

IN THE CIRCUIT COURT, THIRTEENTH
JUDICIAL CIRCUIT, IN AND FOUR
HILLSBOROUGH COUNTY, FLORIDA

CASE NO.: 09-008840
DIVISION: F

KENNETH ALVIN BERT, KURTIS KENT KELLY,
DAVID MARC BULLUCK, PRO COPY, INC.
and ANA MARIA GENNE, on behalf of themselves
and all other similarly situated,

Plaintiffs,

vs.

“CLASS REPRESENTATION”

THE CITY OF TEMPLE TERRACE,
a municipality, AMERICAN TRAFFIC
SOLUTIONS, LLC, a foreign limited
liability company, and ATS AMERICAN
TRAFFIC SOLUTIONS, INC., a
foreign profit corporation,

Defendants.

NOTICE OF FILING AMENDED COMPLAINT

Plaintiffs, KURTIS KENT KELLY, PRO COPY, INC., DAVID MARC BULLUCK, ANA MARIA GENNE, KENNETH ALVIN BERT (hereinafter referred to as “Plaintiffs”), by and through their undersigned attorneys, hereby give notice of filing an Amended complaint against the Defendants, THE CITY OF TEMPLE TERRACE, a municipality, AMERICAN TRAFFIC SOLUTIONS, LLC, a foreign limited liability company, and ATS AMERICAN TRAFFIC SOLUTIONS, INC., a foreign profit corporation (hereinafter collectively referred to as “Defendants”), and gives notice of providing copies to Defendants counsel.

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Attorneys for Plaintiff

I HEREBY CERTIFY that a copy of this Notice and the Amended Complaint and its Exhibits has been furnished by U.S. Mail delivery to Mark A. Connolly, Esquire and Kevin Graham, Esquire of Shumaker, Loop and Kendrick, LLP, 101 E. Kennedy Blvd., Suite 2800, Tampa, Florida 33602; and to Samuel J. Salaro, Jr., Amanda A. Sansone, Rebecca N. Shwayri, of Carlton Fields, P.A., 4221 W. Boy Scout Boulevard, Suite 1000, Tampa, Florida 33607-5736, on this 30th day of July, 2009.

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Attorneys for Plaintiff

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foreign profit corporation,

Defendants.

AMENDED COMPLAINT

Plaintiffs, KURTIS KENT KELLY, PRO COPY, INC., DAVID MARC BULLUCK, ANA MARIA GENNE (hereinafter referred to as “Plaintiffs”), by and through their undersigned attorneys, hereby sues the Defendants, THE CITY OF TEMPLE TERRACE, a municipality, AMERICAN TRAFFIC SOLUTIONS, LLC, a foreign limited liability company, and ATS AMERICAN TRAFFIC SOLUTIONS, INC., a foreign profit corporation (hereinafter collectively referred to as “Defendants”), and as grounds therefore say:

JURISDICTION AND VENUE

1. This complaint sets forth claims for declaratory and injunctive relief pursuant to Chapter 86, Fla. Statutes, and for money damages, all of which claims

involve amounts in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs, and attorneys' fees, and for review pursuant to Sections 162.11 and 165.081, Florida Statutes (2008). This action is within this Court's constitutional and statutory jurisdiction.

2. Venue is appropriate in this Court under section 47.011, Florida Statutes, as it is brought in the county where the cause of action accrued and where one of the Defendants resides.

SUMMARY

3. This is a class action brought by class representatives against the City of Temple Terrace and two private companies who entered into agreements to set up a municipal fine system relating to alleged traffic violations (running stop lights) and to split the money from the resulting fines. This violates Florida statutes, which preempt this type of traffic enforcement, is a violation of a prior Florida Attorney General Opinion, which expressly found that these systems and fines were illegal in Florida unless state statutes were changed, and violates numerous other state statutes and constitutional protections. The municipal ordinance passed by Temple Terrace in their profit making "deal" with these two companies was crafted in a way to try to skirt Florida law and the prior Attorney General Opinion. The ordinance illegally imposes escalating fines against owners of vehicles in violation of the law, increases fines when citizens seek to enforce their due process rights, sets up an illegal and prohibited private court system, and uses illegal and prohibited enforcement mechanisms, including revocation of business licenses issued by the municipality. This class action seeks return of the

illegally collected fines and related charges, and seeks injunctive relief to prohibit the ongoing illegal conduct.

PARTIES AND REFERENCES TO PARTIES

4. Plaintiffs at all times material hereto were residents of the State of Florida. Plaintiffs may be referred to throughout this Complaint as “Plaintiffs”, “the Plaintiffs”, “Plaintiff class representatives”, “Plaintiff class members”, “members of the Plaintiff Class” or as the syntax may otherwise indicate. Deleted the Plaintiffs in 4 and 5

5. At all times material, Plaintiff, KURTIS KENT KELLY, a Florida resident and resident of the City of Temple Terrace, received a Notice of Violation from the City of Temple Terrace Red Light Safety Program on November 18, 2008, Notice No. 0940800023431, stating on November 5, 2008, at 2:40 p.m., at the southbound north 56th Street at East Fowler Avenue, it is alleged he did unlawfully operate/drive a 1989 Ford, License No. 253KND and did then and there commit the following offense of the City of Temple Terrace Traffic Light Safety Act.”: The recorded images relating to the vehicle stated above are evidence of a Red Zone infraction (failure to stop at a red light) in violation of Ordinance 20.230. This was issued by police department officer, Robert Wilder, ID No. 04517, and the civil penalty fine of \$100.00 was charged. Curtis Kent Kelly paid the \$100.00 fine to the City of Temple Terrace but was sent a Delinquent Notice of Violation on December 26, 2008. (A copy of the Notice of Violation and Payment Receipt of a WaMu Money Order, and Delinquent Notice of Violation are Attached Hereto as **Exhibit “A”**).

6. At all times material, Plaintiff DAVID MARC BULLUCK, a Florida resident and resident of the City of Tampa, was issued a Notice of Violation from the

City of Temple Terrace Red Light Safety Program. On December 18, 2008, David Marc Bulluck was issued Notice No. 0940800056449, for allegedly unlawfully operating/driving on December 6, 2008, at 5:07 p.m., at the southbound 56th Street at East Fowler Avenue, a 2008 Nissan, License No. U939TF, where it is alleged he did then and there commit the following offense of the City of Temple Terrace Traffic Light Safety Act. The recorded images relating to the vehicle stated above are evidence of a Red Zone infraction (failure to stop at a red light), in violation of Ordinance 20.230, issued by police department officer, Jacob Palmerton, ID No. 612, with a civil penalty fine of \$100.00. David Marc Bulluck disputes this Notice of Violation and contesting the imposition of this civil penalty and will attend a hearing in person on May 7, 2009. (A copy of the Notice of Violation and Hearing Notice, are Attached Hereto as **Exhibit “B”**).

7. At all times material, Plaintiff, ANA MARIA GENNE, a Florida resident and resident of the City of Tampa, Florida, was issued a Notice of Violation from the City of Temple Terrace Red Light Safety Program. On November 26, 2008, Ana Maria Genne was issued Notice No. 0940800035500, for allegedly unlawfully operating/driving her vehicle on November 16, 2008, at 12:22 p.m., at the location of westbound East Busch Boulevard/East Parkway and North 56th Street, where it is alleged she did then and there commit the following offense of the City of Temple Terrace Traffic Light Safety Act: The recorded images relating to the vehicle stated above are evidence of a Red Zone infraction (failure to stop at a red light), in violation of Ordinance 20.230, issued by police department officer, Carl Avais Cooper, ID No. 04950, with a civil penalty fine of \$100.00. Ms. Genne requested an administrative hearing within 30 days and her request

for a hearing was denied by the City of Temple Terrace. Ms. Genne has received a Delinquent Notice of Violation from the City of Temple Terrace Red Light Safety Program related to Notice No. 0940800035500 which states

“If you have already responded to this Notice of Violation, please disregard this notice. Dear Sir/Madam: You have failed to respond in a timely manner to the Notice of Violation listed above; if you have not requested an appeal; you have waived your right to having one. It is in your best interest to pay the civil penalties due immediately. Failure to pay the civil fees shall result in paying the costs and attorneys’ fees required to collect this civil fee in addition to any other fees and charges. It will also result in the suspension of City privileges, such the right to utilize municipal facilities, and obtain any licenses or permits. Please see the reverse side for payment instructions.”

On December 18, 2008, Ana Maria Genne was issued Notice No. 0940800055979, for allegedly unlawfully operating/driving her vehicle on December 6, 2008, at 8:24 a.m., at the location of westbound East Busch Boulevard/East Parkway and North 56th Street, where it is alleged she did then and there commit the following offense of the City of Temple Terrace Traffic Light Safety Act: The recorded images relating to the vehicle stated above are evidence of a Red Zone infraction (failure to stop at a red light), in violation of Ordinance 20.230, issued by police department officer, Jacob Palmerton, ID No. 612, with a civil penalty fine of \$125.00. Ms. Genne has not paid this ticket and believes she suffers the same delinquency problems for violation No. 0940800055979 as she does for No. 0940800035500.

(A copy of the Notice of violations and Delinquent Notice of Violation are Attached Hereto as **Exhibit “C”**).

8. At all times material, Plaintiff PRO COPY INC., a Florida corporation doing business in the City of Tampa, was issued a Notice of Violation from the City of

Temple Terrace Red Light Safety Program. On November 3, 2008, Pro Copy Inc. was issued Notice No. 0940800002096, for allegedly unlawfully operating/driving on October 18, 2008, at 8:03 a.m., at Southbound 56th Street at E. Fowler Avenue, a 1999 Nissan, License No. E721NS, where it is alleged the vehicle did then and there commit the following offense of the City of Temple Terrace Traffic Light Safety Act. The recorded images relating to the vehicle stated above are evidence of a Red Zone infraction (failure to stop at a red light), in violation of Ordinance 20.230, issued by police department officer, Carl Cooper, Id # 04950, with a civil penalty fine of \$100.00. PRO COPY INC. disputes this Notice of Violation and contests the imposition of this civil penalty and has requested a hearing in person which was held on March 4, 2009 in which the violation was not upheld by the hearing officer, Temple Drummond. (A copy of all paperwork obtained from the City of Temple Terrace regarding the Notice of Violation and Hearing Disposition are Attached Hereto as **Exhibit "D"**). Further, at all times material, Plaintiff PRO COPY INC., a Florida corporation doing business in the City of Tampa, was issued a Notice of Violation from the City of Temple Terrace Red Light Safety Program. On December 5, 2008, Pro Copy Inc. was issued Notice No. (0940800025162) 0940800043504, for allegedly unlawfully operating/driving on November 24, 2008, at 1:15 p.m., at Southbound N. 56th Street at E. Fowler Ave., where it is alleged the vehicle did then and there commit the following offense of the City of Temple Terrace Traffic Light Safety Act. The recorded images relating to the vehicle stated above are evidence of a Red Zone infraction (failure to stop at a red light), in violation of Ordinance 20.230, issued by police department officer, Jacob Palmerton, ID No. 612 , with a civil penalty fine of \$100.00. PRO COPY INC. disputes this Notice of Violation and contests the

imposition of this civil penalty and has requested a hearing in person which was held March 4, 2009 and the violation was sustained with a guilty finding by the hearing officer, Temple Drummond. A fine, \$100.00, and court costs, \$50.00, was levied at the hearing. (A copy of all paperwork obtained from the City of Temple Terrace regarding the Notice of Violation and Hearing Disposition are Attached Hereto as **Exhibit “E”**).

9. At all times material, Plaintiff KENNETH ALVIN BERT, was issued a Notice of Violation from the City of Temple Terrace Red Light Safety Program. On December 15, 2008, Kenneth Alvin Bert was issued Notice No. 0940800050228, for allegedly unlawfully operating/driving on November 30, 2008, at 10:22 a.m., at West Bound East Busch Boulevard / East Bullard Parkway at North 56th Street, a 1989 Ford, License No. E344NQ, where it is alleged the vehicle did then and there commit the following offense of the City of Temple Terrace Traffic Light Safety Act. The recorded images relating to the vehicle stated above are evidence of a Red Zone infraction (failure to stop at a red light), in violation of Ordinance 20.230, issued by police department officer, Carl Cooper, Id # 04950, with a civil penalty fine of \$100.00. Kenneth Alvin Bert disputes this Notice of Violation and contests the imposition of this civil penalty and has requested a hearing in person which was held on July 1, 2009 in which the violation was sustained by the hearing officer, Temple Drummond. (A copy of all paperwork obtained from the City of Temple Terrace regarding the Notice of Violation and Hearing Disposition are Attached Hereto as **Exhibit “K”**).

10. Each named Plaintiff asserts their claim herein both individually and as a proposed class representative of a class of persons who have been issued a Notice of Violation by the City of Temple Terrace Red Light Safety Program where the sole basis

for the imposition of such Notice is the recorded images from a red light camera, and not the personal observation of a sworn law/traffic enforcement officer.

11. The City of Temple Terrace is a municipality of the State of Florida organized pursuant to Chapter 166, Florida Statutes and has a population equal to or greater than 5000 persons.

12. Defendant City of Temple Terrace has enacted and enforced, and presently seeks to continue to enforce an ordinance pursuant to which vehicle owners whose vehicle's are photographed on Red Light cameras allegedly committing a red zone infraction violation (failure to stop at a red light – moving violation due to car not stopping) are issued Notice of Violations for at least \$100.00, even though such alleged red zone infractions are not personally witnessed by a sworn law/traffic enforcement officer as is required by Florida Statute section 316.640(5)(a). This is known and will be referred to throughout as the “Red Light Traffic Signal Camera Enforcement System”. (A copy of the Ordinance and its amendment is attached hereto as **Exhibit “F”**.)

13. American Traffic Solutions, LLC is a foreign limited liability company with its principal place of business in Scottsdale, Arizona, authorized and doing business in the State of Florida.

14. ATS American Traffic Solutions, Inc. is a foreign profit corporation with its principal place of business in Scottsdale, Arizona, authorized and doing business within the State of Florida.

15. ATS American Traffic Solutions, Inc. and American Traffic Solutions, LLC, (hereinafter referred to collectively as “ATS”) are providers of technology and business solutions for photo traffic safety and electronic toll enforcement programs

worldwide. ATS serves municipalities and government agencies with red light and speed camera enforcement programs.

16. On February 19, 2008 ATS entered into a Professional Service Agreement (hereby referenced as “The Agreement”) with Defendant City of Temple Terrace to create and help run a Red Light Traffic Signal Camera Enforcement Program in Temple Terrace, Florida. (A Copy of the Agreement is Attached Hereto as **Exhibit “G”**.)

**INTRODUCTION AND BACKGROUND OF LEGAL PRECEDENT IN EXISTENCE PRIOR TO
THE ENACTMENT OF CITY OF TEMPLE TERRACE ORDINANCE 1217**

17. Chapter 166 of the Florida Statutes sets out the powers of municipalities generally, and for Temple Terrace, specifically, to enable Temple Terrace to conduct municipal government, perform municipal functions, and render municipal services. However, Chapter 166 imposes limitations upon those powers and does not allow exercise of power that is expressly prohibited by law, the constitution, or preempted to the State. Further, a municipality, generally, and Temple Terrace, specifically, under taxing and charging authority may not enforce receipt and collection in a manner inconsistent with law. See Sections 166.021 and 166.201, Fla. Stat., 2008.

18. Chapters 162, of the Florida Statutes creates the rules and system for Municipal Code Enforcement for municipalities, generally and Temple Terrace, specifically.

19. Chapter 34, Florida Statutes, 2009, defines the County Court segment of the Florida Judiciary. It is primarily the County Courts of this State that handle and resolve civil traffic infractions in this State and they do so by and through the procedures found, in part, in the Florida Rules of Traffic Court, Rule 6.010 et seq., F.Tr.R.C. (2009).

20. Chapter 316 of the Florida Statutes creates the “State Uniform Traffic Control Act” for the State of Florida. At all times material Chapter 316, Fla. Stat. has the full force and effect of law. Florida Statute, Section 316.002, entitled, “Purpose”, states:

“The legislature recognizes that there are conditions which require municipalities to pass certain other traffic ordinances in regulation of municipal traffic that are not required to regulate the movement of traffic outside of such municipalities. Section 316.008 enumerates the area within which municipalities may control certain traffic movement or parking in their respective jurisdictions. **This section shall be supplemental to the other laws or ordinances of this chapter and not in conflict therewith. It is unlawful for any local authority to pass or to attempt to enforce any ordinance in conflict with the provisions of this chapter.**” (Emphasis Added).

21. Furthermore, Florida Statutes, Section 316.640, “Enforcement” provides:

“The enforcement of the traffic laws of this state is vested as follows:

(5)(a) Any sheriff’s department or police department of a municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes instruction in traffic enforcement procedures and core presentation through the selective traffic enforcement program as approved by the Division of Criminal Justice standards and training of the Department of Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the criminal justice standards in training commission for law enforcement officers or auxiliary law enforcement officers under Section 943.13. **Any such traffic enforcement officer who observes the commission of a traffic infraction** or, in the case of a parking infraction, who observes an illegally parked vehicle, **may issue a traffic citation for the infraction when, based upon personal investigation,** he or she has reasonable and probable grounds to believe that an offense has

been committed which constitutes a non-criminal traffic infraction as defined in Section 318.14.” (Emphasis Added).

22. The Florida legislature specifically regulates, “Traffic Control Signal Devices” pursuant to Florida Statutes, Section 316.075, which states in patient part:

(1) Except for automatic warning signal lights installed or to be installed at railroad crossings, whenever traffic, including municipal traffic, is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(c) Steady red light indication –

1. Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, the before entering the intersection and shall remain standing until a green indication is shown; however:

a. 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 to a steady red signal, may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by this signal at the intersection, except that municipal and county authorities may prohibit such right turn against a steady red signal at any intersection, which prohibition shall be effective when a sign giving notice thereof is erected in a location visible to traffic approaching the intersection.

23. Furthermore, Florida Statutes, Section 316.075(4) mandates:

“A violation of this section is a **non-criminal traffic infraction**, punishable pursuant to Chapter 318, Florida Statutes, as either a

pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a **moving violation**.” (Emphasis Added).

24. Florida Statutes, Section 316.650, “Traffic citation”, explains,

The Department (“DMV”) shall prepare and supply to every traffic enforcement agency in the state an appropriate form traffic citation that contains a notice to appear, is issued in pre-numbered books, meets the requirements of this chapter or any laws of this state regulating traffic, and is consistent with the state traffic court rules and the procedures established by the department. ... The form shall also include a box that is to be checked by the law enforcement officer when the officer writes a uniform traffic citation for a violation of Section 316.074(1) or **Section 316.075(1)(c)(1)** as a result of the driver failing to stop at a traffic signal. (Emphasis Added).

25. Pursuant to Florida Statutes, Section 316.650(3)(a),

“except for a traffic citation issued pursuant to Section 316.1001 [toll payment], each traffic enforcement officer, upon issuing a traffic citation to alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any municipality or town, shall deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation issuance system, the chief administrative officer shall provide by an electronic transmission a replica of the citation dated to a court having jurisdiction over the alleged defense or with its traffic violations bureau within five (5) days after issuance to the violator.”

26. Florida Statutes, Chapter 318 is entitled, “Florida Uniform Disposition of Traffic Infractions Act”.

27. Florida Statutes, Section 318.18 provides, “Amount of Penalties.”

Pursuant to Florida Statute, Section 318.18(15):

One hundred twenty-five dollars for a violation of s.316.074 (1) or s. 316.075(1)(C)1. when a driver has failed to stop at a traffic signal. Sixty dollars shall be distributed as provided in s. 318.21, and the remaining \$65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

28. On July 12, 2005, the Office of the Attorney General, State of Florida, the Honorable Charlie Crist, issued Attorney General Opinion 2005-41, which specifically addressed whether or not the City of Pembroke Pines could enact an ordinance authorizing the City to monitor violations of traffic signals within the city using unmanned cameras to monitor intersections and record traffic violations. Attorney General Crist explained a City may use photographic evidence from unmanned cameras to advise a car owner of a violation, however, a City may not use electronic traffic infraction detectors independently as a basis for issuing citations for violations of traffic laws. The Attorney General aptly noted,

“the provisions of the Uniform Traffic Code require that citations be issued when an officer ‘observes the commission of a traffic infraction.’ Thus, in order for citations for violations of traffic control laws to be issued, the statutes appear to require that an officer enforcing the traffic law personally observe or have personal knowledge of the particular infraction that serves as the basis for issuing the citation. The opinion concluded that nothing precludes the use of unmanned cameras to record violations of Section 316.075, Florida Statutes, but, if it’s photographic record a vehicle violating traffic control laws may not be used as the basis for issuing a citation for such violations. This office has suggested that legislative amendments would be necessary to allow the photographic record from unmanned cameras monitoring intersections to be used as the sole basis for issuing citations.”

As of the present date, the Florida legislature has not amended Florida Statutes, Section 316.075.

THE CITY OF TEMPLE TERRACE ORDINANCE

29. On February 19, 2008, the City of Temple Terrace enacted Ordinance 1217,

“An Ordinance of the City of Temple Terrace, Florida, amending Chapter 20, Temple Terrace Code of Ordinances, by enacting a new Section 20.230 entitled, ‘Red Light Traffic Signal Camera

Enforcement System’ authorizing the City to permit and implement the use of unmanned cameras/monitoring devices for red light infractions; providing for automated enforcement of certain traffic violations; providing enforcement procedures, including notice, appeal hearings, penalties, imposition of administrative charges, and collections; providing for exceptions; providing a severability clause, affective date, authority to codify, and repealing all ordinances or parts of ordinances in conflict herewith.”

Ordinance 1217 contains thirteen separate WHEREFORE clauses, but most pertinent and relevant hereto are:

“Whereas, the Mayor and City Council of the City of Temple Terrace are concerned with the inability to sufficiently enforce Section 316.075, Florida Statutes, which prohibits drivers from running red lights, primarily to requirements set forth in Section 316.640(5), Florida Statutes, which provides that enforcement of the proceeding statute requires the personal observation of a law enforcement officer; and

...

