

ORDINANCE NO. 2025-15

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 22, ARTICLE VI, SECTIONS 22-36 THROUGH 22-42, IN ITS ENTIRETY, AND REPLACING IT WITH CHAPTER 22, ARTICLE VI, SECTIONS 22-36 THROUGH 22-45 TITLED "SPEED DETECTION IN SCHOOL ZONES" TO CLARIFY DEFINITIONS AND CREATE NEW SECTIONS SPECIFIC TO VIOLATIONS, ENFORCEMENT PROCEDURES, AND HEARING PROCESSES TO FACILITATE THE IMPLEMENTATION OF SPEED DETECTION SYSTEMS IN SCHOOL ZONES; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council is authorized and empowered to adopt and amend legislation to govern the affairs of its citizens and promote the public health, safety, and welfare of the community; and

WHEREAS, on January 28, 2025, the Wellington Council adopted Ordinance No. 2024-14, creating Article VI of Chapter 22, sections 22-36 through 22-42, of the Code of Ordinances, which authorizes the placement, installation, and operation of speed detection systems in school zones; and

WHEREAS, Wellington is presently working with its vendor to place and install speed detection systems in its school zones so that such systems are operational on or before the start of the 2025-2026 school year; and

WHEREAS, the Wellington Council believes it is in the best interest of the community to repeal the existing Article VI, Chapter 22 of the Code of Ordinances and replace it with Chapter 22, Article VI, sections 22-36 through 22-45, of the Code of Ordinances to clarify definitions and create new sections specific to violations, enforcement procedures, and hearing processes to facilitate the implementation of speed detection systems in Wellington's school zones.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA THAT:

SECTION 1: Chapter 22, Article VI, sections 22-36 through 22-42 of the Code of Ordinances, Wellington, Florida is hereby repealed in its entirety and replaced with Chapter 22, Article VI, sections 22-36 through 22-45 as shown on Exhibit A attached to this Ordinance.

SECTION 2: Should any section, paragraph, sentence, clause, or phrase of this

Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3: Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4: This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this _____ day of _____, 20____ upon first reading.

PASSED AND ADOPTED this _____ day of _____, 20____ on second and final reading.

WELLINGTON

FOR

AGAINST

BY: _____

Michael J. Napoleone, Mayor

Tanya Siskind, Vice Mayor

John T. McGovern, Councilman

Maria Antuña, Councilwoman

Amanda Silvestri, Councilwoman

ATTEST:

BY: _____

Chevelle D. Hall, MMC, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____

Laurie Cohen, Village Attorney

Exhibit A

~~CHAPTER 22 – TRAFFIC AND VEHICLES~~

~~ARTICLE VI – SPEED DETECTION IN SCHOOL ZONES~~

~~Sec. 22-36: Purpose and Intent~~

~~Wellington desires to protect the public health, safety, and welfare of individuals traveling to and from school in Wellington, especially students and their parents and/or legal guardians and school employees. Accordingly, Wellington seeks to enforce School Zones speed limits by authorizing the placement and installation of speed detection systems on those School Zones roadways that constitute a heightened safety risk warranting additional enforcement measures pursuant to Section 316.008(9), Florida Statutes.~~

~~Sec. 22-37: Definitions~~

~~The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:~~

~~*Local Hearing Officer:* The Wellington Special Magistrate or such other qualified person designated by resolution of the Wellington Council to conduct hearings relating to notice of violations issued pursuant to Sections 316.1896 and 316.0083, Florida Statutes.~~

~~*Person:* A natural person, the registered owner or co-owner of a motor vehicle, or the person identified in an affidavit as having actual care, custody, or control of the motor vehicle at the time of a Violation.~~

~~*Petitioner:* A person who elects to request a hearing before the Local Hearing Officer for the purpose of determining whether a Violation under Section 316.1896, Florida Statutes, has occurred.~~

~~*School Zone:* A roadway located within Wellington and maintained as a School Zone pursuant to Section 316.1895, Florida Statutes, that constitutes a heightened safety risk that warrants additional enforcement measures, as determined by the Village Council after consideration of traffic data and other relevant evidence.~~

~~*Speed Detection System:* 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.~~

~~*Traffic Infraction Enforcement Officer:* the Palm Beach County Sheriff's Office employee or employees designated by Wellington who meet the qualifications set forth under Section 316.640(5), and/or any other relevant statute, and who are vested with the authority to enforce Violations.~~

