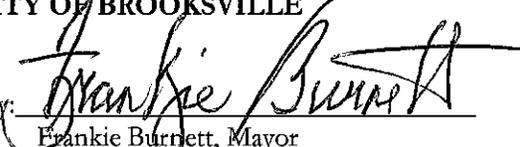
**SECTION 3. Amendment to Code.** This Ordinance shall be and become a part of the Code of the City of Brooksville, Florida, to amend and restate in its entirety Chapter 74 – Streets, Sidewalks, and other Public Places, Article V – Traffic Light Safety, Section 74-201 through Section 74-202.

**SECTION 4. Conflicts and Repealer.** This Ordinance shall be cumulate of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. Codification.** The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word; provided. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**SECTION 6. Effective Date.** This Ordinance shall take effect on March 24, 2015 at 12:01 A.M.

Attest:   
Janice L. Peters, CMC, City Clerk

CITY OF BROOKSVILLE  
By:   
Frankie Burnett, Mayor

PASSED on First Reading March 2, 2015  
NOTICE Published on March 6, 2015  
PASSED on Second & Final Reading March 16, 2015

APPROVED AS TO FORM FOR THE RELIANCE  
OF THE CITY OF BROOKSVILLE ONLY:

  
Thomas S. Hogan, The Hogan Law Firm, LLC  
City Attorney

VOTE OF COUNCIL:

Battista	<u>AYE</u>
Burnett	<u>AYE</u>
Erhard	<u>AYE</u>
Kahler	<u>NAY</u>
Johnston	<u>AYE</u>

Legend: Underscored text is added;  
~~text lined-through~~ is deleted.