Whereas, an AGO05-41, the Florida Attorney General opined that the City may not issue citations under Section 316.075, Florida Statutes, to drivers for violations observed by the use of unmanned cameras and not otherwise observed by police officers; and

Whereas, in order to be consistent with Chapter 316, Florida Statutes, and the opinions of the Florida Attorney General, the City shall enact this Ordinance that will make running a red light a violation of the City’s Code of Ordinances, issue Notices of Violation to registered owners of vehicles for violation of this Ordinance, provide a mechanism by which appeals of such Notice of Violation will be heard by an impartial decision-maker, will not utilize the Uniform Traffic Citation prescribed by Chapter 316, and will not prosecute offenses of this Ordinance through County Court; and...”

30. Temple Terrace Code section 20.230.2, “Use of Image Capture Technologies” states:

The City shall utilize image capture technologies to enforce the Red Light Traffic Signal Camera Enforcement System, which is designed to protect and improve public safety, and as a supplemental means of monitoring

compliance with Florida Statutes relating to traffic control signals. This section shall not supersede, infringe, curtail or impinge upon Florida Statutes relating to red light signal violations or conflict with such laws. This article shall serve to enable the City to provide enhanced enforcement and respect for authorized traffic signal devices. The City 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 Violation issued pursuant to this article shall be addressed using the City's enforcement procedure set forth in the City Code and not through uniform traffic citations or county courts. This shall not bar the use of uniform traffic citations and the county courts when city police personnel decide not to rely on this article as the enforcement mechanism for a specific violation.

31. Temple Terrace Code Section 20.230.3 provides the following definitions to be used throughout the Code:

The following definitions shall apply to this article:

(1) **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.

(2) **Motor Vehicle.** Any self-propelled vehicle not operated upon rails or guide ways, but not including any bicycle, moped, motorized scooter, or electric personal assisted mobility device.

(3) **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.

(4) **Recorded Images.** Images recorded by a traffic control signal monitoring system/device 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 showing the rear of a motor vehicle and on at least one image, clearly identifying the license plate number of the vehicle.

(5) **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.

(6) **Traffic Control Infraction Review Officer.** The City police department employee designated, pursuant to Section 20.230.7 herein, to review recorded images and issue red zone infractions based upon those images.

(7) **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 Florida Statutes §316.075.

(8) **Traffic Control Signal Monitoring System.** A system consisting of one or more photographic traffic monitoring devices which may consist of, among other components, a vehicle sensor, digital camera and strobe, all of which work together to accurately detect red zone infractions on one or more contiguous lanes of traffic.

32. City of Temple Terrace Code of Ordinances, Section 20.230.4,

“Adherence to Red Light Traffic Control Signals”, provides:

“Motor vehicle traffic facing a traffic control signal steady red light indication shall stop before entering the crosswalk on the near side of an intersection, or if none, the 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.”

33. City of Temple Terrace Code Ordinance, Section 20.230.5, “Violation”,

further states,

“A violation of this article, known as a Red Zone infraction, shall occur when a motor vehicle does not comply with Section **20.234.4**. A Red Zone infraction shall be deemed a non-criminal, non-moving violation for which a civil fee, as prescribed in Section 20.230.12, shall be assessed. As the violation relates to this article and not to the Florida Statutes, no points as otherwise provided in Section 322.27, Florida Statutes, shall be recorded on the driving record of the vehicle owner or responsible party.”

The City of Temple Terrace Ordinance does not contain a Section 20.234.4. Therefore, there cannot be a violation of Section 20.234.4 since none exists and the entire “Red Light Traffic Signal Camera Enforcement System” is therefore void for vagueness and unenforceable since it violates the Florida Constitution’s Due Process Clause, Article 1, Section 9. On March 3, 2009 the City of Temple Terrace amended Ordinance, 20.230.5 to change 20.234.4 to 20.230.4 , a copy of the amending ordinance, Ordinance 1242, is attached hereto as Exhibit “H”.

34. Section 20.230.8, of the Ordinance mandates what a Notice of Violation must contain:

(1) The Notice of Code Violation shall be sent by regular first-class or certified mail to the address of the motor vehicle owner that is listed as the titled owner of the motor vehicle with the appropriating agency of the state in which the motor vehicle is registered. If there is more than one motor vehicle owner, the Notice of Code Violation shall be sent to the first named motor vehicle owner as listed with said agency as the owner of the motor vehicle. The City shall also have the right, but not the obligation, to personally serve the Notice of Code Violation upon the motor vehicle owner.

(2) The Notice of Code Violation shall include:

(a) the name and address of the owner of the motor vehicle involved in the violation;

(b) the registration number of the motor vehicle involved in the violation;

(c) the section of the code violated;

- (d) the location of the intersection where the violation occurred;
- (e) the date and time of the violation;
- (f) a copy of the recorded image of the violation;
- (g) the amount of the civil fee and charges imposed and the date by which the fee and charges must be paid or appealed;
- (h) a statement that a law enforcement officer of the City of Temple Terrace Police Department has reviewed and observed the recorded images evidencing the red light infraction and has found reasonable and probable grounds to believe that an offense has been committed and can identify the license tag number of the violating vehicle;
- (i) a statement of the time limit within which to file an appeal and describing the procedures for appealing the Notice of Code Violation;
- (j) a conspicuous statement that if the owner of the violating motor vehicle fails to pay the civil fee within the time allowed, or fails to timely appeal the violation, the owner shall be deemed to have
 - (i) waived his or her right to contest the Notice of Code Violation and
 - (ii) admitted to the violation set forth in the Notice of Code Violation.

35. City of Temple Terrace Code of Ordinances, Section 20.230.9, provides for the vehicle owner's responsibility and permissible grounds for a motor vehicle owner to contest a Notice of Code Violation:

(1) Upon receipt of a Notice of Code Violation, the alleged violator may either pay the applicable civil fee or contest the Notice by filing a written Notice of Appeal with the City Clerk within thirty days of the date that the Notice of Code Violation was mailed to, or personally served upon, the motor vehicle owner. Failure to file the Notice of Appeal within this time period shall comprise a jurisdictional defect to an appeal, and thereby constitute an absolute waiver of the right to contest the Notice of Code Violation.

(2) The Notice of Appeal shall describe in reasonable detail the grounds upon which the motor vehicle owner is contesting the Notice of Code Violation. The permissible grounds for a motor vehicle owner to contest a Notice of Code Violation are:

(a) At the time of the violation, the motor vehicle was being operated without the permission of the motor vehicle owner. This grounds for appeal applies only if the motor vehicle owner files an affidavit with the City Clerk within thirty days of the date that the Notice of Code Violation was mailed to, or personally served upon, the motor vehicle owner which affidavit conforms to the requirements of Section 20.230.11 of this Code.

(b) The motor vehicle driver was issued a citation by a law enforcement officer, which was separate and distinct from the Notice of Code Violation issued under this ordinance, for violating the steady red traffic control signal;

(c) The motor vehicle driver was required to violate the steady red traffic control signal in order to comply with other governing laws;

(d) The motor vehicle driver was required to violate the steady red traffic control signal in order to reasonably protect the property or person of another;

(e) The steady red traffic control signal was inoperable or malfunctioning; or

(f) The vehicle is an authorized emergency vehicle operated by a federal, state or local government.

36. City of Temple Terrace Code of Ordinances, Section 20.230.10, states:

(1) A neutral, unbiased hearing officer shall be appointed by the City to hear appeals of the Notice of Violation. The hearing officer shall endeavor to schedule a hearing of the appeal within thirty days of the City's receipt of the Notice of Appeal, provided that the Notice of Appeal was timely filed with City Clerk.

(2) During a hearing upon any appeal filed pursuant to this Ordinance, the City and the motor vehicle owner may each introduce into evidence relevant to the violation, including, but not limited to recorded images of the violation, testimony of the Traffic Control Infraction Review Officer, and testimony of the

driver of the motor vehicle, passengers therein, and other witnesses to the violation. The hearing officer shall conduct the hearing utilizing principles of fundamental fairness, and shall consider all relevant evidence relating to the violation. Unless an affidavit is provided by the motor vehicle owner pursuant to Section 20.230.11, it shall be presumed by the hearing officer that 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.

(3) If the Notice of Code Violation is upheld by the hearing officer or if the appeal is otherwise rejected or denied, the motor vehicle owner must pay the civil fee plus any applicable charges to the City Clerk within fifteen days of the date of the hearing officer's order.

Section 20.230.10 improperly creates a presumption that the owner of the vehicle was also the driver of the subject vehicle at the time of the alleged infraction. Nowhere in the entire City of Temple Terrace Code is "Hearing Officer" defined. The City of Temple Terrace's attempt to create a new court/administrative tribunal is an encroachment on the province of the Legislature to "establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions." *Florida Constitution, Article V, section 1, "Courts"*. The Florida Constitution is clear, "No other courts may be established by the state, any political subdivision or any municipality." *Florida Constitution, Article V, section 1, "Courts"*. Additionally, if the appeal is otherwise rejected or denied, the motor vehicle owner must pay the civil fee, plus any applicable charges to the City Clerk within fifteen (15) days of the date of the hearing officer's order, thereby penalizing Notice of Violation recipients from exercising their right to a hearing process in violation of the Florida Constitutions "Access to Courts" guarantee in Article I, section 21.

37. City of Temple Terrace Code of Ordinances, Section 20.230.11, “Vehicle Owner Affidavit of Non-Responsibility”, outlines very limited instances where the owner can escape liability for the ticket, even if the City cannot prove that the owner was actually the driver of the vehicle at the time the red light infraction occurred.

38. City of Temple Terrace Code of Ordinances, Section 20.230.12, “Offense for Running Red Light and Civil Fee”, provides the fee schedule of \$100.00 for the first civil fee, \$125.00 against the motor vehicle owner for a second offense that takes place within twelve (12) months of the first offense, and \$150.00 civil fee against the motor vehicle owner for the third and each additional offense that takes place within twenty-four (24) months of the first offense.

39. City of Temple Terrace Code of Ordinances, Section 20.230.12(2) further provides that:

“Failure to pay the civil fee or file an appeal within thirty (30) days after the Notice of Code Violation is mailed to or personally served upon the motor vehicle owner shall result in the motor vehicle owner paying the costs and attorneys’ fees required to collect the civil fee in addition to any other fees and charges. If the motor vehicle owner files an appeal and is unsuccessful, the civil fee shall be due and payable within fifteen (15) days of the hearing at which such appeal was heard. If the unsuccessful appellant motor vehicle owner fails to timely pay the civil fee, **it shall be responsible for paying the costs and attorneys’ fees required to collect the fee, including costs associated with the appeal, in addition to any or other fees and costs.**”

This ordinance which only authorizes attorney’s fees and costs for the City and against the motor vehicle owner is in derogation of the common law, violates the Florida Constitution’s guarantee of substantive due process (*Fla. Const. Article I, section 9*), and violates the Florida Constitution’s guarantee of equal protection under the law (*Fla. Const. Article I, section 2*).

40. City of Temple Terrace Code of Ordinances, Section 20.230.12(3)

addresses the suspension of City privileges and further mandates:

“That any motor vehicle owner who fails to pay the civil fee imposed for a Notice of Code Violation issued pursuant to the provisions of this Ordinance **shall be suspended, refused, and denied any rights and privileges that such person may otherwise be entitled to enjoy, receive, or benefit from the City of Temple Terrace**, including, without limiting the generality of the foregoing, the **right to utilize municipal facilities**, and the **right to obtain any licenses or permits contemplated in the Code**. Any person whose rights and privileges with or from the City of Temple Terrace have been suspended, refused, and/or denied pursuant to the provisions of this Ordinance, may purge the suspension and regain entitlement to any rights or benefits that have been refused or denied by the Ordinance by paying all fees and charges contemplated in the Ordinance associated with the violation hereof.” (Emphasis Added).

The Ordinance’s mandate of suspension of City privileges for refusal to pay a debt owed to the City is draconian and violates the Equal Protection (Article I, Section 2), Right to Work (Article I, Section 6), Due Process (Article 1, Section 9) and Excessive Punishment (Article 1, Section 17) provisions contained in the Florida Constitution.

41. City of Temple Terrace Code of Ordinances, Section 20.230.12(4),

“Collection of Civil Fee”,

“The City may establish procedures for the collection of the civil fee imposed herein, and may enforce the collection of such civil fee by civil action in the nature of a debt.”

42. Prior to March 3, 2009 the City of Temple Terrace had no provisions in it’s Charter or Codes establishing the position and identifying the use and activity of a hearing officer like the official required by and set out in the Red Light Ordinance. Prior to

March 3, 2009 hearings were held under the auspices of the Red Light Hearing Ordinance and a hearing officer presided over these events. Further, The City of Temple Terrace collected fines for alleged violations of the Red Light Ordinance from persons who appeared at the hearings prior to March 3, 2009

43. On March 3, 2009, the City of Temple Terrace amended its Code to include the addition of a Hearing officer as part of the Administration of the City of Temple Terrace by enacting Ordinance No. 1243. On March 4, 2009, hearings under the Red Light Ordinance were held by a Hearing Officer chosen and acting under the guidelines of Ordinance 1243. The hearing officer found alleged violators of the Red Light Ordinance Guilty of violating the municipal ordinance and The City of Temple Terrace collected fines for alleged violations of the Red Light Ordinance from persons who appeared at the hearings on March 4, 2009. (A copy of Ordinance 1243 is attached hereto as Exhibit "I".)
44. The Temple Terrace Code specifically adopts and incorporates the Florida Uniform Traffic Control laws pursuant to Section 20.200.

THE CITY OF TEMPLE TERRACE/ATS AGREEMENT

45. On February 19, 2008, the City of Temple Terrace entered into the Agreement with American Traffic Solutions, LLC. Per the written language, the Agreement was entered into because ATS has the exclusive knowledge, possession, and ownership of certain equipment, licenses, and processes referred to collectively as the

AXSIS System. Temple Terrace desired to use the AXSIS System to monitor and enforce red light violations, and to issue Notices of Violation for traffic violations.

46. Exhibit “A” to the Agreement specifies the scope of work which will be performed by American Traffic Solutions. Pursuant to Section 1.2 of Exhibit “A”, ATS agrees to provide the City of Temple Terrace with an automated web based Notice of Violation Processing System (AXSIS VPS), including imaging processing, first notice, color printing, and mailing of Notice of Violation per chargeable event and a mailing of a text only reminder notice. Subsequent notices such as pre-collection letters or collections activity may be delivered by First Class or other mail means for additional compensation to ATS as agreed by the parties in Schedule 1. Additionally, pursuant to Section 1.2.13, “As part of its turnkey system, ATS shall provide violators with the ability to view violations online. This online viewing system shall include a link to the ATS payment websites and may offer the opportunity to download an Affidavit of Non-Liability online. Online obtained Affidavits, if approved by the adjudication manager, shall be directed to and processed by ATS and communicated to the adjudication office via the AXSIS VPS transfer described above.”

47. Section 2 of Exhibit “A” to the Agreement provides the customer’s scope of work and pertinent parts include, Section 2.2.2, the customer/city will design, fabricate, install, and maintain red light camera warning signs. Per Section 2.4.2, the city shall provide a hearing officer and adjudication facilities to schedule and hear disputed Notice of Violations.

48. Section 2.4 deals with adjudication operations and states that the adjudication manager or city project manager shall provide the specific text required to

be placed on the Notice of Violation notice to be issued by ATS within thirty (30) days of the contract signature. It goes on to state, “Pursuant to 2.4.5 that adjudication manager shall handle inbound and outbound phone calls and correspondence from defendants who have questions about disputes, and other issues relating to Notice of Violation adjudication. Adjudication manager may refer citizens with questions regarding ATS or AXSIS technology and processes to websites and/or toll free telephone numbers provided by ATS for that purpose.”

49. Pursuant to the contract, Section 2.4.6, within ten (10) days after expiration of a second notice, adjudication managers shall pursue delinquent collections of unpaid notices with an existing contract or ATS.

50. Based on the Service Fee Schedule attached to the Agreement, ATS received ten percent (10%) of revenues recovered for all pre-collection letters, thirty percent (30%) of revenue recovered for all delinquency collection services, and \$40.00 per paid citation.

51. The City of Temple Terrace maintains on its website an automatic traffic light enforcement “what to do if you receive a Notice of Violation” document (attached hereto as **Exhibit “J”**), which specifically states what to do, how to pay, view your violation, request an appeal, questions, and citation penalties. Specifically it states that if you request an appeal and are found liable after your hearing, you will pay an additional \$50.00 for Court costs which will be due within fifteen (15) days.

52. The City of Temple Terrace Zoning Ordinances creates a presumption that the registered owner of the vehicle is the person who committed the civil red light infraction. This remains the case even if you gave another person permission to drive

your vehicle. The owner is still liable for the ticket, not the person who was granted permission to drive the vehicle. This violates the Florida Constitution's Equal Protection (Article I, section 2) and Due Process (Article I, Section 9) clauses.

Class Action and Class Representation Allegations

53. The cause of action alleged and the relief sought are appropriate for class action treatment and class certification pursuant to the governing and applicable rules of civil procedure, Rule 1.220(b)(1)(B), 1.220(b)(2) and Rule 1.220(c)(2)(A). Florida Rules of Civil Procedure, such claims are attainable on behalf of a class. Pursuant to Florida Rule of Civil Procedure Rule 1.220(b)(1) B, individual adjudications would, as a practical matter, be dispositive of the interests of other members of the class who are not parties to the adjudication, and/or substantially impair or impede the ability of other members of the class who are not parties to the adjudication to protect their interest; and pursuant to Rule 1.220(b)(2), Florida Rules of Civil Procedure, final injunctive relief and declaratory relief concerning this class is appropriate.

54. The members of the class are so numerous that separate joinder of each member is impracticable and would be contrary to the interests of judicial economy.

55. The claims of the representative parties raise questions of law and fact that are common to the questions of law and fact raised by the claims of each member of the class. Class representation is superior to other available methods for the fair and efficient adjudication of this controversy.

56. The claims of the representative parties are typical of the claims of each member of the class.

NUMEROSITY

57. Based upon information and belief, the approximate number of class members is 8,000 and growing, because this is the number of Notice of Violations which Defendants City of Temple Terrace and ATS have issued since City of Temple Terrace Ordinance 1217 became effective. The alleged class would include each person who received a Notice of Violation from the City of Temple Terrace Red Light Safety Program for violation of Temple Terrace Code Ordinance 20.230.4 alleging a red zone infraction moving violation based solely on the recorded images of the red light cameras, and not on the personal observation of a sworn law/traffic enforcement officer.

Within this class, subclasses would include:

- (a) Plaintiffs who paid the Notice of Violation timely;
- (b) Plaintiffs who received a Notice of Violation and opted to contest the imposition of the civil penalty by requesting and appearing at hearing, and retained and paid counsel for legal representation thus incurring costs, and the Notice of Violation was dismissed by the Hearing Officer;
- (c) Plaintiffs who received a Notice of Violation and opted to contest the imposition of the civil penalty by requesting and appearing at hearing and whose Notice of Violation was upheld;
- (d) Those who received a Notice of Violation and did not pay the fine and did not timely request a hearing, and those who did request a hearing, lost their appeal, and did not pay the fine who are now receiving Delinquent Notice of Violations and being subjected to debt collection practices;

- (e) Those who received a Notice of Violation and did not pay it or the Hearing Officer's judgment and are now or may in the future be refused, denied or suspended city privileges per City of Temple Terrace Ordinance Section 20.230.12(3).

COMMONALITY

58. The Questions of law and fact that are common to the claims and defenses of the representative parties and the claims and defenses of each member of the class are as follows:

- (a) Whether City of Temple Terrace Ordinance 20.230.05 is void and unenforceable because it is vague and ambiguous on its face in that there is no Code number 20.234.4 which exists within the City of Temple Terrace Code, and therefore no such violation of the same can occur for the period prior to March 3, 2009 and as amended?
- (b) Whether the City of Temple Terrace Ordinance 1217 and its amendment is preempted and thus rendered void and unenforceable by Florida Statutes sections 316.002?
- (c) Whether the City of Temple Terrace Ordinance 1217 and its amendment is preempted and thus rendered void and unenforceable by Florida Statutes section 316.640 (5)(a)?
- (d) Whether the Notice of Violations issued by the City of Temple Terrace and ATS conform with City of Temple Terrace Code 20.230.8 (2)(j) which requires a "conspicuous" statement as to what will occur if the owner fails to timely pay or appeal the Notice of Violation?

- (e) Whether City of Temple Terrace Code 20.230.9, 20.230.10 and 20.230.11, improperly create a presumption that the owner of the vehicle which allegedly violated the subject Ordinance was also the driver of the vehicle?
- (f) Whether City of Temple Terrace Code section 20.230.10 is vague and ambiguous and therefore void and unenforceable as a matter of law for failure to define the term “Hearing Officer”?
- (g) Whether the City of Temple Terrace’s attempt to create a new court/quasi court/administrative tribunal in section 20.230.10 and Ordinance 1243 is an encroachment on the province of the Legislature to “establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions.”
Florida Constitution, Article V, section 1, “Courts”?
- (h) Whether the City of Temple Terrace’s attempt to create a new court/quasi court/administrative tribunal in section 20.230.10 and Ordinance 1243 violates *Florida Constitution, Article V, section 1, “Courts”* which provides, “No other courts may be established by the state, any political subdivision or any municipality.”
- (i) Whether the imposition of additional costs and attorneys fees if the motor vehicle owner loses before the Hearing officer per Section 20.230.10 violates the Florida Constitution’s “Access to Courts” guarantee in Article I, section 21?