~~Violation: A person that drives a motor vehicle on a roadway designated as a School Zone at a speed as follows:~~

~~(A) In excess of 10 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 in violation of Section 316.1895, Florida Statutes.~~

~~(B) In excess of 10 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 in violation of Section 316.1895, Florida Statutes.~~

~~(C) In excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session in violation of Section 316.183, Florida Statutes.~~

~~(D) In excess of 10 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 in violation of Section 316.1895, Florida Statutes.~~

~~Sec. 22-38: Findings~~

~~After consideration of the traffic data provided in the “School Zone Speed Report for the Village of Wellington” prepared by RedSpeed Florida, LLC and other relevant evidence presented at the public hearing held on October 8, 2024 and November 12, 2024, the Village Council hereby finds that the following School Zones where Speed Detection Systems are to be placed and installed constitute a heightened safety risk that warrants additional enforcement measures pursuant to Section 316.008(9), Florida Statutes:~~

~~Wellington Elementary School
13000 Paddock Drive
Wellington, FL 33414~~

~~New Horizons Elementary School
13900 Greenbriar Blvd.
Wellington, FL 33414~~

~~Panther Run Elementary School
10775 Lake Worth Road
Wellington, FL 33449~~

~~Panther Run Elementary School
10775 Lake Worth Road
Wellington, FL 33449~~

~~Equestrian Trails Elementary School~~

~~9720 Stribling Way,
Wellington, FL 33414~~

~~Binks Forest Elementary School
15101 Bent Creek Road
Wellington, FL 33414~~

~~Wellington Landings Middle School
1100 Aero Club Drive
Wellington, FL 33414~~

~~Emerald Cove Middle School
9950 Stribling Way
Wellington, FL 33414~~

~~Polo Park Middle School
11901 Lake Worth Road
Wellington, FL 33414~~

~~Wellington High School
2101 Greenview Shores Blvd.
Wellington, FL 33414~~

~~Palm Beach Central High School
8499 W. Forest Blvd
Wellington, FL 33414~~

~~Somerset Academy (Charter)
1000 Wellington Trace
Wellington, FL 33414~~

~~Renaissance Charter (Charter)
3200 S. State Road 7
Wellington, FL 33449~~

~~Sec. 22-39: Placement and Installation of Speed Detection Systems~~

~~Consistent with and pursuant to Chapter 316, Florida Statutes, the Village Council authorizes the placement, installation, and operation of automated Speed Detection Systems on School Zone roadways, as identified herein under subsection XXXXX, to enforce Violations.~~

~~Sec. 22-40: Notice of Violation, Designation of Local Hearing Officer, and Hearing Procedures.~~

~~A. Within thirty (30) days after a Violation, a notice of violation shall be sent by first class mail to the registered owner of the motor vehicle involved in the Violation. The notice of violation must include:~~

- ~~1. The name and address of the vehicle owner;~~
- ~~2. A photograph, video, or other recorded image showing the license plate of the motor vehicle;~~
- ~~3. The make, model, and year of the vehicle;~~
- ~~4. The date, time, and location of the Violation;~~
- ~~5. Notice that the infraction charged is pursuant to this section;~~
- ~~6. The maximum speed at which the motor vehicle was traveling within the School Zone;~~
- ~~7. The speed limit within the School Zone at the time of the Violation;~~
- ~~8. A statement that the owner has a right to review, in person or remotely, the photograph or video captured by the Speed Detection System(s) and the evidence of the speed of the motor vehicle detected by the Speed Detection System(s) that constitutes a rebuttable presumption that the motor vehicle was used in a Violation;~~
- ~~9. Instructions as to the time and place or website at which the photograph or video and evidence of speed detected captured by the Speed Detection System(s) may be examined and observed;~~
- ~~10. Information that advises the Violator of the person's right to request a hearing and of all costs related thereto and a form to be used to request a hearing, or alternatively, a web address to a website that provides such information;~~
- ~~11. Instructions on all methods of payment of the penalty;~~
- ~~12. A statement specifying the remedies available under Section 318.14, Florida Statutes;~~
- ~~13. A statement that the owner must pay a penalty in the amount provided under Section 318.18(3)(d), Florida Statutes, or furnish an affidavit that complies with Section 316.1896(8), Florida Statutes, within thirty (30) days in order to avoid court fees, costs, and the issuance of a uniform traffic citation against the owner; and~~