- (j) Whether section 20.230.12(2) which only awards attorney's fees and costs for the City and against the motor vehicle owner is in derogation of the common law, violates the Florida Constitution's guarantee of substantive due process (*Fla. Const. Article I, section 9*), and/or violates the Florida Constitution's guarantee of equal protection under the law (*Fla. Const. Article I, section 2*)?
- (k) Whether section 20.23.0.12(3) which mandates the suspension, refusal and/or denial of City privileges for refusal to pay a debt owed to the City violates the Equal Protection (Article I, Section 2), Right to Work (Article I, Section 6), Due Process (Article 1, Section 9) and/or Excessive Punishment (Article 1, Section 17) provisions contained in the Florida Constitution?
- (l) Whether Ordinance 1243 used in concert with Ordinance 1217 and its amendment, Ordinance 1242, to create a municipal code enforcement event is violating any provisions of Chapter 162, Florida Statutes, 2008, in particular ,but not limited to, sections 162.03 (2), 162.05 (1), 162.06 (1), 162.06(2), 162.07, and 162.21, Fla. Stats., 2008.
- (m) Whether Ordinance 1243 used in concert with Ordinance 1217 and its amendment, Ordinance 1242, to create a municipal code enforcement event is violating any provisions of Chapter 166, Florida Statutes, 2008, in particular ,but not limited to, sections 166.0415 (1), (2), and (3), Fla. Stats., 2008.

- (n) Whether Ordinance 1243 used in concert with Ordinance 1217 and its amendment, Ordinance 1242, is violative of Section 34.01 (1) (b), Florida Statutes, (2009)?
- (o) Whether Ordinance 1243 used in concert with Ordinance 1217 and its amendment, Ordinance 1242, as used by Temple Terrace in its procedures violates the Florida Rules of Traffic Court, including, but not limited to, the speedy trial requirement found in Rule 6.325; the evidentiary and recording standards found in Rule 6.460?
- (p) Whether Ordinance 1243 used in concert with Ordinance 1217 and its amendment, Ordinance 1242, creates an improper and illegal ex post facto law application of the Temple Terrace ordinances when the older ordinances is the basis for charging an automobile owner with ordinance violations and the newer amended ordinances are the basis for the hearings and findings against the owner?

TYPICALITY

59. The claims and cause of action alleged herein by Plaintiffs are typical of the claims possessed and capable of being asserted by each member of the Plaintiff class. Specifically, each person who has been issued a Notice of Violation for an alleged violation of City of Temple Terrace Ordinance 20.230 may raise the same facial and as applied constitutional and preemption arguments challenging the legal validity of the Ordinance. Once issued a Notice of Violation a person really has only three options: pay

the Notice of Violation, appeal the Notice of Violation and attend a hearing, or refuse to pay the Notice of Violation and any subsequent fines, fees and costs associated with the Notice of Violation.

FAIR AND ADEQUATE REPRESENTATION OF THE CLASS

60. Each of the representative parties will fairly and adequately protect and represent the interests of each member of the class because they have suffered a concrete injury as a result of paying or potentially being forced to pay a fine pursuant to a City Ordinance which is unconstitutional. The individual amounts at stake are insufficient to justify numerous separate civil lawsuits given the expense and complexity of this civil action, and no class members who are not representative parties have a substantial interest in controlling prosecution of separate actions.

61. Plaintiffs and class members have no other plain, speedy, or adequate remedy apart from this class action. This is especially true since the “Hearing Officer” who handles the “appeals” for the City of Temple Terrace has no authority or power to determine whether the Ordinance is constitutional or a proper delegation of the City’s allowable municipal power. Any “hearing” an individual who receive Notice of Violations can request is limited in scope and is not a proper forum to raise the legal questions raised above [specifically see ¶58].

COUNT I
DECLARATORY JUDGMENT

62. Plaintiffs adopt and re-allege paragraphs 1 through 61 of this Complaint as set forth herein.

63. Plaintiffs bring this cause of action pursuant to Florida Statutes, Section 86.011, for a judgment declaring City of Temple Terrace Ordinance 1217 in its original and amended form to be unconstitutional, preempted by Florida State Statutes and/or an improper delegation of municipal authority.

64. City of Temple Terrace Code of Ordinances, Section 1217, codified as section 20.230 violates Florida Statutes, Sections 316.002, 316.007, 316.008, 316.075, 316.640(5)(a), Florida Statutes, Sections 316.650, 316.655, Florida Statutes, Sections 318.121, 318.18(15), and the Florida Constitution Basic Rights/Equal Protection (Article I, section 2), Right to Work (Article I, Section 6), Due Process (Article I section 9), Excessive Punishment (Article I, section 17), Access to Courts (Article I, section 21), and Courts (Article V, Section 1) guarantees.

WHEREFORE, Plaintiffs, for themselves and all others similarly situated, request judgment against Defendants in a declaration of:

- (a) City of Temple Terrace Code section 20.230 is unconstitutional;
- (b) City of Temple Terrace Code section 20.230 is void as against public policy;
- (c) City of Temple Terrace Code section 20.230 is preempted by Florida State Statutes;
- (d) City of Temple Terrace Code section 20.230 is an impermissible delegation of authority to a hearing officer in violation of the Florida Constitution;
- (e) Any and all monies, fines, penalties, costs or attorneys fees collected by any Defendant from any person who received a Notice

of Violation per City of Temple Terrace Code section 20.230 was improperly obtained and shall be refunded; and

- (f) A Notice of Violation is legally the same as a non-criminal traffic infraction moving violation, and must be treated as such.
- (g) That the use of Ordinance 1243 to hold hearings for the Red Light Traffic Ordinance and enforce and levy charges for money against the public generally, and the plaintiffs, specifically is unconstitutional, void as against public policy, and pre-empted by Florida Statutes and such other relief as this court deems just and equitable.

COUNT II
INJUNCTION AGAINST CITY OF TEMPLE TERRACE AND
AMERICAN TRAFFIC SOLUTIONS

65. Plaintiffs adopt and re-allege paragraphs 1 through 64 of this Complaint as set forth herein.

66. Plaintiffs bring this cause of action for an injunction enjoining Defendant, CITY OF TEMPLE TERRACE, and Defendants ATS, collectively, from further enforcing City of Temple Terrace Ordinance 1217, codified as section 20.230, and ordering all Defendants to stop issuing Notices of Violations related to Section 20.230, to stop issuing Delinquent Notice of Violations related to Section 20.230, and to stop collecting any fines, costs, attorneys fees or monies associated with Section 20.230, and to refrain from holding any further hearings or appeals related to Section 20.230.

67. Defendants, CITY OF TEMPLE TERRACE and ATS, contend that Ordinance 1217, codified as Section 20.230 is constitutional and insist they will continue to enforce it against Plaintiffs and those similarly situated.

68. Plaintiffs have no adequate remedy at law, in that an action for damages will not compensate Plaintiffs for the loss of municipal city privileges as set forth in this Complaint.

WHEREFORE, Plaintiffs, for themselves and all others similarly situated, request that this Court enter a judgment declaring Ordinance 1217 to be unconstitutional, issue an injunction prohibiting Defendants from further enforcing Temple Terrace Ordinance 1217, award Plaintiffs the costs of this action, and award Plaintiffs any other and further relief that the Court considers just.

COUNT III
UNJUST ENRICHMENT AS TO CITY OF TEMPLE TERRACE
AND AMERICAN TRAFFIC SOLUTIONS

69. Plaintiffs adopt and re-allege paragraphs 1 through 64 of this Complaint as set forth herein.

70. The above-described Red Light Traffic Signal Camera Enforcement Program and Ordinance 1217, codified as Section 20.230, adopted by the Defendant, CITY OF TEMPLE TERRACE, exceeds the legal authority granted to the City of Temple Terrace by the State of Florida.

71. The Defendants have each received and retained money paid by the Plaintiffs and the Plaintiff class in the form of fines, costs, surcharges, and fees remitted by them as a result of receiving the Notice of Violations and/or Notice of Delinquency Violations and/or Order of Hearing officer. It is unconscionable and inequitable for the

Defendants to retain the money paid by Plaintiffs and members of the Plaintiff class in the form of fines, costs, surcharges, and fees, collected pursuant to an Ordinance that is invalid, unconstitutional and unauthorized by Florida law.

72. As a result of the above-described conduct, the Defendants have, jointly and severally, been unjustly enriched and financially benefited in an amount yet to be determined but estimated at this time to exceed \$800,000.00.

73. Plaintiffs claim all legal and equitable remedies they are entitled by law to recover from the named Defendants, either separately or jointly, for the legal deprivations, injuries, and losses set forth herein.

WHEREFORE, Plaintiffs, for themselves and all others similarly situated, prays for damages, together with such other and further relief as is appropriate in the premises, including Plaintiffs costs, attorney fees, and pre-judgment interest.

EDWARDS & RAGATZ, P.A.

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Telephone: (813) 914-7363

Facsimile: (813) 914-7367

Attorneys for Plaintiff

EXHIBIT "A"

3 PAGES

KURTIS KENT KELLY



City of Temple Terrace
Red Light Safety Program
PO Box 12129
Scottsdale AZ 85267-2129

CITY OF TEMPLE TERRACE

NOTICE OF VIOLATION

NOTICE #	0940800023431
PIN #	7457
Pay with your Visa or Mastercard at www.ViolationInfo.com	

Amount Due: \$100.00
Due Date: 12/18/2008



KURTIS KENT KELLY
6620 JENNIFER DR
TEMPLE TERRACE, FL 33617-2527

ON/ (Date)	AT TIME	AT LOCATION			
11/05/2008	02:40 PM	S/B N 55TH ST @ E FOWLER AVE			
NAME (FIRST, MIDDLE, LAST)					
KURTIS KENT KELLY					
STREET ADDRESS					
6620 JENNIFER DR					
CITY			STATE	ZIP CODE	
TEMPLE TERRACE			FL	33617-2527	
DID UNLAWFULLY		<input checked="" type="checkbox"/> OPERATE/DRIVE		<input type="checkbox"/> PARK	
V E H I C L E	YEAR	MAKE	MODEL	STYLE	COLOR
	1989	FORD		2D	RED
	L	C	NUMBER	STATE	YEAR
			253KND	FL	1989
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE OF THE CITY OF TEMPLE TERRACE TRAFFIC LIGHT SAFETY ACT. THE RECORDED IMAGES RELATING TO THE VEHICLE STATED ABOVE ARE EVIDENCE OF A: RED ZONE INFRACTION (Failure To Stop At a Red Light)					
IN VIOLATION OF:		<input type="checkbox"/> RSM	APPROX SPEED	POSTED SPEED	
Ordinance 20.230		<input checked="" type="checkbox"/> ORD	14 MPH	50 MPH	
POLICE DEPARTMENT			ID #	DATE	
ROBERT WILDER			04517	11/17/2008	
THE TEMPLE TERRACE POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A RED ZONE INFRACTION AND A: CIVIL PENALTY FINE OF \$100.00				ISSUE DATE	
				11/18/2008	



Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME:	KURTIS KENT KELLY	DUE:	12/18/2008
NOTICE #:	0940800023431	VERSION:	1
ISSUED:	11/18/2008	STATE:	FL
PLATE:	253KND	TYPE:	

No points will be assessed for this Notice of Violation.

- ✓ Make your check or money order payable to the City of Temple Terrace.
- ✓ DO NOT MAIL CASH.
- ✓ Write the Notice # on the front of your payment.
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.
- ✓ You must respond with either a payment or a hearing request before the Due Date.

City of Temple Terrace
Red Light Safety Program
PO Box 742503
Cincinnati, OH 45274-2503



AMOUNT DUE: \$100.00

1 0940800023431 000002277457 100008



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

DELINQUENT NOTICE OF VIOLATION



KURTIS KENT KELLY
 6620 JENNIFER DR
 TEMPLE TERRACE, FL 33617-2527

NOTICE #	0940800023431
PIN #	7457
Pay with your Visa or MasterCard at www.ViolationInfo.com	

Amount Due: \$100.00

Date Due: Immediately

Vehicle License Number: 253KND	State: FL	
Year: 1989	Make: FORD	Model/Style:
Location of Offense: S/B N 56TH ST @ E FOWLER AVE		
Date / Time of Offense: 11/05/2008 02:40:09 pm		
Complaint Officer ROBERT WILDER	Badge Number 04517	
Traffic Code Section Number: 603		
Nature of Offense: Failure to stop at red light		
Issue Date: 12/26/2008		

If you have already responded to this Notice of Violation, please disregard this Notice.

Dear Sir/Madam:

You have failed to respond in a timely manner to the Notice of Violation listed above;

If you have not requested an appeal; you have waived your right to having one.

It is in your best interest to pay the civil penalties due immediately.

Failure to pay the civil fee shall result in paying the costs and attorney's fees required to collect the civil fee in addition to any other fees and charges. It will also result in the Suspension of City Privileges, such the right to utilize municipal facilities and obtain any licenses or permits.

Please see the reverse side for payment instructions.

Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME:	KURTIS KENT KELLY	DUE:	Immediately
NOTICE #:	0940800023431	VERSION:	1
ISSUED:	12/26/2008	PLATE:	253KND
STATE:	FL	TYPE:	

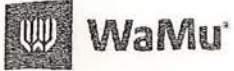
- ✓ Make your check or money order payable to the City of Temple Terrace.
- ✓ DO NOT MAIL CASH
- ✓ Write the Notice # on the front of your payment
- ✓ Do not tape, staple or paperclip items
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.

City of Temple Terrace
 Red Light Safety Program
 PO Box 742503
 Cincinnati, OH 45274-2503



AMOUNT DUE: \$100.00

1 0940800023431 000002277457 100008



62-20/311 2199601589

WASHINGTON MUTUAL **10000**
ONE ZERO ZERO CTSCTS
*****Dec 22, 2008 ONE HUNDRED DOLLARS AND 00 CENTS *****

Pay to
the
order
of:

CITY OF TEMPLE TERRACE RED LIGHT SAFTY
PROGRAM

Washington Mutual, a division of JPMorgan Chase Bank, N.A.

**DRAWER / PURCHASER COPY
NON-NEGOTIABLE**

Remitter
KURTIS K KELLY

2373 113

Citibank, N.A. - One Penn's Way - New Castle DE 19720

EXHIBIT "B"

3 PAGES

DAVID MARC BULLUCK



City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

DAVID MARC BULLUCK
11899 RAINTREE DR
TAMPA, FL 33617-2735

DATE: 02/13/2009

PLATE: FL U939TF

Notice of Violation # 0940800056449

The court date for the above mentioned violation has been scheduled for:

05/07/2009 06:00 PM
City of Temple Terrace
11250 N. 56th Street
Temple Terrace, FL 33617

If you choose not to appear, you waive the right to contest this citation and must pay the fine of \$100.00 on or before the day of your scheduled hearing. Failure to pay shall result in an imposition of an additional court costs of \$50.00.

Pursuant to the Ordinance 20.230 approved by Temple Terrace's City Council, if you wish to submit an Affidavit of Non-Responsibility you will need the following information:

- a. The name, current address and driver's license number of the person operating the vehicle without your consent at the time and place of the violation; or
- b. A copy of the seller's report if the vehicle was sold; or
- c. A copy of the police report if the vehicle was stolen.

City of Temple Terrace



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

CITY OF TEMPLE TERRACE
 NOTICE OF VIOLATION

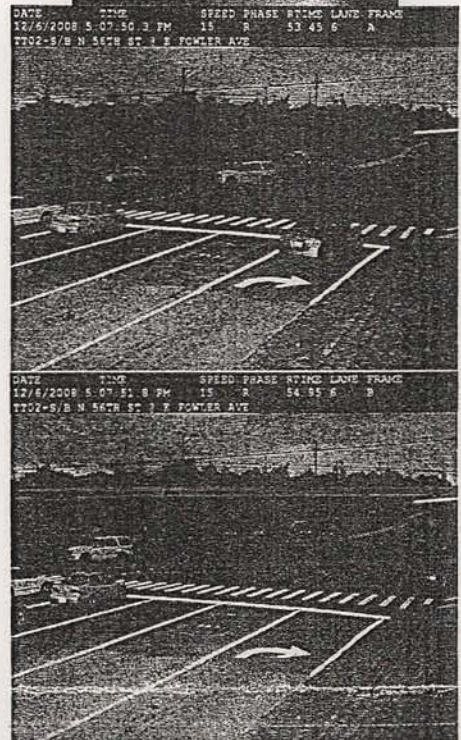
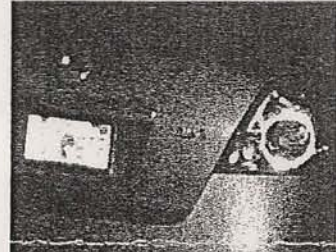
NOTICE # 0940800056449
 PIN # 7087
 Pay with your Visa or Mastercard at www.ViolationInfo.com

Amount Due: \$100.00
 Due Date: 01/20/2009



DAVID MARC BULLUCK
 11899 RAIN TREE DR
 TAMPA, FL 33617-2735

ON/ (Date)	AT TIME	AT LOCATION			
12/06/2008	05:07 PM	S/B N 56TH ST @ E FOWLER AVE			
NAME (FIRST, MIDDLE, LAST)					
DAVID MARC BULLUCK					
STREET ADDRESS					
11899 RAIN TREE DR					
CITY			STATE	ZIP CODE	
TAMPA			FL	33617-2735	
DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK					
VEHICLE	YEAR	MAKE	MODEL	STYLE	COLOR
	2008	NISS		4D	GRY
	L		NUMBER	STATE	YEAR
	C		U939TF	FL	2008
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE OF THE CITY OF TEMPLE TERRACE TRAFFIC LIGHT SAFETY ACT. THE RECORDED IMAGES RELATING TO THE VEHICLE STATED ABOVE ARE EVIDENCE OF A: RED ZONE INFRACTION (Failure To Stop At a Red Light)					
IN VIOLATION OF:		<input type="checkbox"/> RSM	APPROX SPEED	POSTED SPEED	
Ordinance 20.230		<input checked="" type="checkbox"/> ORD	15 MPH	50 MPH	
POLICE DEPARTMENT			ID #	DATE	
JACOB PALMERTON			612	12/17/2008	
THE TEMPLE TERRACE POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A RED ZONE INFRACTION AND A: CIVIL PENALTY FINE OF \$100.00				ISSUE DATE	
				12/18/2008	



Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME: DAVID MARC BULLUCK	DUE: 01/20/2009
NOTICE #: 0940800056449	VERSION: 1 ISSUED: 12/18/2008
PLATE: U939TF	STATE: FL TYPE:

- ✓ Make your check or money order payable to the City of Temple Terrace.
- ✓ DO NOT MAIL CASH.
- ✓ Write the Notice # on the front of your payment.
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.
- ✓ You must respond with either a payment or a hearing request before the Due Date.

No points will be assessed for this Notice of Violation.

City of Temple Terrace
 Red Light Safety Program
 PO Box 742503
 Cincinnati, OH 45274-2503



AMOUNT DUE: \$100.00

1 0940800056449 000002427087 100004

Pursuant to Ordinance 20.230 section 20.230.5 approved by Temple Terrace's City Council, the owner of a motor vehicle is liable for payment of a minimum civil penalty of \$100.00 if the owner's vehicle proceeds into an intersection equipped with a photographic traffic control monitoring system when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal. For a second or subsequent violation by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$125.00. For each additional offense against the owner of the same vehicle, within 24 months, the civil penalty shall be \$150.00. It has been determined that your vehicle proceeded into an intersection when the traffic control signal, for the direction in which your vehicle was traveling, was emitting a steady red signal. Failure to pay the civil penalty by the Due Date is an admission of liability in the full amount of the civil penalty assessed in the Notice of Violation and constitutes a waiver of the right to contest the Notice.

No points will be assessed against you for the civil penalty, nevertheless your failure to respond will cause this matter to be submitted to a collections agency and reported to the credit bureau. You have the right to contest the imposition of the civil penalty by signing and mailing the coupon below; the coupon must be received by the Due Date.

INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your Notice is to pay online. Go to www.ViolationInfo.com and logon with your Notice # and PIN # shown in the red box on the front of this notice. Click the Pay button. There is a \$4 convenience fee.

PAYMENT BY PHONE: Call toll free 1-866-790-4111 between 9:00 a.m. and 5:00 p.m. Eastern time.

PAYMENT BY MAIL: Mail your check or money order (payable to the City of Temple Terrace) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this notice. DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment.

PAYMENT IN PERSON: You may pay in person by check, money order, or credit card (Visa or MasterCard) at Temple Terrace City Hall, located at 11250 N. 56th St., Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. and 4:00 p.m..

VIEW YOUR IMAGES AND VIDEO: The recorded images and video of your violation will be submitted as evidence in the Police Department proceeding for disposition of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice inside the red box.

REQUEST AN APPEAL: You may contest the imposition of the civil penalty by requesting, in writing, an appeal for a Hearing. Sign and mail the coupon below; your request must be received by the Due Date stated on the front of this Notice. Upon receipt, you will be notified of the date, time and location of your hearing. Your request must be received before the due date. If you are found liable after a hearing you must pay an additional \$50 for court costs and you have 15 days in which to pay.

QUESTIONS: If you have any questions, please contact Customer Service toll free at 1-866-790-4111.

It is presumed that the registered owner of the vehicle for which a civil red light Notice of Violation is issued is the person who committed the civil red light violation. However, if your vehicle was sold or stolen or was otherwise not in your care, custody or control without the consent of you, the registered owner, at the time of the violation, you may submit an Affidavit of Non-Responsibility at your hearing to rebut the presumption that you were driving the vehicle at the time of the violation.

1. You may print the form from the website: www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice to login to the website.
2. You must set forth the circumstances demonstrating that the vehicle was not in your care, custody, or control or that of a person with your consent.
3. The Affidavit of Non-Responsibility must be executed in the presence of a notary.
4. You must request an appeal for a hearing by signing and mailing the coupon below.

IF YOU ARE A RENTAL CAR COMPANY send your letter identifying the driver along with the copy of this Notice to the Violation Processing Center, PO Box 12129, Scottsdale, AZ 85267-2129.

Detach here and return the bottom portion as a request to contest this Notice of Violation

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be received by the Due Date of this notice to be a valid request. I understand that I must attend this hearing in-person. I also understand that I will be notified of the date, time and location of the hearing. Please sign and print name using blue or black ink.

Signed: _____

Print Name: _____

EXHIBIT "C"

7 PAGES

ANA MARIA GENNE

Mailed 12/21/08



City of Temple Terrace
Red Light Safety Program
PO Box 12129
Scottsdale AZ 85267-2129

CITY OF TEMPLE TERRACE

NOTICE OF VIOLATION

NOTICE # 0940800035500
PIN # 4987
Pay with your Visa or Mastercard at www.ViolationInfo.com

Amount Due: \$100.00
Due Date: 12/26/2008



ANA MARIA GENNE
9305 ALANBROOKE ST
TAMPA, FL 33637-4965

ON/ (Date)	AT TIME	AT LOCATION			
11/16/2008	12:22 PM	W/B E BUSCH BLVD / E BULLARD PKWY @ N 56TH ST			
NAME (FIRST, MIDDLE, LAST)					
ANA MARIA GENNE					
STREET ADDRESS					
9305 ALANBROOKE ST					
CITY			STATE	ZIP CODE	
TAMPA			FL	33637-4965	
DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK					
VEHICLE	YEAR	MAKE	MODEL	STYLE	COLOR
	2007	TOYT		UT	SIL
	L C		NUMBER	STATE	YEAR
		LZA692	FL	2007	
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE OF THE CITY OF TEMPLE TERRACE TRAFFIC LIGHT SAFETY ACT. THE RECORDED IMAGES RELATING TO THE VEHICLE STATED ABOVE ARE EVIDENCE OF A: RED ZONE INFRACTION (Failure To Stop At a Red Light)					
IN VIOLATION OF:		<input type="checkbox"/> RSM	APPROX SPEED	POSTED SPEED	
Ordinance 20.230		<input checked="" type="checkbox"/> ORD	15 MPH	30 MPH	
POLICE DEPARTMENT			ID #	DATE	
CARL AVARI COOPER			04950	11/24/2008	
THE TEMPLE TERRACE POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A RED ZONE INFRACTION AND A: CIVIL PENALTY FINE OF \$100.00				ISSUE DATE	
				11/25/2008	



DATE TIME SPEED PHASE RTDGE LANE FRAME
11/16/2008 12:22:09.5 PM 15 R 1-45 4-3



DATE TIME SPEED PHASE RTDGE LANE FRAME
11/16/2008 12:22:11.0 PM 15 R 1-45 4-3



Pursuant to Ordinance 20.230 section 20.230.5 approved by Temple Terrace's City Council, the owner of a motor vehicle is liable for payment of a minimum civil penalty of \$100.00 if the owner's vehicle proceeds into an intersection equipped with a photographic traffic control monitoring system when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal. For a second or subsequent violation by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$125.00. For each additional offense against the owner of the same vehicle, within 24 months, the civil penalty shall be \$150.00. It has been determined that your vehicle proceeded into an intersection when the traffic control signal, for the direction in which your vehicle was traveling, was emitting a steady red signal. Failure to pay the civil penalty by the Due Date is an admission of liability in the full amount of the civil penalty assessed in the Notice of Violation and constitutes a waiver of the right to contest the Notice.

No points will be assessed against you for the civil penalty, nevertheless your failure to respond will cause this matter to be submitted to a collections agency and reported to the credit bureau. You have the right to contest the imposition of the civil penalty by signing and mailing the coupon below; the coupon must be received by the Due Date.

INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your Notice is to pay online. Go to www.ViolationInfo.com and logon with your Notice # and PIN # shown in the red box on the front of this notice. Click the Pay button. There is a \$4 convenience fee.

PAYMENT BY PHONE: Call toll free **1-866-790-4111** between 9:00 a.m. and 5:00 p.m. Eastern time.

PAYMENT BY MAIL: Mail your check or money order (payable to the **City of Temple Terrace**) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this notice. **DO NOT MAIL CASH.** Be sure to put the Notice # (see reverse) on the face of your payment.

PAYMENT IN PERSON: You may pay in person by check, money order, or credit card (Visa or MasterCard) at Temple Terrace City Hall, located at 11250 N. 56th St., Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. and 4:00 p.m..

VIEW YOUR IMAGES AND VIDEO: The recorded images and video of your violation will be submitted as evidence in the Police Department proceeding for disposition of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice inside the red box.

REQUEST AN APPEAL: You may contest the imposition of the civil penalty by requesting, in writing, an appeal for a Hearing. Sign and mail the coupon below; your request must be received by the Due Date stated on the front of this Notice. Upon receipt, you will be notified of the date, time and location of your hearing. Your request must be received before the due date. If you are found liable after a hearing you must pay an additional \$50 for court costs and you have 15 days in which to pay.

QUESTIONS: If you have any questions, please contact Customer Service toll free at **1-866-790-4111**.

It is presumed that the registered owner of the vehicle for which a civil red light Notice of Violation is issued is the person who committed the civil red light violation. However, if your vehicle was sold or stolen or was otherwise not in your care, custody or control without the consent of you, the registered owner, at the time of the violation, you may submit an Affidavit of Non-Responsibility at your hearing to rebut the presumption that you were driving the vehicle at the time of the violation.

1. You may print the form from the website: www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice to login to the website.
2. You must set forth the circumstances demonstrating that the vehicle was not in your care, custody, or control or that of a person with your consent.
3. The Affidavit of Non-Responsibility must be executed in the presence of a notary.
4. You must request an appeal for a hearing by signing and mailing the coupon below.

IF YOU ARE A RENTAL CAR COMPANY send your letter identifying the driver along with the copy of this Notice to the Violation Processing Center, PO Box 12129, Scottsdale, AZ 85267-2129.



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

DELINQUENT NOTICE OF VIOLATION



ANA MARIA GENNE
 9305 ALANBROOKE ST
 TAMPA, FL 33637-4965

NOTICE # 0940800035500

PIN # 4987

Pay with your Visa or MasterCard at
www.ViolationInfo.com

Amount Due: \$100.00

Date Due: Immediately

Vehicle License Number: LZA692	State: FL	
Year: 2007	Make: TOYT	Model/Style:
Location of Offense: WB E BUSCH BLVD / E BULLARD PKWY @ N 56TH ST		
Date / Time of Offense: 11/16/2008 12:22:11 pm		
Complaint Officer CARL AVARI COOPER	Badge Number 04950	
Traffic Code Section Number: 603		
Nature of Offense: Failure to stop at red light		
Issue Date: 01/05/2009		

If you have already responded to this Notice of Violation, please disregard this Notice.

Dear Sir/Madam:

You have failed to respond in a timely manner to the Notice of Violation listed above;

If you have not requested an appeal; you have waived your right to having one.

It is in your best interest to pay the civil penalties due immediately.

Failure to pay the civil fee shall result in paying the costs and attorney's fees required to collect the civil fee in addition to any other fees and charges. It will also result in the Suspension of City Privileges, such the right to utilize municipal facilities and obtain any licenses or permits.

Please see the reverse side for payment instructions.

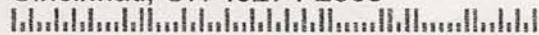
Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME: ANA MARIA GENNE	DUE: Immediate	
NOTICE #: 0940800035500	VERSION: 1	ISSUED: 01/05/2009
PLATE: LZA692	STATE: FL	TYPE:

- ✓ Make your check or money order payable to the City of Temple Terrace.
- ✓ DO NOT MAIL CASH
- ✓ Write the Notice # on the front of your payment
- ✓ Do not tape, staple or paperclip items
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.

City of Temple Terrace
 Red Light Safety Program
 PO Box 742503
 Cincinnati, OH 45274-2503



AMOUNT DUE: \$100.00

1 0940800035500 000002314987 100007

Pursuant to Ordinance 20.230 Section 20.230.5 approved by Temple Terrace's City Council, the owner of a motor vehicle is liable for payment of a minimum civil penalty of \$100.00 if the owner's vehicle proceeds into an intersection equipped with a photographic traffic control monitoring system when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal. For a second or subsequent violation by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$125.00. For each additional offense against the owner of the same vehicle, within 24 months, the civil penalty shall be \$150.00. It has been determined that your vehicle has proceeded into an intersection by entering the crosswalk on the near side of an intersection when the traffic control signal, for the direction in which your vehicle was traveling, was emitting a steady red signal.

If you have not requested an appeal, you have waived your right to having one.

No points will be assessed against you for the civil penalty, nevertheless your failure to respond will cause this matter to be submitted to a collections agency and reported to the credit bureau.

INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your Notice is online. Go to www.ViolationInfo.com and logon with your Notice # and PIN # shown in the red box on the front of this notice. Click the Pay button. There is a \$4 convenience fee.

PAYMENT BY PHONE: Call toll free **1-866-790-4111** between 9:00 a.m. and 5:00 p.m. Eastern time.

PAYMENT BY MAIL: Mail your check or money order (payable to the **City of Temple Terrace**) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this notice. **DO NOT MAIL CASH.** Be sure to put the Notice # (see reverse) on the face of your payment.

PAYMENT IN PERSON: You may pay in person by check, money order, or credit card (Visa or MasterCard) at the Temple Terrace City Hall, located at 11250 N. 56th Street, Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. and 4:00 p.m.

VIEW YOUR IMAGES AND VIDEO: The recorded images and video of your violation will be submitted as evidence in the Police Department proceeding for disposition of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice inside the red box.

QUESTIONS: If you have any questions, please contact Customer Service toll free at **1-866-790-4111**.



City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

ANA MARIA GENNE
9305 ALANBROOKE ST
TAMPA, FL 33637-4965

DATE: 12/31/2008

PLATE: FL LZA692

Notice of Violation # 0940800035500

We are in receipt of your request for an administrative hearing for the above referenced Notice of Violation. Pursuant to Ordinance 20.230 section 20.230.9 approved by Temple Terrace City Council the request for a hearing must be received by the due date of your Notice of Violation.

You have failed to meet the requirements set forth in the City Ordinance and as a result your request has been denied.

City of Temple Terrace



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

CITY OF TEMPLE TERRACE
 NOTICE OF VIOLATION

NOTICE # 0940800055979
 PIN # 4987
 Pay with your Visa or Mastercard at www.ViolationInfo.com

Amount Due: \$125.00
 Due Date: 01/20/2009



ANA MARIA GENNE
 9305 ALANBROOKE ST
 TAMPA, FL 33637-4965



DATE: 12/6/2008 8:24:08.4 AM SPEED: 11 R RED: 9.7 L: 0
 TIME: 8:24:08.4 AM SPEED: 11 R RED: 9.7 L: 0
 LOCATION: W/B E BUSCH BLVD / E BULLARD PKWY @ E 56TH ST



DATE: 12/6/2008 8:24:08.3 AM SPEED: 11 R RED: 9.7 L: 0
 TIME: 8:24:08.3 AM SPEED: 11 R RED: 9.7 L: 0
 LOCATION: W/B E BUSCH BLVD / E BULLARD PKWY @ E 56TH ST



ONV (Date)	AT TIME	AT LOCATION			
12/06/2008	08:24 AM	W/B E BUSCH BLVD / E BULLARD PKWY @ N 56TH ST			
NAME (FIRST, MIDDLE, LAST)					
ANA MARIA GENNE					
STREET ADDRESS					
9305 ALANBROOKE ST					
CITY			STATE	ZIP CODE	
TAMPA			FL	33637-4965	
DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK					
INFO - VIN	YEAR	MAKE	MODEL	STYLE	COLOR
	2007	TOYT		UT	SIL
			NUMBER	STATE	YEAR
			LZA692	FL	2007
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE OF THE CITY OF TEMPLE TERRACE TRAFFIC LIGHT SAFETY ACT. THE RECORDED IMAGES RELATING TO THE VEHICLE STATED ABOVE ARE EVIDENCE OF A: RED ZONE INFRACTION (Failure To Stop At a Red Light)					
IN VIOLATION OF:		<input type="checkbox"/> RSM	APPROX SPEED	POSTED SPEED	
Ordinance 20.230		<input checked="" type="checkbox"/> ORD	11 MPH	30 MPH	
POLICE DEPARTMENT			ID #	DATE	
JACOB PALMERTON			612	12/17/2008	
THE TEMPLE TERRACE POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A RED ZONE INFRACTION AND A: CIVIL PENALTY FINE OF \$125.00				ISSUE DATE	
				12/18/2008	



Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME: ANA MARIA GENNE	DUE: 01/20/2009
NOTICE #: 0940800055979	VERSION: 1 ISSUED: 12/18/2008
PLATE: LZA692	STATE: FL TYPE:

No points will be assessed for this Notice of Violation.

- ✓ Make your check or money order payable to the City of Temple Terrace.
- ✓ DO NOT MAIL CASH.
- ✓ Write the Notice # on the front of your payment.
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.
- ✓ You must respond with either a payment or a hearing request before the Due Date.

City of Temple Terrace
 Red Light Safety Program
 PO Box 742503
 Cincinnati, OH 45274-2503



AMOUNT DUE: \$125.00

1 0940800055979 000002314987 125009

Pursuant to Ordinance 20.230 section 20.230.5 approved by Temple Terrace's City Council, the owner of a motor vehicle is liable for payment of a minimum civil penalty of \$100.00 if the owner's vehicle proceeds into an intersection equipped with a photographic traffic control monitoring system when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal. For a second or subsequent violation by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$125.00. For each additional offense against the owner of the same vehicle, within 24 months, the civil penalty shall be \$150.00. It has been determined that your vehicle proceeded into an intersection when the traffic control signal, for the direction in which your vehicle was traveling, was emitting a steady red signal. Failure to pay the civil penalty by the Due Date is an admission of liability in the full amount of the civil penalty assessed in the Notice of Violation and constitutes a waiver of the right to contest the Notice.

No points will be assessed against you for the civil penalty, nevertheless your failure to respond will cause this matter to be submitted to a collections agency and reported to the credit bureau. You have the right to contest the imposition of the civil penalty by signing and mailing the coupon below; the coupon must be received by the Due Date.

INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your Notice is to pay online. Go to www.ViolationInfo.com and logon with your Notice # and PIN # shown in the red box on the front of this notice. Click the Pay button. There is a \$4 convenience fee.

PAYMENT BY PHONE: Call toll free 1-866-790-4111 between 9:00 a.m. and 5:00 p.m. Eastern time.

PAYMENT BY MAIL: Mail your check or money order (payable to the City of Temple Terrace) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this notice. DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment.

PAYMENT IN PERSON: You may pay in person by check, money order, or credit card (Visa or MasterCard) at Temple Terrace City Hall, located at 11250 N. 56th St., Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. and 4:00 p.m..

VIEW YOUR IMAGES AND VIDEO: The recorded images and video of your violation will be submitted as evidence in the Police Department proceeding for disposition of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice inside the red box.

REQUEST AN APPEAL: You may contest the imposition of the civil penalty by requesting, in writing, an appeal for a Hearing. Sign and mail the coupon below; your request must be received by the Due Date stated on the front of this Notice. Upon receipt, you will be notified of the date, time and location of your hearing. Your request must be received before the due date. If you are found liable after a hearing you must pay an additional \$50 for court costs and you have 15 days in which to pay.

QUESTIONS: If you have any questions, please contact Customer Service toll free at 1-866-790-4111.

It is presumed that the registered owner of the vehicle for which a civil red light Notice of Violation is issued is the person who committed the civil red light violation. However, if your vehicle was sold or stolen or was otherwise not in your care, custody or control without the consent of you, the registered owner, at the time of the violation, you may submit an Affidavit of Non-Responsibility at your hearing to rebut the presumption that you were driving the vehicle at the time of the violation.

1. You may print the form from the website: www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice to login to the website.
2. You must set forth the circumstances demonstrating that the vehicle was not in your care, custody, or control or that of a person with your consent.
3. The Affidavit of Non-Responsibility must be executed in the presence of a notary.
4. You must request an appeal for a hearing by signing and mailing the coupon below.

IF YOU ARE A RENTAL CAR COMPANY send your letter identifying the driver along with the copy of this Notice to the Violation Processing Center, PO Box 12129, Scottsdale, AZ 85267-2129.

Detach here and return the bottom portion as a request to contest this Notice of Violation

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be received by the Due Date of this notice to be a valid request. I understand that I must attend this hearing in-person. I also understand that I will be notified of the date, time and location of the hearing. Please sign and print name using blue or black ink.

Signed: _____

Print Name: _____

EXHIBIT "D"

14 PAGES

PRO COPY INC.

NOT GUILTY



City of Temple Terrace
 Red Light Violations
 11250 N. 56th Street
 Temple Terrace, FL 33617

5

RED LIGHT VIOLATION HEARING DISPOSITION

City of Temple Terrace VS NAME: **Pro Copy INC**
 NOTICE #: **0940800002096**
 FINE: **100.00**

ORDER

VIOLATION NOT-SUSTAINED

HEARING RESCHEDULED:
 NEXT COURT DATE: April 1, 2009
 11250 N. 56TH STREET, TEMPLE TERRACE, FL 33617

VIOLATOR FAILED TO SHOW

VIOLATION SUSTAINED/GUILTY OF VIOLATION
 This cause having come before the Hearing Officer on March 4, 2009 and the Hearing Officer having taken testimony and being otherwise fully informed of the circumstances; it is hereby ORDERED that the Defendant shall pay the total amount due.

FINE SET BY HEARING OFFICER: _____
 COURT COSTS: _____

TOTAL AMOUNT DUE: —

HEARING OFFICER: Temple H. Drummond DATE: 3/4/09
SIGNATURE



City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

NOTICE OF DETERMINATION

PRO COPY INC
PO BOX 16489
TEMPLE TERRACE, FL 33687-6489

DEFENDANT INFORMATION

NAME: PRO COPY INC
ADDRESS: PO BOX 16489
TEMPLE TERRACE, FL 33687-6489

LICENSE PLATE: E721NS **STATE:** FL
NOTICE #: 0940800002096
PIN #: 9941

HEARING INFORMATION

HEARING DATE: 03/04/2009
HEARING TIME: 6:00 PM
HEARING LOCATION: City of Temple Terrace
11250 N. 56th Street
Temple Terrace, FL 33617
DETERMINATION: NOT SUSTAINED
REASON: NO ACTION NEEDED
AMOUNT DUE: \$0.00

We apologize for any inconvenience. No further action is required.

We recommend that you keep this notification for your records.



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

CITY OF TEMPLE TERRACE

NOTICE OF VIOLATION

NOTICE # **0940800002096**
 PIN # **9941**
 Pay with your Visa or Mastercard at www.ViolationInfo.com

Amount Due: \$100.00
Due Date: 12/03/2008



PRO COPY INC
 PO BOX 16489
 TEMPLE TERRACE, FL 33687-6489

ON/ (Date)	AT TIME	AT LOCATION			
10/18/2008	08:03 AM	S/B N 56TH ST @ E FOWLER AVE			
NAME (FIRST, MIDDLE, LAST)					
PRO COPY INC					
STREET ADDRESS					
PO BOX 16489					
CITY			STATE	ZIP CODE	
TEMPLE TERRACE			FL	33687-6489	
DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK					
V M-C-INTK	YEAR	MAKE	MODEL	STYLE	COLOR
	1999	NISS		SW	BGE
	L C	NUMBER	STATE	YEAR	
		E721NS	FL	1999	
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE OF THE CITY OF TEMPLE TERRACE TRAFFIC LIGHT SAFETY ACT. THE RECORDED IMAGES RELATING TO THE VEHICLE STATED ABOVE ARE EVIDENCE OF A: RED ZONE INFRACTION (Failure To Stop At a Red Light)					
IN VIOLATION OF:		<input type="checkbox"/> RSM	APPROX SPEED	POSTED SPEED	
Ordinance 20.230		<input checked="" type="checkbox"/> ORD	16 MPH	50 MPH	
POLICE DEPARTMENT			ID #	DATE	
CARL AVARI COOPER			04950	10/31/2008	
THE TEMPLE TERRACE POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A RED ZONE INFRACTION AND A: CIVIL PENALTY FINE OF \$100.00				ISSUE DATE	
				11/03/2008	



DATE: 10/18/2008 TIME: 8:03:27.4 AM SPEED: 16 PHASE: R PCING: 6 LANE: 6 FRAME: A
 **02-S/B N 56TH ST @ E FOWLER AVE



DATE: 10/18/2008 TIME: 8:03:29.1 AM SPEED: 16 PHASE: R PCING: 6 LANE: 6 FRAME: B
 **02-S/B N 56TH ST @ E FOWLER AVE



Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME:	PRO COPY INC	DUE:	12/03/2008
NOTICE #:	0940800002096	VERSION:	1 ISSUED: 11/03/2008
PLATE:	E721NS	STATE:	FL TYPE:

No points will be assessed for this Notice of Violation.

- ✓ **Make your check or money order payable to the City of Temple Terrace.**
- ✓ **DO NOT MAIL CASH.**
- ✓ Write the Notice # on the front of your payment.
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.
- ✓ You must respond with either a payment or a hearing request before the Due Date.

City of Temple Terrace
 Red Light Safety Program
 PO Box 742503
 Cincinnati, OH 45274-2503



AMOUNT DUE: \$100.00

1 0940800002096 000002199941 100002

Pursuant to Ordinance 20.230 section 20.230.5 approved by Temple Terrace's City Council, the owner of a motor vehicle is liable for payment of a minimum civil penalty of \$100.00 if the owner's vehicle proceeds into an intersection equipped with a photographic traffic control monitoring system when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal. For a second or subsequent violation by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$125.00. For each additional offense against the owner of the same vehicle, within 24 months, the civil penalty shall be \$150.00. It has been determined that your vehicle proceeded into an intersection when the traffic control signal, for the direction in which your vehicle was traveling, was emitting a steady red signal. Failure to pay the civil penalty by the Due Date is an admission of liability in the full amount of the civil penalty assessed in the Notice of Violation and constitutes a waiver of the right to contest the Notice.