- ~~14. A signed statement by the Traffic Infraction Enforcement Officer that, based on inspection of recorded photographs or video captured by the Speed Detection System(s), the vehicle was involved in and was utilized to commit a Violation.~~
- ~~B. Except as may be otherwise provided by resolution of the Village Council, the Village shall utilize its special magistrates pursuant to Chapter 2, Article IV of the Village's Code of Ordinances to serve as the Local Hearing Officer(s) who shall preside over notice of violation hearings, as established by Section 316.1896, Florida Statutes, as amended.~~
- ~~C. The Village Manager or the Village Manager's designee, shall designate a Traffic Infraction Enforcement Officer(s) to implement the authorizations contained under Section 316.1896(6), Florida Statutes, and the Village Council shall, by resolution, designate a Village staff member to serve as the clerk to the Local Hearing Officer.~~
- ~~D. Any Petitioner who elects to request a hearing shall be scheduled for a hearing by the clerk of the Local Hearing Officer, with notice of the hearing to be sent to the Petitioner by first-class mail. Upon receipt of the notice, the Petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk of the Local Hearing Officer, at least five calendar days before the day of the originally scheduled hearing. The Petitioner may cancel his or her appearance before the Local Hearing Officer by paying the penalty assessed by Section 316.1896(2), Florida Statutes, as amended, plus the administrative costs established under Section 316.0083(5)(c), Florida Statutes, before the start of the hearing.~~
- ~~E. All testimony at the hearing shall be under oath and shall be recorded. The Local Hearing Officer shall take testimony from a Traffic Infraction Enforcement Officer and the Petitioner, and may take testimony from others. The Local Hearing Officer must review the photograph or video captured by the Speed Detection System and the evidence of the speed of the motor vehicle detected by the Speed Detection System. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.~~
- ~~F. At the conclusion of the hearing, the Local Hearing Officer must determine whether a Violation has occurred, in which case the Local Hearing Officer shall uphold or dismiss the Violation. The Local Hearing Officer shall issue a final administrative order including the determination and, if the notice of the violation is upheld, must require the Petitioner to pay the penalty assessed under Section 316.18(3)(d), Florida Statutes, as amended, and may also require the Petitioner to pay the Village's costs, not to exceed the amount established under Section 316.0083(5)(e), Florida Statutes. The final administrative order shall be mailed to the Petitioner by first-class mail.~~

~~G. An aggrieved party may appeal a final administrative order consistent with the process provided under Chapter 162, Florida Statutes.~~

~~Sec. 22-41: Exemptions~~

~~This section shall not apply to vehicles operated by police, fire rescue, or by any state agency, local government, or special district.~~

~~Sec. 22-42: Supplemental Authority~~

~~The provisions of this Section supplement the enforcement of Sections 316.1895 and 316.183, Florida Statutes, by law enforcement officers and do not prohibit law enforcement officers from issuing uniform traffic citations for violations of Sections 316.1895 or 316.183.~~

CHAPTER 22 – TRAFFIC AND VEHICLES

ARTICLE VI – SPEED DETECTION IN SCHOOL ZONES

Sec. 22-36: Purpose and Intent

Wellington desires to protect the public health, safety, and welfare of individuals traveling to and from school in Wellington, especially students and their parents and/or legal guardians and school employees. Accordingly, Wellington seeks to enforce School Zone speed limits by authorizing the placement and installation of Speed Detection Systems in those School Zones that constitute a heightened safety risk warranting additional enforcement measures pursuant to section 316.008(9), Florida Statutes, as amended from time to time.

Sec. 22-37: Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Local Hearing Officer: The Wellington Special Magistrate or such other qualified person designated by resolution of the Wellington Council to conduct hearings relating to notice of violations issued pursuant to sections 316.1896 and 316.0083, Florida Statutes, as amended from time to time, and this article.

Person: A natural person, the registered owner or co-owner of a motor vehicle, or the person identified in an affidavit as having actual care, custody, or control of the motor vehicle at the time of a Violation.

Petitioner: A person who elects to request a hearing before the Local Hearing Officer for the purpose of determining whether a Violation under this article and section 316.1896, Florida Statutes, as amended from time to time, has occurred.

School Zone: A roadway located within Wellington and maintained as a School Zone pursuant to section 316.1895, Florida Statutes, as amended from time to time, that constitutes a heightened safety risk that warrants additional enforcement measures, as determined by the Wellington Council after consideration of traffic data and other relevant evidence.

Speed Detection System: 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.