No points will be assessed against you for the civil penalty, nevertheless your failure to respond will cause this matter to be submitted to a collections agency and reported to the credit bureau. You have the right to contest the imposition of the civil penalty by signing and mailing the coupon below; the coupon must be received by the Due Date.

INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your Notice is to pay online. Go to www.ViolationInfo.com and logon with your Notice # and PIN # shown in the red box on the front of this notice. Click the Pay button. There is a \$4 convenience fee.

PAYMENT BY PHONE: Call toll free 1-866-790-4111 between 9:00 a.m. and 5:00 p.m. Eastern time.

PAYMENT BY MAIL: Mail your check or money order (payable to the **City of Temple Terrace**) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this notice. **DO NOT MAIL CASH.** Be sure to put the Notice # (see reverse) on the face of your payment.

PAYMENT IN PERSON: You may pay in person by check, money order, or credit card (Visa or MasterCard) at Temple Terrace City Hall, located at 11250 N. 56th St., Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. and 4:00 p.m..

VIEW YOUR IMAGES AND VIDEO: The recorded images and video of your violation will be submitted as evidence in the Police Department proceeding for disposition of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice inside the red box.

REQUEST AN APPEAL: You may contest the imposition of the civil penalty by requesting, in writing, an appeal for a Hearing. Sign and mail the coupon below; your request must be received by the Due Date stated on the front of this Notice. Upon receipt, you will be notified of the date, time and location of your hearing. Your request must be received before the due date. If you are found liable after a hearing you must pay an additional \$50 for court costs and you have 15 days in which to pay.

QUESTIONS: If you have any questions, please contact Customer Service toll free at 1-866-790-4111.

It is presumed that the registered owner of the vehicle for which a civil red light Notice of Violation is issued is the person who committed the civil red light violation. However, if your vehicle was sold or stolen or was otherwise not in your care, custody or control without the consent of you, the registered owner, at the time of the violation, you may submit an Affidavit of Non-Responsibility at your hearing to rebut the presumption that you were driving the vehicle at the time of the violation.

1. You may print the form from the website: www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice to login to the website.
2. You must set forth the circumstances demonstrating that the vehicle was not in your care, custody, or control or that of a person with your consent.
3. The Affidavit of Non-Responsibility must be executed in the presence of a notary.
4. You must request an appeal for a hearing by signing and mailing the coupon below.

IF YOU ARE A RENTAL CAR COMPANY send your letter identifying the driver along with the copy of this Notice to the Violation Processing Center, PO Box 12129, Scottsdale, AZ 85267-2129.

Detach here and return the bottom portion as a request to contest this Notice of Violation

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be received by the Due Date of this notice to be a valid request. I understand that I must attend this hearing in-person. I also understand that I will be notified of the date, time and location of the hearing. **Please sign and print name using blue or black ink.**

Signed: _____

Print Name: _____



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

DELINQUENT NOTICE OF VIOLATION



PRO COPY INC
 PO BOX 16489
 TEMPLE TERRACE, FL 33687-6489

NOTICE # 0940800002096
PIN # 9941
 Pay with your Visa or MasterCard at
www.ViolationInfo.com

Amount Due: \$100.00

Date Due: Immediately

Vehicle License Number: E721NS	State: FL	
Year: 1999	Make: NISS	Model/Style:
Location of Offense: S/B N 56TH ST @ E FOWLER AVE		
Date / Time of Offense: 10/18/2008 08:03:29 am		
Complaint Officer CARL AVARI COOPER	Badge Number 04950	
Traffic Code Section Number: 603		
Nature of Offense: Failure to stop at red light		
Issue Date: 11/03/2008		

If you have already responded to this Notice of Violation, please disregard this Notice.

Dear Sir/Madam:

You have failed to respond in a timely manner to the Notice of Violation listed above;

If you have not requested an appeal; you have waived your right to having one.

It is in your best interest to pay the civil penalties due immediately.

Failure to pay the civil fee shall result in paying the costs and attorney's fees required to collect the civil fee in addition to any other fees and charges. It will also result in the Suspension of City Privileges, such the right to utilize municipal facilities and obtain any licenses or permits.

Please see the reverse side for payment instructions.

Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME: PRO COPY INC	DUE: Immediate		
NOTICE #: 0940800002096	VERSION: 1	ISSUED: 11/03/2008	
PLATE: E721NS	STATE: FL	TYPE:	

- ✓ Make your check or money order payable to the **City of Temple Terrace.**
- ✓ DO NOT MAIL CASH
- ✓ Write the Notice # on the front of your payment
- ✓ Do not tape, staple or paperclip items
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.

City of Temple Terrace
 Red Light Safety Program
 PO Box 742503
 Cincinnati, OH 45274-2503

AMOUNT DUE: \$100.00

1 0940800002096 000002199941 100002

Pursuant to Ordinance 20.230 Section 20.230.5 approved by Temple Terrace's City Council, the owner of a motor vehicle is liable for payment of a minimum civil penalty of \$100.00 if the owner's vehicle proceeds into an intersection equipped with a photographic traffic control monitoring system when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal. For a second or subsequent violation by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$125.00. For each additional offense against the owner of the same vehicle, within 24 months, the civil penalty shall be \$150.00. It has been determined that your vehicle has proceeded into an intersection by entering the crosswalk on the near side of an intersection when the traffic control signal, for the direction in which your vehicle was traveling, was emitting a steady red signal.

If you have not requested an appeal, you have waived your right to having one.

No points will be assessed against you for the civil penalty, nevertheless your failure to respond will cause this matter to be submitted to a collections agency and reported to the credit bureau.

INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your Notice is online. Go to www.ViolationInfo.com and logon with your Notice # and PIN # shown in the red box on the front of this notice. Click the Pay button. There is a \$4 convenience fee.

PAYMENT BY PHONE: Call toll free **1-866-790-4111** between 9:00 a.m. and 5:00 p.m. Eastern time.

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PAYMENT IN PERSON: You may pay in person by check, money order, or credit card (Visa or MasterCard) at the Temple Terrace City Hall, located at 11250 N. 56th Street, Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. and 4:00 p.m.

VIEW YOUR IMAGES AND VIDEO: The recorded images and video of your violation will be submitted as evidence in the Police Department proceeding for disposition of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice inside the red box.

QUESTIONS: If you have any questions, please contact Customer Service toll free at **1-866-790-4111**.

City of Temple Terrace
11250 N. 56th Street
Temple Terrace, FL 33617



DECLARATION/AFFIDAVIT

Document Number: 0940800002096

Date Created: 12/11/2008 12:50:16PM

#0940800002096

Detach here and return the bottom portion as a request to contest this Notice of Violation

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be received by the Due Date of this notice to be a valid request. I understand that I must attend this hearing in-person. I also understand that I will be notified of the date, time and location of the hearing. Please sign and print name using blue or black ink.

Signed: *Eric Stattham*

Print Name: ERIC STATTHAM



Scheduled hearing

MAR 11 2009



Violation Evidence Report

Complaint Number:
Docket Number:
Document Number: 0940800002096

Document Information:

Document Type: VIOLATION DATA REPORT
Version: v 1.0
Issue Date: 11/3/2008 1:04:42PM
Appearance Date: 12/3/2008 1:04:42PM

Violation Information:

Violation Date / Time: 10/18/2008 8:03:29AM
Violation Location: S/B N 56TH ST @ E FOWLER AVE
TEMPLE TERRACE, FL
Plate No./ State: E721NS FL
Make / Model / Year:: NISS / 1999
Registered Owner: PRO COPY INC
Name / Address: PO BOX 16489
TEMPLE TERRACE, FL 33687-6489

Driver:
Name / Address

Photo Radar Van Operator:

State Exhibit:





Violation Evidence Report

Complaint Number:

Docket Number:

Document Number: 0940800002096

DATE	TIME	SPEED	PHASE	RTIME	LANE	FRAME
10/18/2008	8:03:27.4 AM	16	R	97.6	6	A
TT02-S/B N 56TH ST @ E FOWLER AVE						



State Exhibit:





Violation Evidence Report

Complaint Number:

Docket Number:

Document Number: 0940800002096

DATE	TIME	SPEED	PHASE	RTIME	LANE	FRAME
10/18/2008	8:03:29.1 AM	16	R	99.3	6	B
TT02-S/B N 56TH ST @ E FOWLER AVE						



State Exhibit:





Violation Evidence Report

Complaint Number:

Docket Number:

Document Number: 0940800002096



State Exhibit:





Violation Evidence Report

Complaint Number:
Docket Number:
Document Number: 0940800002096

NOTES

<u>Note</u>	<u>Added By</u>	<u>Added Date</u>
Hearing Scheduled on: 03/04/2009 at 06:00 PM	PPOWERS	01/08/2009 12:47:56 PM
Review Scheduled on: 01/07/2009 at 03:00 PM	SYSTEM	12/11/2008 03:45:59 PM

State Exhibit:





City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

PRO COPY INC
PO BOX 16489
TEMPLE TERRACE, FL 33687-6489

DATE: 01/08/2009

PLATE: FL E721NS

Notice of Violation # 0940800002096

The court date for the above mentioned violation has been scheduled for:

03/04/2009 06:00 PM
City of Temple Terrace
11250 N. 56th Street
Temple Terrace, FL 33617

If you choose not to appear, you waive the right to contest this citation and must pay the fine of \$100.00 on or before the day of your scheduled hearing. Failure to pay shall result in an imposition of an additional court costs of \$50.00.

Pursuant to the Ordinance 20.230 approved by Temple Terrace's City Council, if you wish to submit an Affidavit of Non-Responsibility you will need the following information:

- a. The name, current address and driver's license number of the person operating the vehicle without your consent at the time and place of the violation; or
- b. A copy of the seller's report if the vehicle was sold; or
- c. A copy of the police report if the vehicle was stolen.

City of Temple Terrace



Camera Log Report

Document #: 0940800002096

Location: S/B N 56TH ST @ E FOWLER AVE

<u>Event</u>	<u>Date / Time</u>	<u>Status</u>
Deployment Start	10/18/2008 12:00:00AM	Operational Tests Passed
Violation	10/18/2008 8:03:29AM	
Deployment End	10/18/2008 11:59:59PM	Operational Tests Passed

Signs were Posted

State Exhibit

EXHIBIT "E"

12 PAGES

PRO COPY INC.

GUILTY



City of Temple Terrace
 Red Light Violations
 11250 N. 56th Street
 Temple Terrace, FL 33617

RED LIGHT VIOLATION HEARING DISPOSITION

City of Temple Terrace

VS NAME: **Pro Copy**
 NOTICE #: **0940800043504**
 FINE: **100.00**

ORDER

_____ VIOLATION NOT-SUSTAINED

_____ HEARING RESCHEDULED:
 NEXT COURT DATE: April 1, 2009
 11250 N. 56TH STREET, TEMPLE TERRACE, FL 33617

_____ VIOLATOR FAILED TO SHOW

VIOLATION SUSTAINED/GUILTY OF VIOLATION

This cause having come before the Hearing Officer on March 4, 2009 and the Hearing Officer having taken testimony and being otherwise fully informed of the circumstances; it is hereby ORDERED that the Defendant shall pay the total amount due.

FINE SET BY HEARING OFFICER: \$100
 COURT COSTS: 50

TOTAL AMOUNT DUE: \$150

HEARING OFFICER: Temple H. Drummond DATE: 3/4/09
SIGNATURE



City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

NOTICE OF DETERMINATION

PRO COPY INC
PO BOX 16489
TEMPLE TERRACE, FL 33687-6489

DEFENDANT INFORMATION

NAME: PRO COPY INC
ADDRESS: PO BOX 16489
TEMPLE TERRACE, FL 33687-6489

LICENSE PLATE: D976HF **STATE:** FL
NOTICE #: 0940800043504
PIN #: 8515

HEARING INFORMATION

HEARING DATE: 07/01/2009
HEARING TIME: 6:00 PM
HEARING LOCATION: City of Temple Terrace
11250 N. 56th Street
Temple Terrace, FL 33617
DETERMINATION: SUSTAINED

AMOUNT DUE: \$150.00



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

CITY OF TEMPLE TERRACE
 NOTICE OF VIOLATION

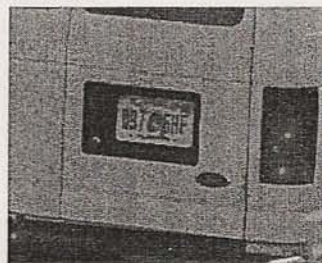
NOTICE # **0940800043504**
 PIN # **8515**
 Pay with your Visa or Mastercard at www.ViolationInfo.com

Amount Due: \$100.00
Due Date: 01/05/2009



PRO COPY INC
 PO BOX 16489
 TEMPLE TERRACE, FL 33687-6489

ON/ (Date) 11/24/2008	AT TIME 01:15 PM	AT LOCATION S/B N 56TH ST @ E FOWLER AVE
NAME (FIRST, MIDDLE, LAST) PRO COPY INC		
STREET ADDRESS PO BOX 16489		
CITY TEMPLE TERRACE	STATE FL	ZIP CODE 33687-6489
DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK		
VEHICLE YEAR 2007	MAKE FORD	MODEL LC
STYLE VN	COLOR WHI	NUMBER D976HF
STATE FL	YEAR 2007	
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE OF THE CITY OF TEMPLE TERRACE TRAFFIC LIGHT SAFETY ACT. THE RECORDED IMAGES RELATING TO THE VEHICLE STATED ABOVE ARE EVIDENCE OF A: RED ZONE INFRACTION (Failure To Stop At a Red Light)		
IN VIOLATION OF: Ordinance 20.230	<input type="checkbox"/> RSM <input checked="" type="checkbox"/> ORD	APPROX SPEED 22 MPH
		POSTED SPEED 50 MPH
POLICE DEPARTMENT JACOB PALMERTON	ID # 612	DATE 12/04/2008
THE TEMPLE TERRACE POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A RED ZONE INFRACTION AND A CIVIL PENALTY FINE OF \$100.00		ISSUE DATE 12/05/2008



DATE TIME SPEED PHASE RTIME LANE FRAME
 11/24/2008 1:15:23.9 PM 22 R 21.3 6 A
 7702-S/B N 56TH ST @ E FOWLER AVE



DATE TIME SPEED PHASE RTIME LANE FRAME
 11/24/2008 1:15:25.6 PM 22 R 23 6 B
 7702-S/B N 56TH ST @ E FOWLER AVE



Pay with your Visa or MasterCard at www.ViolationInfo.com or mail your check or money order with this coupon to the address below



NAME: PRO COPY INC	DUE: 01/05/2009
NOTICE #: 0940800043504	VERSION: 1 ISSUED: 12/05/2008
PLATE: D976HF	STATE: FL TYPE:

No points will be assessed for this Notice of Violation.

- ✓ Make your check or money order payable to the City of Temple Terrace.
- ✓ DO NOT MAIL CASH.
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- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.
- ✓ You must respond with either a payment or a hearing request before the Due Date.

City of Temple Terrace
 Red Light Safety Program
 PO Box 742503
 Cincinnati, OH 45274-2503



AMOUNT DUE: \$100.00

1 0940800043504 000002088515 100002

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QUESTIONS: If you have any questions, please contact Customer Service toll free at **1-866-790-4111**.

It is presumed that the registered owner of the vehicle for which a civil red light Notice of Violation is issued is the person who committed the civil red light violation. However, if your vehicle was sold or stolen or was otherwise not in your care, custody or control without the consent of you, the registered owner, at the time of the violation, you may submit an Affidavit of Non-Responsibility at your hearing to rebut the presumption that you were driving the vehicle at the time of the violation.

1. You may print the form from the website: www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice to login to the website.
2. You must set forth the circumstances demonstrating that the vehicle was not in your care, custody, or control or that of a person with your consent.
3. The Affidavit of Non-Responsibility must be executed in the presence of a notary.
4. You must request an appeal for a hearing by signing and mailing the coupon below.

IF YOU ARE A RENTAL CAR COMPANY send your letter identifying the driver along with the copy of this Notice to the Violation Processing Center, PO Box 12129, Scottsdale, AZ 85267-2129.

Detach here and return the bottom portion as a request to contest this Notice of Violation

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be received by the Due Date of this notice to be a valid request. I understand that I must attend this hearing in-person. I also understand that I will be notified of the date, time and location of the hearing. Please sign and print name using blue or black ink.

Signed: _____

Print Name: _____

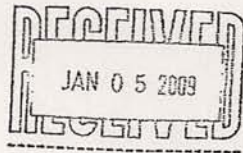


DECLARATION/AFFIDAVIT

Document Number: 0940800043504

Date Created: 1/10/2009 11:54:30AM

0940800043504



Detach here and return the bottom portion as a request to contest this Notice of Violation

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be received by the Due Date of this notice to be a valid request. I understand that I must attend this hearing in-person. I also understand that I will be notified of the date, time and location of the hearing. Please sign and print name using blue or black ink.

Signed: Eric Statman

Print Name: ERIC STATMAN

0940800043504

Scheduled Hearing

FEB 03 2009



Violation Evidence Report

Complaint Number:
Docket Number:
Document Number: 0940800043504

Document Information:

Document Type: VIOLATION DATA REPORT
Version: v 1.0
Issue Date: 12/5/2008 9:29:58AM
Appearance Date: 1/5/2009 9:29:58AM

Violation Information:

Violation Date / Time: 11/24/2008 1:15:25PM
Violation Location: S/B N 56TH ST @ E FOWLER AVE
TEMPLE TERRACE, FL
Plate No./ State: D976HF FL
Make / Model / Year:: FORD / 2007
Registered Owner: PRO COPY INC
Name / Address PO BOX 16489
TEMPLE TERRACE, FL 33687-6489
Driver:
Name / Address

Photo Radar Van Operator:

State Exhibit:





Violation Evidence Report

Complaint Number:

Docket Number:

Document Number: 0940800043504

DATE	TIME	SPEED	PHASE	RTIME	LANE	FRAME
11/24/2008	1:15:23.9 PM	22	R	21.3	6	A
TT02-S/B N 56TH ST @ E FOWLER AVE						



State Exhibit:





Violation Evidence Report

Complaint Number:

Docket Number:

Document Number: 0940800043504

DATE	TIME	SPEED	PHASE	RTIME	LANE	FRAME
11/24/2008	1:15:25.6 PM	22	R	23	6	B
TT02-S/B N 56TH ST @ E FOWLER AVE						



State Exhibit:





Violation Evidence Report

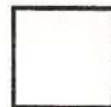
Complaint Number:

Docket Number:

Document Number: 0940800043504



State Exhibit:





Violation Evidence Report

Complaint Number:
Docket Number:
Document Number: 0940800043504

NOTES

Note	Added By	Added Date
Hearing Scheduled on: 07/01/2009 at 06:00 PM	BSEELEY	02/04/2009 03:01:52 PM
Review Request made for document that already has a review scheduled.	SYSTEM	01/05/2009 06:09:20 PM
Review Scheduled on: 02/03/2009 at 11:00 AM	SYSTEM	01/05/2009 06:09:19 PM

State Exhibit:





City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

PRO COPY INC
PO BOX 16489
TEMPLE TERRACE, FL 33687-6489

DATE: 02/04/2009

PLATE: FL D976HF

Notice of Violation # 0940800043504

Please be advised that pursuant to City Code Section 20.230.10, the evidentiary hearing on your appeal of the City's Notice of Violation has been scheduled before a hearing officer as follows:

07/01/2009 06:00 PM
City Hall
City of Temple Terrace
11250 N 56th Street
Temple Terrace, FL 33617

If you cannot appear at the scheduled hearing, you may seek one continuance of such hearing by delivering a written request for continuance to Red Light Safety Program at the above address at least forty-eight hours prior to the scheduled hearing. If a written request for a continuance is not timely received by the Red Light Safety Program and you do not appear for the scheduled hearing you waive the right to contest the Notice of Violation. If you do not proceed with the appeal and you have not paid the civil fee by 5:00 p.m. the day before your scheduled hearing or continued hearing, you will be responsible for payment of both the applicable civil fee and \$50.00 costs associated with the hearing.

If you wish to establish that the subject vehicle was, at the time of the subject infraction, in the care, custody or control of another person without the consent of the registered owner, or was subject to a short term (less than six months) car rental agreement, you must submit an affidavit containing the information described in City Code Section 20.230.11.

City of Temple Terrace



Camera Log Report

Document #: 0940800043504

Location: S/B N 56TH ST @ E FOWLER AVE

<u>Event</u>	<u>Date / Time</u>	<u>Status</u>
Deployment Start	11/24/2008 12:00:00AM	Operational Tests Passed
Violation	11/24/2008 1:15:25PM	
Deployment End	11/24/2008 11:59:59PM	Operational Tests Passed

Signs were Posted

State Exhibit

EXHIBIT "F"

10 PAGES

**RED LIGHT ORDINANCE 1217
& AMENDMENT ORDINANCE 1242**

ORDINANCE NO. 1217

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 20, TEMPLE TERRACE CODE OF ORDINANCES BY ENACTING A NEW SECTION 20.230 ENTITLED "RED LIGHT TRAFFIC SIGNAL CAMERA ENFORCEMENT SYSTEM" AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF UNMANNED CAMERAS/MONITORING DEVICES FOR RED LIGHT INFRACTIONS; PROVIDING FOR AUTOMATED ENFORCEMENT OF CERTAIN TRAFFIC VIOLATIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES, AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, after due consideration, the Mayor and City Council of the City of Temple Terrace, Florida, have determined that Temple Terrace is a high density traffic area and regularly experiences traffic incidents related to the failure of motorists to obey duly erected traffic control devices, which exposes its citizens and visitors to the dangers of personal injury and property damage, constituting a potential hazard to the health, safety, and welfare of the citizens of Temple Terrace; and

WHEREAS, the Mayor and City Council of the City of Temple Terrace are concerned with the inability to sufficiently enforce Section 316.075, Florida Statutes, which prohibits drivers from running red lights, due primarily to the requirement set forth in Section 316.640(5), Florida Statutes, which provides that enforcement of the preceding statute requires the personal observation of a law enforcement officer; and

WHEREAS, the Mayor and City Council of the City of Temple Terrace find that the City does not have the resources necessary to post law enforcement officers at intersections to effectively enforce Section 316.075, Florida Statutes, in a manner that would reduce the significant dangers presented to motorists and pedestrians by the failure to stop for a red light; and

WHEREAS, local governments in different parts of the state of Florida and throughout the United States have demonstrated the enhancement of vehicular and pedestrian traffic safety attributable to the integration of automated image capture technologies with traditional traffic law enforcement methods; and

WHEREAS, the use of unmanned cameras to enforce toll violations on the State of Florida's toll roads has been determined to be fair, reasonable, and sufficient by the State of Florida in order to effectively enforce laws regulating the payment of tolls without the need to commit the extreme amount of personnel that would be necessary without the use of unmanned cameras; and

WHEREAS, similarly, the Mayor and City Council of the City of Temple Terrace finds that the use of unmanned cameras will be effective in enforcing laws requiring vehicles to stop for red lights, therefore permitting law enforcement resources to be more efficiently utilized in responding to other serious criminal and traffic offenses; and

WHEREAS, Section 316.008, Florida Statutes, grants cities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of police power, authority to regulate and monitor traffic by means of police officers and security devices; and

State of Florida
County of Hillsborough

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, HEREBY CERTIFY that this is a true and correct copy of Page 1 of Ordinance No. 1217, as shown in the records of the City on file in the Office of the City Clerk, adopted February 19, 2008.

1/3/08, 1/17/08, 1/23/08(v4)

Witness my hand and the corporate seal of the City of Temple Terrace, Florida, this 2nd day of February, 2009.

Melissa G. Bowling, MMC
City Clerk, City of Temple Terrace, Florida

WHEREAS, the City of Temple Terrace has the power of local self-government pursuant to Article VIII, §2(b), of the Florida Constitution and Chapter 166, Florida Statutes, the Municipal Home Rule Powers Act, to enact an ordinance making the failure to stop for a red light indication a violation of the City's Code of Ordinances, and to provide for enforcement of such violation of the City's Code of Ordinances through the use of the City's Code Enforcement Special Magistrate; and

WHEREAS, Florida Attorney General Opinion 05-41 ("AGO 05-41"), dated July 12, 2005, confirms the authority of local government to enact an ordinance making the failure to stop at a red light indication a violation of the City's Code of Ordinances, to use unmanned cameras to monitor intersections in the City for such violations of the Code, and to record the license tag numbers of vehicles involved in such violation (see also, Florida Attorney General Opinion 97-06, dated January 24, 1997); and

WHEREAS, in AGO 05-41, the Florida Attorney General opined that the City may not issue traffic citations under Section 316.075, Florida Statutes, to drivers for violations observed by the use of unmanned cameras and not otherwise observed by police officers; and

WHEREAS, in order to be consistent with Chapter 316, Florida Statutes, and the opinions of the Florida Attorney General, the City shall enact this ordinance that will make running a red light a violation of the City's Code of Ordinances, issue Notices of Violations to registered owners of vehicles for violation of this ordinance, provide a mechanism whereby appeals of such Notices of Violation will be heard by an impartial decision-maker, will not utilize the uniform traffic citation prescribed by Chapter 316, and will not prosecute offenses of this ordinance through County Court; and

WHEREAS, the Mayor and City Council find it to be fair and reasonable to use the same procedures used by the State of Florida to enforce toll violations through unmanned cameras and to provide alleged violators with the opportunity to have a hearing within the City using the City's Code Enforcement Special Magistrate; and

WHEREAS, the Mayor and City Council of the City of Temple Terrace find that implementation of the enforcement program as set forth herein will promote, protect, and improve the health, safety, and welfare of its citizens, consistent with the authority of and limitations set forth in the Florida Constitution and the Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Chapter 20, Temple Terrace Code of Ordinances is hereby amended by enacting a new Section 20.230, entitled "Red Light Traffic Signal Camera Enforcement System," to provide as follows:

Section 20.230 RED LIGHT TRAFFIC SIGNAL CAMERA ENFORCEMENT SYSTEM.

Section 20.230.1 INTENT.

The purpose of the Red Light Traffic Signal Camera Enforcement System is to authorize the use of an unmanned cameras monitoring system to promote compliance with red light traffic signals 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 citation for a red light signal violation in accordance with other routine statutory traffic enforcement techniques.

Section 20.230.2 USE OF IMAGE CAPTURE TECHNOLOGIES.

The City shall utilize image capture technologies to enforce the Red Light Traffic Signal Camera Enforcement System, which is designed to protect and improve public safety, and as a supplemental means of



State of Florida
County of Hillsborough
I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida,
HEREBY CERTIFY that this is a true and correct copy of Page 2 of Ordinance No. 1217,
as shown in the records of the City on file in the office of the City Clerk, adopted
1/3/08; 1/17/08, 1/23/08 (v4) February 19, 2008.
Witness my hand and the corporate seal of the City of Temple Terrace, Florida,
this 2nd day of February, 2009. *Delissa E. Burns, MMC*
City Clerk, Hillsborough County, Temple Terrace, Florida

monitoring compliance with Florida Statutes relating to traffic control signals. This section shall not supersede, infringe, curtail or impinge upon Florida Statutes relating to red light signal violations or conflict with such laws. This article shall serve to enable the City to provide enhanced enforcement and respect for authorized traffic signal devices. The City 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 Violation issued pursuant to this article shall be addressed using the City's enforcement procedure set forth in the City Code and not through uniform traffic citations or county courts. This shall not bar the use of uniform traffic citations and the county courts when city police personnel decide not to rely on this article as the enforcement mechanism for a specific violation.

Section 20.230.3 DEFINITIONS.

The following definitions shall apply to this article:

(1) *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.

(2) *Motor Vehicle.* Any self-propelled vehicle not operated upon rails or guide ways, but not including any bicycle, moped, motorized scooter, or electric personal assisted mobility device.

(3) *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.

(4) *Recorded Images.* Images recorded by a traffic control signal monitoring system/device 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

showing the rear of a motor vehicle and on at least one image, clearly identifying the license plate number of the vehicle.

(5) *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.

(6) *Traffic Control Infraction Review Officer.* The City police department employee designated, pursuant to Section 20.230.7 herein, to review recorded images and issue red zone infractions based upon those images.

(7) *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 Florida Statutes §316.075.

(8) *Traffic Control Signal Monitoring System.* A system consisting of one or more photographic traffic monitoring devices which may consist of, among other components, a vehicle sensor, digital camera and strobe, all of which work together to accurately detect red zone infractions on one or more contiguous lanes of traffic.

State of Florida
County of Hillsborough

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, HEREBY CERTIFY that this is a true and correct copy of Page 3 of Ordinance No. 1217, as shown in the records of the City on file in the office of the City Clerk, adopted February 19, 2008.

Witness my hand and the corporate seal of the City of Temple Terrace, Florida.

1/3/08, 1/17/08, 1/23/08(v4) this 2nd day of February, 2009.

Melissa G. Burns, MMC
City Clerk, City of Temple Terrace, Florida

Section 20.230.4

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.

Section 20.230.5

VIOLATION.

A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with Section 20.234.4. A red zone infraction shall be deemed a non-criminal, non-moving violation for which a civil fee, as prescribed in Section 20.230.12 shall be assessed. As the violation relates to this article and not to the Florida Statutes, no points as otherwise provided in Section 322.27, Florida Statutes, shall be recorded on the driving record of the vehicle owner or responsible party.

Section 20.230.6

THIRTY-DAY NOTICE; INTRODUCTORY PERIOD.

The Police Chief shall notify the City Manager when the red light camera system is operating correctly at the initial location established. For the thirty 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 thirty-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.

Section 20.230.7

REVIEW OF RECORDED IMAGES.

(1) 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"). A single recorded image which depicts a red zone infraction shall be sufficient grounds to issue a notice.

(2) The City's Chief of Police shall designate one or more sworn law enforcement officers as the City's Traffic Control Infraction Review Officers, who shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. If a Traffic Control Infraction Review Officer determines that based on the recorded images a red zone infraction has occurred, 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.

Section 20.230.8

NOTICE OF VIOLATION.

(1) The Notice of Code Violation shall be sent by regular first-class or certified mail to the address of the motor vehicle owner that is listed as the titled owner of the motor vehicle with the appropriating agency of the state in which the motor vehicle is registered. If there is more than one motor vehicle owner, the Notice of Code Violation shall be sent to the first named motor vehicle owner as listed with said agency as the owner of the motor vehicle. The City shall also have the right, but not the obligation, to personally serve the Notice of Code Violation upon the motor vehicle owner.

(2) The Notice of Code Violation shall include:

(a) the name and address of the owner of the motor vehicle involved in the violation;

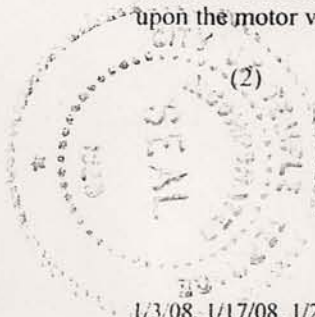
State of Florida
County of Hillsborough

-4-

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, HEREBY CERTIFY that this is a true and correct copy of page 4 of Ordinance No. 121 as shown in the records of the City on file in the office of the City Clerk, adopted February 19, 2008. Witness my hand and the corporate seal of the City of Temple Terrace, Florida, this 2nd day of February, 2009.

Melissa C. Bourgo, MMC
City Clerk, City of Temple Terrace, Florida

1/3/08, 1/17/08, 1/23/08(v4)



- (b) the registration number of the motor vehicle involved in the violation;
- (c) the section of the code violated;
- (d) the location of the intersection where the violation occurred;
- (e) the date and time of the violation;
- (f) a copy of the recorded image of the violation;
- (g) the amount of the civil fee and charges imposed and the date by which the fee and charges must be paid or appealed;
- (h) a statement that a law enforcement officer of the City of Temple Terrace Police Department has reviewed and observed the recorded images evidencing the red light infraction and has found reasonable and probable grounds to believe that an offense has been committed and can identify the license tag number of the violating vehicle;
- (i) a statement of the time limit within which to file an appeal and describing the procedures for appealing the Notice of Code Violation;
- (j) a conspicuous statement that if the owner of the violating motor vehicle fails to pay the civil fee within the time allowed, or fails to timely appeal the violation, the owner shall be deemed to have (i) waived his or her right to contest the Notice of Code Violation and (ii) admitted to the violation set forth in the Notice of Code Violation.

Section 20.230.9

VEHICLE OWNER RESPONSIBILITIES.

(1) Upon receipt of a Notice of Code Violation, the alleged violator may either pay the applicable civil fee or contest the Notice by filing a written Notice of Appeal with the City Clerk within thirty days of the date that the Notice of Code Violation was mailed to, or personally served upon, the motor vehicle owner. Failure to file the Notice of Appeal within this time period shall comprise a jurisdictional defect to an appeal, and thereby constitute an absolute waiver of the right to contest the Notice of Code Violation.

(2) The Notice of Appeal shall describe in reasonable detail the grounds upon which the motor vehicle owner is contesting the Notice of Code Violation. The permissible grounds for a motor vehicle owner to contest a Notice of Code Violation are:

- (a) At the time of the violation, the motor vehicle was being operated without the permission of the motor vehicle owner. This grounds for appeal applies only if the motor vehicle owner files an affidavit with the City Clerk within thirty days of the date that the Notice of Code Violation was mailed to, or personally served upon, the motor vehicle owner which affidavit conforms to the requirements of Section 20.230.11 of this Code.
- (b) The motor vehicle driver was issued a citation by a law enforcement officer, which was separate and distinct from the Notice of Code Violation issued under this ordinance, for violating the steady red traffic control signal;
- (c) The motor vehicle driver was required to violate the steady red traffic control signal in order to comply with other governing laws;
- (d) The motor vehicle driver was required to violate the steady red traffic control signal in order to reasonably protect the property or person of another;

State of Florida
County of Hillsborough

I, the undersigned, duly appointed a City Clerk of the City of Temple Terrace, Florida, HEREBY CERTIFY that this is a true and correct copy of Page 5 of Ordinance No. 1217, as shown in the records of the City on file in the office of the City Clerk adopted February 19, 2008.

1/3/08, 1/17/08, 1/23/08(v4) witness my hand and the corporate seal of the City of Temple Terrace, Florida, this 2nd day of February, 2009.

Melissa E. Burns, MMC
City Clerk, City of Temple Terrace, Florida.

- (e) The steady red traffic control signal was inoperable or malfunctioning; or
- (f) The vehicle is an authorized emergency vehicle operated by a federal, state or local government.

Section 20.230.10 APPEALS.

(1) A neutral, unbiased hearing officer shall be appointed by the City to hear appeals of the Notice of Violation. The hearing officer shall endeavor to schedule a hearing of the appeal within thirty days of the City's receipt of the Notice of Appeal, provided that the Notice of Appeal was timely filed with City Clerk.

(2) During a hearing upon any appeal filed pursuant to this Ordinance, the City and the motor vehicle owner may each introduce into evidence relevant to the violation, including, but not limited to recorded images of the violation, testimony of the Traffic Control Infraction Review Officer, and testimony of the driver of the motor vehicle, passengers therein, and other witnesses to the violation. The hearing officer shall conduct the hearing utilizing principles of fundamental fairness, and shall consider all relevant evidence relating to the violation. Unless an affidavit is provided by the motor vehicle owner pursuant to Section 20.230.11, it shall be presumed by the hearing officer that 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.

(3) If the Notice of Code Violation is upheld by the hearing officer or if the appeal is otherwise rejected or denied, the motor vehicle owner must pay the civil fee plus any applicable charges to the City Clerk within fifteen days of the date of the hearing officer's order.

Section 20.230.11 VEHICLE OWNER AFFIDAVIT OF NON-RESPONSIBILITY.

(1) In order for the vehicle owner to establish that the motor vehicle was, at the time of the red zone infraction, either in the care, custody, or control of another person without the consent of the registered owner, or 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, the motor vehicle owner shall timely file an affidavit executed in the presence of a notary that specifically provides information describing either:

- (a) that the person operating the motor vehicle at the time of the violation was operating such vehicle without the permission of the motor vehicle owner and, if known, the name, current address, and driver's license number of the operator of the motor vehicle and how the operator came into possession of the motor vehicle; or
- (b) that the person operating the motor vehicle at the time of the violation was operating such vehicle without the permission of the motor vehicle owner and, if the operator of the motor vehicle not known, the affidavit shall have attached to it a copy of a report prepared by the appropriate law enforcement agency indicating that the motor vehicle owner has reported the vehicle as having been stolen; or
- (c) 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 the name, address and drivers license number of the person who rented the motor vehicle from the car rental agency and a true and correct copy of the short term car rental agreement, as applicable.

(2) The affidavit shall be executed by the motor vehicle owner and shall include 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."

State of Florida
County of Hillsborough

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, HEREBY CERTIFY that this is a true and correct copy of Page 6 of Ordinance No. 1217, as shown in the records of the City on file in the office of the City Clerk, adopted February 19, 2008.
1/3/08, 1/17/08, 1/23/08(v4) Witness my hand and the corporate seal of the City of Temple Terrace, Florida, this 2nd day of February, 2009.
Melissa LeFourns, MMC
City Clerk, City of Temple Terrace, Florida

(3) Upon timely receipt of an affidavit that complies with this section, prosecution of the Notice of Code Violation issued to the vehicle owner shall be terminated. Proceedings may be commenced by the City 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.

Section 20.230.12 OFFENSE FOR RUNNING RED LIGHT AND CIVIL FEE.

(1) Civil Fee. A violation of Section 20.230.4 by any motor vehicle entering an intersection while facing a steady red traffic control signal may be cited as a violation under this section when the violation is recorded by a traffic enforcement photographic system. A violation of this section shall be deemed a civil, non-criminal violation for which escalating civil fees shall be imposed. A \$100.00 civil fee shall be assessed against the motor vehicle owner for a first offense. A \$125.00 civil fee shall be assessed against the motor vehicle owner for a second offense that takes place within twelve months of the first offense. A \$150.00 civil fee shall be assessed against the motor vehicle owner for the third and each additional offense that takes place within twenty-four months of the first offense.

(2) Failure to Pay Civil Fee or Appeal Notice of Code Violation. Failure to pay the civil fee or file an appeal within thirty days after the Notice of Code Violation is mailed to or personally served upon the motor vehicle owner shall result in the motor vehicle owner paying the costs and attorney's fees required to collect the civil fee in addition to any other fees and charges. If the motor vehicle owner files an appeal and is unsuccessful, the civil fee shall be due and payable within fifteen days of the hearing at which such appeal was heard. If the unsuccessful appellant motor vehicle owner fails to timely pay the civil fee, it shall be responsible for paying the costs and attorney's fees required to collect the fee, including costs associated with the appeal, in addition to any other fees and costs.

(3) Suspension of City Privileges. Any motor vehicle owner who fails to pay the civil fee imposed for a Notice of Code Violation issued pursuant to the provisions of this ordinance shall be suspended, refused and denied any rights and privileges that such person may otherwise be entitled to enjoy, receive, or benefit from the City of Temple Terrace including, without limiting the generality of the foregoing, the right to utilize municipal facilities, and the right to obtain any licenses or permits contemplated in the Code. Any person whose rights and privileges with or from the City of Temple Terrace have been suspended, refused, and/or denied pursuant to the provisions of this ordinance may purge the suspension and regain entitlement to any rights or benefits that have been refused or denied by the ordinance by paying all fees and charges contemplated in the Ordinance associated with a violation hereof.

(4) Collection of Civil Fee. The City may establish procedures for the collection of the civil fee imposed herein, and may enforce the collection of such civil fee by civil action in the nature of a debt.

Section 20.230.13 SIGNAGE.

The City shall, to the extent reasonably practicable, at the primary motor vehicle entry points to the City, cause to be erected and maintained signs providing notice of this article. Failure to erect, maintain or create these signs shall not invalidate or impair any enforcement of this article.

Section 3. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part of parts shall be severable, and the remaining part or parts hereof shall continue to be in full force and effect.

Section 4. This ordinance shall take effect immediately upon its passage, approval, and being posted or published as required by law.

Section 5. The provisions of this ordinance shall become and be made a part of the Temple Terrace Code, and the sections of this ordinance may be renumbered to accomplish this end.

State of Florida
County of Hillsborough

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, HEREBY CERTIFY that this is a true and correct copy of Page 7 of Ordinance No. 1217, as shown in the records of the City on file in the office of the City Clerk, adopted February 19, 2008.

Witness my hand and the corporate seal of the City of Temple Terrace, Florida, this 2nd day of February, 2009.

1/23/08, 1/17/08, 1/23/08(v4)

Delissa E. Burns, MMC
City Clerk, City of Temple Terrace, Florida

Section 6. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA THIS 19th DAY OF February, 2008.

APPROVED BY THE MAYOR THIS 19th DAY OF February, 2008.

(CORPORATE SEAL)

ATTEST:

Melissa E. Burns
MELISSA E. BURNS, MMC
CITY CLERK

Joseph A. Affronti, Sr.
JOSEPH A. AFFRONTI, SR., MAYOR

State of Florida
County of Hillsborough

I, the undersigned, duly appointed City Clerk of the City of Temple Terrace, Florida, HEREBY CERTIFY that this is a true and correct copy of Page 8 of Ordinance No. 1217, as shown in the records of the City on file in the office of the City Clerk, adopted February 19, 2008.

Witness my hand and the corporate seal of the City of Temple Terrace, Florida, this 2nd day of February, 2009.

Melissa E. Burns, MMC
City Clerk
City of Temple Terrace, Florida

ORDINANCE NO. 1242

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING ORDINANCE NO. 1217, ADOPTED FEBRUARY 19, 2008, TO CORRECT A SCRIVENER'S ERROR RELATIVE TO A SECTION REFERENCE CITED IN SECTION 20.230.5, VIOLATION; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, on February 19, 2008, the City of Temple Terrace adopted Ordinance No. 1217, amending Chapter 20, Temple Terrace Code of Ordinances by enacting a new Section 20.230 entitled "Red Light Traffic Signal Camera Enforcement System"; and

WHEREAS, Section 20.230.5, entitled "Violation," contains a scrivener's error relative to the intended reference to the previous Section 20.230.4, entitled "Adherence to Red Light Traffic Control Signals," which prescribes the required compliance to red light traffic control signals, as such reference was cited incorrectly as 20.234.4, in said Section 20.230.5, due to a typographical error; and

WHEREAS, the intent of Section 20.230.5 to correctly reference Section 20.230.4, is further substantiated by the similar reference cited in Section 20.230.12, Offense for Running Red Light and Civil Fee; and

WHEREAS, the City finds that this Scrivener's Error Ordinance is necessary to make such correction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA:

Section 1. Ordinance No. 1217 is hereby amended to correct the scrivener's error in Section 20.230.5, so that Section 20.230.5 shall provide as follows:

Section 20.230.5 VIOLATION.

A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with Section 20.230.4. A red zone infraction shall be deemed a non-criminal, non-moving violation for which a civil fee, as prescribed in Section 20.230.12 shall be assessed. As the violation relates to this article and not to the Florida Statutes, no points as otherwise provided in Section 322.27, Florida Statutes, shall be recorded on the driving record of the vehicle owner or responsible party.

Section 2. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part of parts shall be severable, and the remaining part or parts hereof shall continue to be in full force and effect.

Section 3. This ordinance shall take effect immediately upon its passage, approval, and being posted or published as required by law.

Section 4. The provisions of this ordinance shall become and be made a part of the Temple Terrace Code, and the sections of this ordinance may be renumbered to accomplish this end.

Section 5. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA THIS 9th DAY OF March, 2009.