Traffic Infraction Enforcement Officer: A Palm Beach County Sheriff's Office employee who meets the qualifications set forth under section 316.640(5), Florida Statutes, as amended from time to time, and/or any other relevant statute, and who is vested with the authority to enforce Violations.

Uniform Traffic Citation: A formal citation issued to the registered owner of a vehicle pursuant to Chapter 316, Florida Statutes, upon failure to respond to a notice of violation within the required timeframe, and subjecting the violator to potential additional fines or legal penalties.

Violation: A School Zone speeding infraction occurring when a motor vehicle is detected by a Speed Detection System in violation of section 22-40 of this article.

Sec. 22-38: Findings

After consideration of the traffic data provided in the "*School Zone Speed Report for the Village of Wellington*" prepared by RedSpeed Florida, LLC and other relevant evidence presented at the public hearing held on October 8, 2024 and January 28, 2025, the Wellington Council hereby finds that the following School Zones where Speed Detection Systems are to be placed and installed constitute a heightened safety risk that warrants additional enforcement measures pursuant to section 316.008(9), Florida Statutes, as amended from time to time:

Wellington Elementary School
13000 Paddock Drive
Wellington, FL 33414

New Horizons Elementary School
13900 Greenbriar Blvd.
Wellington, FL 33414

Panther Run Elementary School

10775 Lake Worth Road
Wellington, FL 33449

Equestrian Trails Elementary School
9720 Stribling Way,
Wellington, FL 33414

Binks Forest Elementary School
15101 Bent Creek Road
Wellington, FL 33414

Wellington Landings Middle School
1100 Aero Club Drive
Wellington, FL 33414

Emerald Cove Middle School
9950 Stribling Way
Wellington, FL 33414

Polo Park Middle School
11901 Lake Worth Road
Wellington, FL 33414

Wellington High School
2101 Greenview Shores Blvd.
Wellington, FL 33414

Palm Beach Central High School
8499 W. Forest Blvd
Wellington, FL 33414

Somerset Academy (Charter)
1000 Wellington Trace
Wellington, FL 33414

Renaissance Charter (Charter)
3200 S. State Road 7
Wellington, FL 33449

Sec. 22-39: Placement and Installation of Speed Detection Systems

Consistent with and pursuant to Chapter 316, Florida Statutes, the Wellington Council authorizes the placement, installation, and operation of Speed Detection Systems in School Zones, as identified herein under section 22-38, to enforce Violations.

Sec. 22-40: Violations Detected by Speed Detection Systems

Pursuant to section 316.1896, Florida Statutes, as amended from time to time, a person violates this section and Florida law when such person operates a motor vehicle:

- A. In excess of 10 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 in violation of section 316.1895, Florida Statutes, as amended from time to time;
- B. In excess of 10 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 in violation of section 316.1895, Florida Statutes, as amended from time to time;
- C. In excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session in violation of section 316.183, Florida Statutes, as amended from time to time; or
- D. In excess of 10 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 in violation of section 316.1895, Florida Statutes, as amended from time to time.

Such Violation must be evidenced by a Speed Detection System.

Sec. 22-41: Enforcement Procedures

- A. Within 30 days after a Speed Detection System captures a Violation, a notice of violation must be sent to the registered owner of the motor vehicle involved in the Violation via first class mail. The contents of the notice of violation shall be as set forth in section 22-42.
- B. A person who receives a notice of violation under this article may, within 30 days after the notice of violation:
 - 1. Pay the penalty in the amount provided under section 318.18(3)(d), Florida Statutes, as amended from time to time;
 - 2. Submit an affidavit establishing an exception to liability pursuant to section 316.1896(8), Florida Statutes, as amended from time to time; or
 - 3. Request a hearing.
- C. If the person who receives a notice of violation under this article does not timely pay the penalty reflected on the notice of violation, submit a sufficient affidavit, or request a hearing, pursuant to section 316.1896, Florida Statutes, as amended

from time to time, a Uniform Traffic Citation must be issued by a Traffic Infraction Enforcement Officer to the registered owner of the vehicle and transmitted to the Palm Beach County Clerk of Court for disposition by the County Court.

D. If the person who received a notice of violation under this article timely requests a hearing, such hearing shall proceed as set forth in section 22-43.