APPROVED BY THE MAYOR THIS 3rd DAY OF March, 2009.



(CORPORATE SEAL)

Joseph A. Affronti, Sr.
JOSEPH A. AFFRONTI, SR., MAYOR

ATTEST:

Melissa E. Burns
MELISSA E. BURNS, MMC
CITY CLERK

EXHIBIT "G"

15 PAGES

**PROFESSIONAL SERVICES AGREEMENT
"AGREEMENT"**

**PROFESSIONAL SERVICES AGREEMENT
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THIS AGREEMENT made this 19th day of February 2008 (the "effective date") between American Traffic Solutions LLC. (herein "ATS"), a Delaware corporation with its principal place of business at 14861 North Scottsdale Road, Suite 109, Arizona, and the City of Temple Terrace, herein "Customer", a municipal corporation of the State of Florida with principal offices at 11250 N 56th Street, Temple Terrace, FL 33617.

WITNESSETH:

WHEREAS, ATS has the exclusive knowledge, possession and ownership of certain equipment, licenses, and processes, referred to collectively as the "Axis[™] System" (herein "Axis"), and

WHEREAS, Customer desires to use the Axis[™] System to monitor and enforce red light violations, and to issue Notices of Violation for traffic violations.

NOW THEREFORE, the parties agree:

1. DEFINITIONS:

As used in this Agreement, the following words and terms shall, unless the context otherwise requires, have the respective meanings provided below:

"Notice of Violation" means a notice of violation issued by, or at the direction of, a competent municipal law enforcement officer or agency or by a court or administrative hearing officer relating to a violation documented or evidenced by Axis[™].

"Paid Notice of Violation" means a situation where the person cited has entered a plea of guilty and paid any portion of the fine and applicable court/administrative costs associated with the particular Notice of Violation.

"Person" or **"persons"** means any individual, partnership, joint venture, corporation, trust, unincorporated association, governmental authority or political subdivision thereof or any other form of entity.

"Camera System" means a photo-traffic monitoring device consisting of one (1) rear camera, strobe, and traffic monitoring device capable of accurately detecting a traffic infraction on up to four contiguous lanes controlled by up to two (2) signal phases and which records such data with one or more images of such vehicle. "Camera System" shall also, where the sense requires, include any enclosure or cabinet and related appurtenances in which the Axis[™] is stationed.

"Recorded Image" means an image digitally recorded by a Camera System.

"Approach" is defined as one direction of travel of one or more lanes on a road or a traffic intersection up to four (4) contiguous lanes controlled by up to two (2) signal phases.

"Violation" means failure to obey an applicable traffic law or regulations, including, without limitation, failure to obey a traffic signal, operating a motor vehicle in excess of the posted speed limit, and operating a motor vehicle without displaying a valid license plate.

"VIMS Analysis" is a statistical assessment of violations rates at suspected problem intersections and approaches to determine the need for a red light system.

"Owner" means the owner(s) of a motor vehicle as shown by the motor vehicle registration records of the motor vehicle department or the analogous agency of another state or country.

"Traffic Control Signal" means a traffic control device that displays alternating red, yellow and green lights intended to direct traffic when to stop at or proceed through and intersection.

2. ATS AGREES TO PROVIDE:

ATS agrees to provide the scope of work identified in Exhibit "A, Section 1"

3. CUSTOMER AGREES TO PROVIDE:

The City agrees to perform the scope of work identified in Exhibit "A, Section 2."

4. TERM AND TERMINATION:

- a. This contract shall be effective as of the effective date set forth above.
- b. The term of this Agreement shall be for five (5) years beginning on the effective date and may be automatically extended for five additional one (1) year periods. However, Customer may terminate this Agreement at the expiration of any term by providing written notice of its intent not to extend the Agreement at least 90 days prior to the expiration of the current term.
- c. The Contractor's services may be terminated immediately upon the occurrence of any of the following events:
 - i) By mutual written consent of the parties;
 - ii) For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to cure the default within forty-five (45) days after receiving notice.
 - iii) For convenience, by either party in the event that state legislation, a decision by a court of competent jurisdiction, or other change in state law or circumstances materially interferes with the terms of this Agreement or the ability of a party to perform its obligations under the terms of this Agreement, such as the ability of the Customer to impose a civil penalty for red light violations.
 - iv) As a result of any ruling by a court of competent jurisdiction that the use of the devices described in this Agreement or the process for issuing civil Notices of Violation, imposition of a civil penalty or collection thereof as set forth in this Agreement to be illegal or unlawful.
- d. Upon termination of this Agreement, either for breach or because it has reached the end of its term, the parties recognize that the Customer will have to process traffic law violations in the "pipeline," and that ATS accordingly must assist the Customer in this regard. Accordingly, the parties shall take the following actions, and shall have the following obligations, which survive termination during the wind-down period: The Customer shall cease using the Axis™ System, shall return or allow ATS to recover all provided equipment within a reasonable time not to exceed 60 days, and shall not generate further images to be processed. Unless directed by the Customer not to do so, ATS shall continue to process all images taken by the Customer before termination and provide all services associated with processing in accordance with this Agreement, and shall be entitled to all Fees specified in the Agreement as if the Agreement were still in effect.

5. ASSIGNMENT:

Neither party may assign all or any portion of this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed.

6. FEES AND PAYMENT:

Customer shall pay for all equipment, services and maintenance based on the fee schedule indicated in Exhibit A, Schedule 1, ("Fees"). The parties agree that, not less than twelve months from the effective date of this Agreement, the parties may modify the fee schedule to provide for payment to ATS at a flat rate per month per Approach in an amount to be agreed upon by the parties.

The Customer shall pay all fees due ATS based upon invoices from the proceeding month within 30 days of submission. Late payments are subject to interest calculated at 1% per month on open balances after 60 days.

Unit prices will be fixed for the first three (3) years of the first term and thereafter on each anniversary date of the term unit prices will increase by the CPI, according to the average change during the prior 12 months in

the Consumer Price Index for All Urban Consumers (CPI-U) for U.S. City average as published by the Bureau of Labor Statistics, U.S. Department of Labor.

Revenue Neutrality Clause

During the term of the contract, Customer shall not be required to pay ATS more than Customer (or ATS on Customer's behalf) has collected or otherwise received in fine payments through the use of the Axis System cumulatively throughout the term of the Agreement. For the purposes of this clause, the term "fines" applies to that portion of fines actually retained by the Customer.

1. If this Agreement is modified to provide for a flat fee per month per Approach, and collections for the services provided by ATS under this Agreement during any month are less than the full amount of ATS invoices, ATS shall be entitled the full amount of fines actually collected. ATS will maintain an accounting of any net balances owed to ATS and shall apply future collections first to the accrued balance and then to the current months invoice. At any time that ATS fees and any accrued balances are fully repaid, additional collections will be retained by the Customer. Until such time as positive revenue balances exceed the sum of \$20,000, positive revenue balances generated from this program (whether reserved in cash or not by the Customer) will be held in an account and used to offset future ATS invoices in the event of monthly deficits.

7. INTERSECTION AND VIOLATION RATE ANALYSIS:

Prior to implementing the Axis System, ATS may conduct an analysis of each Approach being considered for a Camera System. If ATS deems necessary, ATS will use the Axis™ VIMS (Violation Incident Monitoring System) or other tool or means to complete the analysis over a 4 to 24 hour period. The Customer will be provided a report on violations recorded at each monitored approach, including the time of day and lanes on which the violations occurred. For any Approach recommended by the Customer, ATS may install a Camera System. However, ATS may elect not to install a Camera System where traffic violation data does not support installation of the Axis System.

8. COMMUNICATION OF INFORMATION:

ATS agrees that all information obtained by ATS through operation of the Axis System shall be made available to the Customer at any time during ATS's normal working hours, excluding trade secrets and other confidential or proprietary information not reasonably necessary for the prosecution of Notice of Violations or the fulfillment of Customer's obligation under this Agreement.

9. CONFIDENTIAL INFORMATION:

No information given by ATS to Customer will be of a confidential nature, unless specifically designated in writing as proprietary and confidential by ATS. Provided, however, nothing in this paragraph shall be construed contrary to the terms and provisions of any "Open Records Act" or similar laws, insofar as they may be applicable. ATS shall not use any information acquired by this program with respect to any violations or the Customer's law enforcement activities for any purpose other than the program.

10. OWNERSHIP OF SYSTEM:

It is understood by the Customer that the System being installed by ATS is, and shall remain, the sole property of ATS, unless separately procured from ATS through a lease or purchase transaction. The System is being provided to Customer only under the terms and for the term of this Agreement.

11. INDEMNIFICATION AND INSURANCE:

ATS shall at all times comply with all federal, state and local laws, ordinances and regulations and shall comply with the maintenance procedures and manufacturer recommendations for operation of the Axis™ equipment which affect this Agreement, and shall indemnify and save harmless the Customer against any claims arising from the violation of any such laws, ordinances and regulations or any claims arising from the violations of the maintenance procedures and manufacturer recommendations for operation of the equipment as a result of the negligence of willful misconduct of ATS, its officers and directors, agents, attorneys, and employees, but excluding any employees or agents of Customer.

ATS shall maintain the following minimum scope and limits of insurance:

- a. Commercial General Liability Insurance including coverage for bodily injury, property damage, premises and operations, products/completed operations, personal and advertising injury, and contractual liability with a combined single limit of \$1,000,000 per occurrence. Such insurance shall include the Customer, its officers, directors, employees, and elected officials as additional insured's for liability arising from ATS's operation.
- b. Workers Compensation as required by applicable state law, and Employers' Liability insurance with limits of not less than \$500,000 each accident; ATS shall at all times maintain worker's compensation insurance coverage in the amounts required by law, but shall not be required to provide such coverage for any actual or statutory employee of Customer.
- c. Comprehensive Business Automobile Liability Insurance for all owned, non-owned and hired automobiles and other vehicles used by ATS with a minimum \$1,000,000 per occurrence combined single limit bodily injury and property damage.

The Customer and its officers and employees, shall be named as additional insured on the comprehensive general liability policies provided by ATS under this Agreement. ATS shall require any subcontractors doing work under this Agreement to provide and maintain the same insurance, which insurance shall also name the Customer and its officers, employees, and authorized volunteers as additional insureds.

Certificates showing ATS is carrying the above described insurance, and evidencing the additional insured status specified above, shall be furnished to the Customer within thirty calendar days after the date on which this Agreement is made. Such certificates shall show that the Customer shall be notified of all cancellations of such insurance policies. ATS shall forthwith obtain substitute insurance in the event of a cancellation.

Inasmuch as the Customer is a body politic and corporate, the laws from which Customer derives its powers, insofar as the same law regulates the objects for which, or manner in which, or the concerns under which, the Customer may enter into this Agreement, shall be controlling and shall be incorporated by reference into this Agreement. The Customer shall be responsible for vehicle insurance coverage on any vehicles driven by Customer employees. Coverage will include liability and collision damage.

12. STATE LAW TO APPLY:

This Agreement shall be construed under and in accordance with the laws of the State of Florida.

13. DISPUTE RESOLUTION:

All disputes arising out of or in connection with the Agreement shall be attempted to be settled through good-faith negotiation between senior management of both parties, followed if necessary within thirty (30) days by professionally-assisted mediation. Any mediator so designated must be acceptable to each party. The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the dispute. The mediation will be treated as a settlement discussion and therefore will be confidential. The mediator may not testify for either party in any later proceeding relating to the dispute. No recording or transcript shall be made of the mediation proceedings. Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties. Failing the foregoing attempts to reach an agreement on a dispute, any suit filed to enforce the terms of the agreement, and all actions arising out of such agreement, shall be filed in the County or Circuit Court in Hillsborough County, Florida.

14. CHANGE ORDERS OR ADDITIONAL SERVICES:

Changes to services or scope and additional systems and services may be added to this agreement by mutual consent of the parties in writing as an addendum to this Agreement. Customer and ATS agree that should legislation or local ordinance be enacted to enable speed enforcement within the City limits, the Customer shall have the option to negotiate services and fees and issue a change order to cover such services. All other terms and conditions shall remain the same.

15. LEGAL CONSTRUCTION:

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be

invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

16. PRIOR AGREEMENT SUSPENDED:

This Agreement constitutes the sole and only agreement of the parties and supersedes any prior understanding, written or oral, between the parties respecting the written subject matter.

17. AMENDMENT:

No amendments, modifications, or alterations of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date of this Agreement and duly executed by the parties.

18. NO AGENCY:

ATS is an independent contractor providing services to the Customer and the employees, agents and servants of ATS shall in no event be considered to be the employees, agents, or servants of the Customer. This contract is not intended to create an agency relationship between ATS and the Customer.

19. FORCE MAJEURE:

Neither party will be liable to the other or be deemed to be in breach of this agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control and without its fault or negligence. Such causes may include but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or governmental authorities approval delays which are not caused by any act or omission by ATS. The party whose performance is affected agrees to notify the other promptly of the existence and nature of any delay.

20. TAXES:

In the event that any excise, sales or other taxes are due relating to this service contract, the Customer will be responsible for the payment of such taxes.

21. NOTICES:

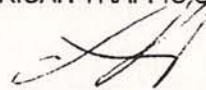
Any notices or demand which under the terms of this Agreement or under any statute must or may be given or made by ATS or Customer shall be in writing and shall be given or made by personal service, telegram, first class mail, FedEx, or by certified or registered mail to the parties at the following address:

City of Temple Terrace
11250 N 56th Street
Temple Terrace, FL 33617
Attn: City Manager

American Traffic Solutions, LLC
14861 N Scottsdale Road, Suite 109
Scottsdale, AZ 85254
Attn: Chief Operating Officer

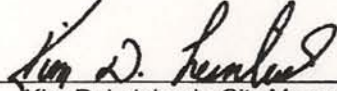
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date on Page 1.

AMERICAN TRAFFIC SOLUTIONS, LLC.

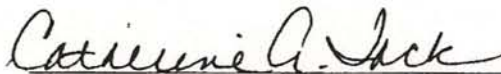
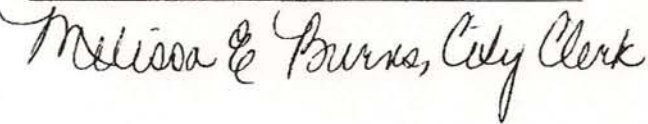


Adam E. Tuton, Manager

CITY OF TEMPLE TERRACE, Florida

By: 
Kim D. Leinbach, City Manager

ATTEST:


Catherine A. Jack

Melissa E. Burns, City Clerk

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Exhibit A
ATS SCOPE OF WORK

1. AMERICAN TRAFFIC SOLUTIONS (ATS) SCOPE OF WORK

1.1 ATS IMPLEMENTATION

- 1.1.1 ATS agrees to provide a turnkey solution for Camera Systems to the Customer wherein all reasonably necessary elements required to implement and operate the solution are the responsibility of ATS, except for those items identified in Section 2 titled "Customer Scope of Work". ATS and the Customer understand and agree that new or previously unforeseen requirements may, from time to time, be identified and that the parties shall negotiate in good faith to assign to the proper party the responsibility and cost for such items. In general, if work is to be performed by the Customer, unless otherwise specified, the Customer shall not charge ATS for the cost. All other in-scope work, external to the Customer, is the responsibility of ATS.
- 1.1.2 ATS agrees to make every effort to adhere to the Project Time Line outlined in Schedule 4.
- 1.1.3 ATS will assist the Customer with video evaluation of candidate sites using the Axis VIMS system.
- 1.1.4 ATS will install Camera Systems at a number of intersection or grade crossing approaches to be agreed upon between ATS and the Customer after completion of site analyses to be entered into Schedule 5. In addition to the initial locations, the parties may agree from time to time, by additional Work Order(s), to add to the quantities and locations where Camera Systems are installed and maintained.
- 1.1.5 ATS will operate each Camera System on a 24-hour basis, barring downtime for maintenance and normal servicing activities.
- 1.1.6 ATS' in-house marketing department will assist the Customer with public information and outreach campaign strategies. In addition, depending upon the agreed-upon strategy, ATS may pay for agreed upon extra scope expenditures for public relations consultants, advertising, or media relations provided that such extra scope expenditures will be reimbursed to ATS from collected revenues.
- 1.1.7 ATS agrees to provide a secure web site (www.violationinfo.com) accessible to Notice of Violation recipients (defendants) by means of a Notice # and a PIN, which will allow violation image and video viewing.
- 1.1.8 The Customer and ATS will complete the Project Business Process Work Flow design within 30 calendar days of contract signature; the parties to this agreement will use the drafts included on Schedules 2 and 3 as the basis for the final workflow design.
- 1.1.9 ATS normally shall provide technician site visits to each Camera System once per month to perform preventive maintenance checks consisting of camera enclosure lens cleaning; camera, strobe and controller enclosure cleaning; inspection of exposed wires; and general system inspection and maintenance.
- 1.1.10 ATS shall repair a non-functional Camera System within 72 business hours of determination of a malfunction.
- 1.1.11 ATS shall repair the Axis VPS system within 1 business day from the time of the outage. Outages of Customer internet connections or infrastructure are excluded from this service level.

- 1.1.12 For any city using ATS lockbox or epayment services, ATS will establish a demand deposit account bearing the title, "American Traffic Solutions, Inc. as agent for Customer" at U.S. Bank. All funds collected on behalf of the Customer will be deposited in this account and transferred by wire the first business day of each week to the Customer's primary deposit bank. The Customer will identify the account to receive funds wired from U.S. Bank. Customer shall sign a W-9 and blocked account agreement, to be completed by the Customer, to ensure the Customer's financial interest in said U.S. Bank account is preserved.

1.2 ATS OPERATIONS

- 1.2.1 ATS shall provide the Customer with an optional one-time warning period up to 30 days in length at the outset of the program.
- 1.2.2 ATS shall provide the Customer with an automated web-based Notice of Violation processing system (Axisis™ VPS) including image processing, 1st notice color printing and mailing of Notice of Violation per chargeable event and a mailing of a text only reminder notice. Each Notice of Violation or Notice of Violation shall be delivered by First Class mail to the registered owner within the time period agreed upon by the parties, not to be more than seven days after obtaining the name and address of the registered owner, but in no event more than sixty days from the chargeable event. ATS shall also prepare and mail to the registered owner a reminder or second notice for any notice for which no response is received at no added charge.
- 1.2.3 Subsequent notices (such as pre-collection letters or collections activity) may be delivered by First Class or other mail means for additional compensation to ATS as agreed by the parties in Schedule 1.
- 1.2.4 ATS shall apply an electronic signature to the Notice of Violation when authorized to do so by an approving law enforcement officer.
- 1.2.5 ATS shall obtain in-state vehicle registration information necessary to issue Notices of Violation assuming that it is named as the Customer's agent.
- 1.2.6 ATS shall seek records from out-of-state vehicle registration databases and apply records found to Axisis to issue Notices of Violation for the Customer according to each pricing option.
- 1.2.7 If Customer is unable to or does not desire to integrate ATS data to its adjudication system, ATS shall provide an on-line adjudication processing module, which will enable hearing scheduling, a hearing screen for the adjudicators to review cases, related images, correspondence and other related information required to adjudicate the disputed Notice of Violation. The adjudication module allows the adjudicator to enter a disposition and to print a notice of disposition for the case. The system will also enable the adjudication staff to accept and account for payments. Use of the Axisis adjudication module is included in the basic service fee.
- 1.2.8 If the city desires ATS to integrate to a third party computer system, any costs charged by a third party vendor to integrate the ATS system to an adjudication computer system shall be borne by the Customer. ATS may agree to cover these up front costs and recover the costs from the collected revenue in addition to its normal fees.
- 1.2.9 The Axisis™ VPS system, which provides the Customer with ability to run and print reports, shall include the following:
- Issuance Rate Report
 - Location Performance Summary Report
 - Location Performance Detail Report
 - Violation Reject Report

- Document Aging Report
- 1.2.10 If required by the adjudication staff or prosecutor, ATS shall provide the Customer with, or train a local expert witness able to testify in hearings on matters relating to the accuracy, technical operations, and effectiveness of the Axis™ System until judicial notice is taken.
 - 1.2.11 In those instances where damage to a Camera System or sensors is caused by negligence on the part of the Customer or its authorized agent(s), ATS will provide Customer an estimate of the cost of repair. Upon authorization to proceed with the repairs or replacement, ATS shall replace or repair any damaged equipment and invoice for the pre-approved repair cost. ATS shall bear the cost to replace or repair equipment damaged in all other circumstances.
 - 1.2.12 ATS shall provide a help line to help the Customer resolve any problems encountered regarding its Red Light Camera System and/or Notice of Violation processing. The help line shall function during normal business hours.
 - 1.2.13 As part of its turnkey system, ATS shall provide violators with the ability to view violations online. This online viewing system shall include a link to the ATS payment website(s) and may offer the opportunity to download an affidavit of non-liability online. Online obtained affidavits, if approved by the adjudication manager, shall be directed to and processed by ATS and communicated to the adjudication office via the Axis VPS transfer described above.

2. CUSTOMER SCOPE OF WORK

2.1 GENERAL IMPLEMENTATION REQUIREMENTS

- 2.1.1 Within 7 business days of contract execution, the Customer shall provide ATS with the name and contact information for a project manager with authority to coordinate Customer responsibilities under the Agreement.
- 2.1.2 Within 7 business days of contract execution, the Customer shall provide ATS with the name and contact information for an adjudication manager responsible for oversight of all adjudication-related program requirements
- 2.1.3 The Customer shall make every effort to adhere to the Project Time Line outlined in Schedule 4.
- 2.1.4 The Customer shall, on a form provided by ATS, provide verification to the State Department of Motor Vehicles, National Law enforcement Telecommunications System, or appropriate authority indicating that ATS is acting as an Agent of the Customer for the purposes of accessing vehicle ownership data pursuant to the list of permissible uses delineated in the Drivers Privacy Protection Act 18 U.S.C. § 2721, Section (b) (1) and as may otherwise be provided or required by any provision of applicable state law.
- 2.1.5 The Customer and ATS shall complete the Project Business Process Work Flow design within 30 calendar days of contract signature, using the drafts included on Schedules 2 and 3 as the basis for the final workflow design.