Sec. 22-42: Notice of Violation

A notice of violation issued pursuant to this article must include:

A. The name and address of the vehicle owner;

B. A photograph, video, or other recorded image showing the license plate of the motor vehicle;

C. The make and model of the vehicle;

D. The date, time, and location of the Violation;

E. Notice that the infraction charged is pursuant to this section and section 316.1896, Florida Statutes, as amended from time to time;

F. The maximum speed at which the motor vehicle was traveling within the School Zone;

G. The speed limit within the School Zone at the time of the Violation;

H. A notice that the owner has a right to review, in person or remotely, the photograph or video captured by the Speed Detection System and the evidence of the speed of the motor vehicle detected by the Speed Detection System which constitute a rebuttable presumption that the motor vehicle was used in a Violation;

I. Instructions as to the time and place or website at which the photograph or video captured and evidence of speed detected may be examined and observed;

J. Information that advises the owner of their right to request a hearing and of all costs related thereto and a form to be used to request a hearing, or alternatively, a web address to a website that provides such information;

K. Instructions on all methods of payment of the penalty;

L. A statement specifying the remedies available under section 318.14, Florida Statutes, as amended from time to time; and

M. A statement that the owner must, within 30 days, pay a penalty to Wellington in the amount provided under section 318.18(3)(d), Florida Statutes, as amended from time to time, or furnish an affidavit that complies with section 316.1896(8), Florida Statutes, as amended from time to time, in order to avoid court fees, costs, and the issuance of a uniform traffic citation.

Sec. 22-43: Designation of Local Hearing Officer and Hearing Procedures

A. Except as may be otherwise provided by resolution of the Wellington Council, Wellington shall utilize its special magistrates pursuant to Chapter 2, Article IV of Wellington's Code of Ordinances to serve as the Local Hearing Officer(s) who shall preside over notice of violation hearings, as established by section 316.1896, Florida Statutes, as amended from time to time.

B. The Wellington Council shall, by resolution, designate a Wellington staff member to serve as the clerk to the Local Hearing Officer.

C. Any Petitioner who elects to request a hearing shall be scheduled for a hearing by the clerk of the Local Hearing Officer, with notice of the hearing to be sent to the Petitioner by first-class mail. Upon receipt of the notice, the Petitioner may reschedule the hearing up to two times by submitting a written request to reschedule to the clerk of the Local Hearing Officer, at least five calendar days before the day of the originally scheduled hearing. The Petitioner may cancel his or her appearance before the Local Hearing Officer by paying the penalty assessed pursuant to section 316.1896(2), Florida Statutes, as amended from time to time, plus the administrative costs established under section 316.0083(5)(c), Florida Statutes, as amended from time to time, before the start of the hearing.

D. All testimony at the hearing shall be under oath and shall be recorded. The Local Hearing Officer shall take testimony from a Traffic Infraction Enforcement Officer and the Petitioner, and may take testimony from others. The Local Hearing Officer must review the photograph or video captured by the Speed Detection System and the evidence of the speed of the motor vehicle detected by the Speed Detection System. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

E. At the conclusion of the hearing, the Local Hearing Officer must determine whether a Violation has occurred, in which case the Local Hearing Officer shall uphold or dismiss the Violation. The Local Hearing Officer shall issue a final administrative order including the determination and, if the notice of the violation is upheld, must require the Petitioner to pay the penalty previously assessed under section 316.1896(2), Florida Statutes, as amended from time to time, and may also require the Petitioner to pay Wellington's costs, not to exceed the amount established under section 316.0083(5)(e), Florida Statutes, as amended from time to time. The final administrative order shall be mailed to the Petitioner by first-class mail. If the Petitioner fails to pay the penalty plus costs assessed by the Local Hearing Officer

within the time prescribed by the Local Hearing Officer, a Uniform Traffic Citation shall be issued by a Traffic Infraction Enforcement Officer and transmitted to the Palm Beach County Clerk of Court for disposition by the County Court.

F. An aggrieved party may appeal a final administrative order of the Local Hearing Officer consistent with the process provided under Chapter 162, Florida Statutes. If such an appeal is initiated, the time to pay the penalty plus costs assessed by the Local Hearing Officer shall be tolled until the conclusion of the appeal.

Sec. 22-44: Exemptions

This article shall not apply to vehicles operated by police, fire rescue, or by any state agency, local government, or special district.

Sec. 22-45: Supplemental Authority

The provisions of this article supplement the enforcement of sections 316.1895 and 316.183, Florida Statutes, as amended from time to time, by law enforcement officers and do not prohibit law enforcement officers from issuing Uniform Traffic Citations for violations of sections 316.1895 or 316.183.