2.2 STREETS AND TRAFFIC DEPARTMENT OPERATIONS

- 2.2.1 If the Customer chooses to move a Camera System to a new approach after initial installation, it shall pay the costs to relocate the System.
- 2.2.2 Customer will design, fabricate, install and maintain red light camera warning signs. If Customer cannot provide such signage, ATS, at the Customer's request, will do so and charge the costs to the Customer.

- 2.2.3 For city-controlled intersections, the Customer shall provide access to traffic signal phase connections according to approved design.
- 2.2.4 For city-controlled intersections, Customer shall allow ATS to access power from existing power sources at no cost and shall allow or facilitate access to traffic signal phase connections to a pull box, pole base, or controller cabinet nearest to each Camera System within the Customer's jurisdiction. The costs of any additional conduit or power infrastructure needed to support installation of the Camera System shall be funded by Customer. ATS may agree to cover these up front costs and recover the costs from the collected revenue in addition to its normal fees.
- 2.2.5 ATS work product and drawings shall be overseen and approved by an ATS PE and such deliverables shall conform to applicable engineering norms and reflect the details of installation work to be completed.
- 2.2.6 For city-controlled intersections, the Customer shall approve or reject ATS submitted plans within 7 business days of receipt and shall limit iterations to a total of one revision beyond the initially submitted plans. Total plan approval duration shall not exceed 10 business days.
- 2.2.7 For city-controlled intersections, the Customer shall not charge ATS or its subcontractor for building, constructions, street use and/or pole attachment permits.

2.3 POLICE DEPARTMENT OPERATIONS

- 2.3.1 The Police Department shall process each potential violation in accordance with State Laws and/or City Ordinances within 3 business days of its appearance in the Police Review Queue, using Axis™ to determine which violations will be issued as Notice of Violations or Notices of Violation.
- 2.3.2 Police Department workstation computer monitors for Notice of Violation review and approval should provide a resolution of 1280 x 1024.
- 2.3.3 ATS has been advised of the internet connection used by the Police Department and, based on the information provided to it by the Police Department, ATS believes that the services to be provided in this Agreement will work at a reasonably acceptable level on the Department's existing system.
- 2.3.4 Police Department shall provide signatures of all authorized police users who will review events and approve Notice of Violations on forms provided by ATS.

2.4 ADJUDICATION OPERATIONS

- 2.4.1 If Customer does not provide payment processing services, Customer shall use ATS payment processing services. The fees for lockbox and epayment services are presented on Schedule 1.
- 2.4.2 City shall provide a hearing officer and adjudication facilities to schedule and hear disputed Notice of Violations.
- 2.4.3 Adjudication manager or City Project Manager shall provide the specific text required to be placed on the Notice of Violation notice to be issued by ATS within 30 calendar days of contract signature.
- 2.4.4 The Adjudication manager or City Project Manager shall approve the Notice of Violation form within 15 days receipt from ATS.
- 2.4.5 Adjudication manager shall handle inbound and outbound phone calls and correspondence from defendants who have questions about disputes, and other issues relating to Notice of Violation adjudication. Adjudication manager may refer

citizens with questions regarding ATS or Axis technology and processes to websites and/or toll-free telephone numbers provided by ATS for that purpose.

2.4.6 Within 10 days after expiration of a second notice, Adjudication manager shall pursue delinquent collections of unpaid notices with an existing contractor or ATS.

2.4.7 Any potential, one time, direct costs to ATS to develop an interface between the adjudication system will be initially paid by ATS and any such costs will be reimbursed to ATS from collected revenues in addition to its normal fees.

2.5 INFORMATION TECHNOLOGY DEPARTMENT OPERATIONS

2.5.1 In the event that remote access to the ATS Axis VPS System is blocked by Customer network security infrastructure, the Customer's Department of Information Technology shall coordinate with ATS to facilitate appropriate communications while maintaining required security measures.

2.5.2 If Customer-owned telecommunications lines or WiFi networks are present at or near the site, and if feasible to share such existing bandwidth, ATS shall be allowed to use such infrastructure for data transmission. ATS shall work with the City's IT department to ensure City security protocols are maintained.

Schedule 1
Service Fee Schedule

Cost Element	Fee
<p>Red Light Camera Enforcement Solution Axis RLC-300 Red Light Camera System, Axis LIVE digital video system for monitoring 1 direction of travel, monitoring rear images up to 4 lanes, image processing, data entry, in and out of state registered owner acquisition, final quality control review, access to web-based Axis VPS for Police Review, 1st notice printing in color, reminder notice, postage and mailing, E-payment processing services electronic notice file transmission to court system or use of ATS court system module, evidence packages for scheduled hearings.</p>	<p style="text-align: center;">Monthly Fee per Approach \$40 per paid citation</p>
<p>Pre-collections letters</p>	<p>10% of Revenue Recovered</p>
<p>Delinquency Collections Services</p>	<p>30% of Revenue Recovered</p>

**Schedule 2 and 3
Workflow Diagrams**

[to be added after consultation with Police and Adjudication Office]

Schedule 4
Project Timeline

[TBD]

Schedule 5
Initial Camera Locations

EXHIBIT "H"

2 PAGES

ORDINANCE NO. 1242

ORDINANCE NO. 1242

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING ORDINANCE NO. 1217, ADOPTED FEBRUARY 19, 2008, TO CORRECT A SCRIVENER'S ERROR RELATIVE TO A SECTION REFERENCE CITED IN SECTION 20.230.5, VIOLATION; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, on February 19, 2008, the City of Temple Terrace adopted Ordinance No. 1217, amending Chapter 20, Temple Terrace Code of Ordinances by enacting a new Section 20.230 entitled "Red Light Traffic Signal Camera Enforcement System"; and

WHEREAS, Section 20.230.5, entitled "Violation," contains a scrivener's error relative to the intended reference to the previous Section 20.230.4, entitled "Adherence to Red Light Traffic Control Signals," which prescribes the required compliance to red light traffic control signals, as such reference was cited incorrectly as 20.234.4, in said Section 20.230.5, due to a typographical error; and

WHEREAS, the intent of Section 20.230.5 to correctly reference Section 20.230.4, is further substantiated by the similar reference cited in Section 20.230.12, Offense for Running Red Light and Civil Fee; and

WHEREAS, the City finds that this Scrivener's Error Ordinance is necessary to make such correction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA:

Section 1. Ordinance No. 1217 is hereby amended to correct the scrivener's error in Section 20.230.5, so that Section 20.230.5 shall provide as follows:

Section 20.230.5 VIOLATION.

A violation of this article, known as a red zone infraction, shall occur when a motor vehicle does not comply with Section 20.230.4. A red zone infraction shall be deemed a non-criminal, non-moving violation for which a civil fee, as prescribed in Section 20.230.12 shall be assessed. As the violation relates to this article and not to the Florida Statutes, no points as otherwise provided in Section 322.27, Florida Statutes, shall be recorded on the driving record of the vehicle owner or responsible party.

Section 2. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part of parts shall be severable, and the remaining part or parts hereof shall continue to be in full force and effect.

Section 3. This ordinance shall take effect immediately upon its passage, approval, and being posted or published as required by law.

Section 4. The provisions of this ordinance shall become and be made a part of the Temple Terrace Code, and the sections of this ordinance may be renumbered to accomplish this end.

Section 5. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE,
FLORIDA THIS 9th DAY OF March, 2009.

APPROVED BY THE MAYOR THIS 3rd DAY OF March, 2009.



(CORPORATE SEAL)

Joseph A. Affronti, Sr.
JOSEPH A. AFFRONTI, SR., MAYOR

ATTEST:

Melissa E. Burns
MELISSA E. BURNS, MMC
CITY CLERK

EXHIBIT "I"

2 PAGES

ORDINANCE NO. 1243

ORDINANCE NO. 1243

AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE TEMPLE TERRACE CODE OF ORDINANCES, BY ENACTING A NEW SECTION 2.240 TO ESTABLISH THE APPOINTMENT, REMOVAL, QUALIFICATIONS, COMPENSATION, POWERS, AND ADMINISTRATIVE AND CLERICAL SUPPORT OF A HEARING OFFICER; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Chapter 20, Traffic, Temple Terrace Code of Ordinances, requires that appeals of Notices of Violations shall be conducted by a neutral, impartial hearing officer; and

WHEREAS, the Mayor and City Council of the City of Temple Terrace have determined that in order to protect the public health, safety, and general welfare of citizens in Temple Terrace, it is necessary to enact this ordinance to establish the appointment, removal, qualifications, compensation, powers, and administrative and clerical support for such hearing officer;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA:

Section 1. Chapter 2, Administration, is hereby amended by enacting a new Section 2.240, to provide as follows:

Section 2.240 **HEARING OFFICER – APPOINTMENT; REMOVAL; QUALIFICATIONS; COMPENSATION; POWERS; ADMINISTRATIVE AND CLERICAL SUPPORT.**

(1) *Appointment.* The City Manager shall appoint a Hearing Officer as needed, based on qualifications and experience.

(2) *Removal.* The Hearing Officer may be removed by the City Manager without cause.

(3) *Qualifications.* The Hearing Officer shall be a member in good standing of the Florida Bar, and shall have a sound reputation for integrity, responsibility, and business or professional ability.

(4) *Compensation.* The Hearing Officer shall not be a City employee, but shall be compensated for his/her services at an hourly rate commensurate with his/her education, training, and experience as the City Manager deems appropriate.

(5) *Powers.* The Hearing Officer shall have the power to:

- (a) Conduct quasi-judicial hearings pursuant to the Temple Terrace Code of Ordinances, in which formal rules of evidence shall not apply, but fundamental due process shall be observed.
- (b) Consider testimony under oath and other evidence presented at hearings.
- (c) Adopt rules deemed appropriate for the conduct of fair and impartial hearings.

(d) Issue orders following a hearing, which orders shall include findings of fact and conclusions of law, and which shall have the force of law, either upholding Notices of Violation and the civil fees, costs and charges associated therewith, or alternatively, dismissing such Notices based on the evidence presented. In order to uphold a Notice of Violation, the Hearing Officer must find that the City established the existence of a violation of the Code of Ordinances by a preponderance of the evidence.

(6) A record shall be maintained of the proceedings and all evidence considered by the Hearing Officer. Hearings shall be open to the public.

(7) The City shall provide administrative and clerical support to the Hearing Officer as may be reasonably required by the Hearing Officer for the proper performance of his/her duties.

Section 2. If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part of parts shall be severable, and the remaining part or parts hereof shall continue to be in full force and effect.

Section 3. This ordinance shall take effect immediately upon its passage, approval, and being posted or published as required by law.

Section 4. The provisions of this ordinance shall become and be made a part of the Temple Terrace Code, and the sections of this ordinance may be renumbered to accomplish this end.

Section 5. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE TERRACE, FLORIDA THIS 3rd DAY OF March, 2009.

APPROVED BY THE MAYOR THIS 3rd DAY OF March, 2009.




JOSEPH A. AFFRONTI, SR., MAYOR

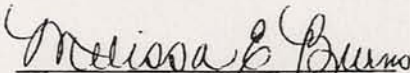

MELISSA E. BURNS, MMC
CITY CLERK

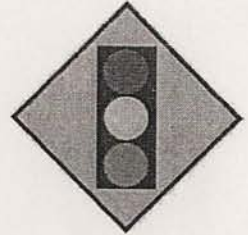
EXHIBIT "J"

4 PAGES

WEB SITE "WHAT TO DO" INSTRUCTIONS



TEMPLE TERRACE
AUTOMATED TRAFFIC LIGHT
ENFORCEMENT
What to Do if You Receive a
Notice of Violation



City of Temple Terrace, Florida

What to Do

If you receive a Notice of Violation, please go to the website www.ViolationInfo.com, where you can get additional information and watch images and a video recording of your violation.

How to Pay

Online Payment: The fastest and easiest way to pay your citation is online. Go to www.ViolationInfo.com and log on with your Notice # and Pin # shown in the red box on the front of your Notice of Violation. Click the Pay button. There is a \$4 convenience fee.

Payment by Phone: Call toll free **1-866-790-4111** from 9 a.m. to 5 p.m. Mon-Fri. Eastern Time.

Payment by Mail: Mail your check or money order (payable to the City of Temple Terrace) in the enclosed envelope with the coupon printed at the bottom of your Notice. **DO NOT MAIL CASH.** Be sure to put the Notice # on the face of your check or money order.

Payment in Person: You may pay in person by check, money order or credit card (Visa or MasterCard) at Temple Terrace City Hall, 11250 N. 56th St., Temple Terrace, FL 33617, Monday through Friday from 8 a.m. to 4 p.m.

Note: Violations will not be a part of your driving record and no points will be assessed.

View Your Violation

Recorded images and video of your violation will be submitted as evidence for review by the Temple Terrace Police Department for disposition of the incident. You may view images and video of your violation online at www.ViolationInfo.com. To view these images and video, you will need your Notice # and Pin # (printed on the front of your Notice of Violation, inside the red box in the upper right-hand corner).

Request an Appeal

You may contest the civil penalty by requesting, in writing, an appeal for a hearing. Sign and mail the coupon included on the bottom of the reverse side of your Notice of Violation. Your request must be received by the Due Date stated on the front of your Notice. Upon receipt, you will be notified of the date, time and location of your hearing. If you are found liable after your hearing, you will pay an additional \$50 for court costs, and you will have 15 days in which to pay.

Questions

If you have any questions, please contact Customer Service toll free at **1-866-790-4111**.

It is presumed that the registered owner of the vehicle is the person who committed the civil red-light infraction. However, if your vehicle was sold or stolen, operated without your consent, or was otherwise not in your care, custody or control at the time of violation, you as the registered owner may submit an Affidavit of Non-Responsibility at your hearing to rebut the presumption that you were driving the vehicle at the time of the violation.

* You may print the form from the website **www.ViolationInfo.com**. You will need your Notice # and Pin # (printed in the red box on the front of the Notice of Violation).

* You must set forth the circumstances demonstrating that the car was not in your care, custody or control, or was operated without your consent.

* The Affidavit of Non-Responsibility must be executed in the presence of a notary.

* You must request an appeal for a hearing by signing and mailing the coupon included on the bottom of the reverse side of your Notice of Violation.

Citation Penalties

\$100 for the first offense.

\$125 for a second offense within 12 months.

\$150 for a third offense and each additional offense within 24 months of the first offense.

For more information call 1-866-790-4111.

Temple Terrace

a city for living...



Main About City Government Departments Business with the City Job Opportunities Links Contact Us

City of Temple Terrace



11250 N. 56th Street
Temple Terrace, FL 33617
(813) 506-6400
info@templeterrace.com

Hurricane Season Preparedness Information

Welcome!



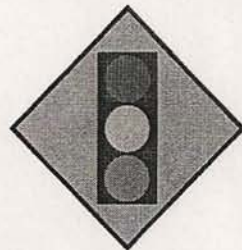
Named after the hybrid "Temple" oranges and the surrounding "Terraced" terrain, Temple Terrace was incorporated on May 28, 1925, and operates under the Council-Manager form of government. With an estimated population of 24,000, the City staff of 300 and a host of volunteers are dedicated to excellence and providing public services unsurpassed by any in the area.

News & Views



DOWNTOWN REDEVELOPMENT *"Our Plan, Our City ... Our Future"*

The City Council has approved moving forward with negotiations with The Vlass Group of Atlanta to keep the City's redevelopment project on track.
[Click Here for Info.](#)



RED LIGHT CAMERAS

Temple Terrace's traffic-light enforcement cameras have been installed to improve public safety. Enforcement is now in effect. [Click HERE](#) for news release. [Click HERE](#) for info about the program.

[Click HERE](#) to learn what to do if you receive a Notice of Violation.



MANDATORY WATER RESTRICTIONS IN EFFECT IN TEMPLE TERRACE updated March 31, 2009

Stringent watering regulations are in effect in Temple Terrace. Watering is limited to ONE day a

CITY GOVERNMENT TELEPHONE DIRECTORY

[Click Here for Directory](#)

City Calendar

City Council Meeting
Tuesday, April 7 @ 6 p.m.
[Agenda](#)

Code Board Meeting
Wednesday, April 8 @ 7 p.m.
[Agenda](#)

[More Calendar Dates...](#)

Press Room

Strict Water Regulations In Effect in Temple Terrace
[Click Here](#)

New Banner Policy Gives Businesses a Boost
Restrictions eased for 2009
[Click Here](#)

Egg-a-Palooza! Community Egg Hunt
Saturday, April 11 @ 12:30 p.m.
[Click Here](#)

CRA Commercial Improvement Grant Program Renewed
[Click Here for News Release](#)
[Click Here for Details-Application](#)

[More News ...](#)

Note: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Temple Terrace TV schedule



week, and other restrictions apply.

[Click HERE for Details.](#)

[Ways to Save Our Waters](#)



***Support Temple Terrace
Area Schools***

[Click Here for School Info](#)

City of Temple Terrace 11250 North 56th Street Temple Terrace, Florida 33617 (813) 506-6420 info@templeterrace.com

EXHIBIT "K"

4 Pages

KENNETH ALVIN BERT

GUILTY



City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

NOTICE OF DETERMINATION

KENNETH ALVIN BERT
7605 SUMTER CT
TEMPLE TERRACE, FL 33637-7330

DEFENDANT INFORMATION

NAME: KENNETH ALVIN BERT
ADDRESS: 7605 SUMTER CT
TEMPLE TERRACE, FL 33637-7330

LICENSE PLATE: E344NQ STATE: FL
NOTICE #: 0940800050228
PIN #: 2011

HEARING INFORMATION

HEARING DATE: 07/01/2009
HEARING TIME: 6:00 PM
HEARING LOCATION: City of Temple Terrace
11250 N. 56th Street
Temple Terrace, FL 33617
DETERMINATION: SUSTAINED

AMOUNT DUE: \$150.00

An administrative hearing has been held for your Notice of Violation # 0940800050228. You have been found liable. You have 15 days from the date of the hearing in which to pay your penalty plus any additional court costs.

4 Ways to Pay

ONLINE

The fastest and easiest way to pay your Notice is online. Go to www.ViolationInfo.com and logon with your Notice # and PIN shown above. Click the Pay button. There is a convenience \$4 fee.

BY PHONE

You may call toll free 1-866-790-4111 between 9:00 a.m. - 5:00 p.m. Eastern time.

BY MAIL

Mail your check or money order (payable to the City of Temple Terrace) to the City of Temple Terrace, Red Light Safety Program, PO Box 742503, Cincinnati, OH 45274-2503. DO NOT MAIL CASH. Be sure to put the Notice # on the face of your payment.

IN PERSON

You may pay in person with a check, money order or credit card (Visa or MasterCard) at Temple Terrace Police Department, 11250 N. 56th Street, Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. - 4:00 p.m.

Customer Service

If you have any questions, please call Customer Service toll free at 1-866-790-4111.



City of Temple Terrace
 Red Light Safety Program
 PO Box 12129
 Scottsdale AZ 85267-2129

CITY OF TEMPLE TERRACE

NOTICE OF VIOLATION

NOTICE # 0940800050228
 PIN # 2011
 Pay with your Visa or Mastercard at www.ViolationInfo.com

Amount Due: \$100.00
 Due Date: 01/14/2009



KENNETH ALVIN BERT
 7605 SUMTER CT
 TEMPLE TERRACE, FL 33637-7330

ONV (Date)	AT TIME	AT LOCATION			
11/30/2008	10:22 AM	W/B E BUSCH BLVD / E BULLARD PKWY @ N 56TH ST			
NAME (FIRST, MIDDLE, LAST)					
KENNETH ALVIN BERT					
STREET ADDRESS					
7605 SUMTER CT					
CITY				STATE	ZIP CODE
TEMPLE TERRACE				FL	33637-7330
DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK					
VEHICLE	YEAR	MAKE	MODEL	STYLE	COLOR
	1989	FORD		2D	GRY
	L C	NUMBER	STATE	YEAR	
		E344NQ	FL	1989	
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE OF THE CITY OF TEMPLE TERRACE TRAFFIC LIGHT SAFETY ACT. THE RECORDED IMAGES RELATING TO THE VEHICLE STATED ABOVE ARE EVIDENCE OF A: RED ZONE INFRACTION (Failure To Stop At a Red Light)					
IN VIOLATION OF:		<input type="checkbox"/> RSM <input checked="" type="checkbox"/> ORD	APPROX SPEED	POSTED SPEED	
Ordinance 20.230			16 MPH	30 MPH	
POLICE DEPARTMENT			ID #	DATE	
CARL AVARI COOPER			04950	12/12/2008	
THE TEMPLE TERRACE POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A RED ZONE INFRACTION AND A: CIVIL PENALTY FINE OF \$100.00				ISSUE DATE	
				12/15/2008	



Pursuant to Ordinance 20.230 section 20.230.5 approved by Temple Terrace's City Council, the owner of a motor vehicle is liable for payment of a minimum civil penalty of \$100.00 if the owner's vehicle proceeds into an intersection equipped with a photographic traffic control monitoring system when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal. For a second or subsequent violation by the owner of the same motor vehicle during any 12-month period, the amount of the civil penalty shall be \$125.00. For each additional offense against the owner of the same vehicle, within 24 months, the civil penalty shall be \$150.00. It has been determined that your vehicle proceeded into an intersection when the traffic control signal, for the direction in which your vehicle was traveling, was emitting a steady red signal. Failure to pay the civil penalty by the Due Date is an admission of liability in the full amount of the civil penalty assessed in the Notice of Violation and constitutes a waiver of the right to contest the Notice.

No points will be assessed against you for the civil penalty, nevertheless your failure to respond will cause this matter to be submitted to a collections agency and reported to the credit bureau. You have the right to contest the imposition of the civil penalty by signing and mailing the coupon below; the coupon must be received by the Due Date.

INSTRUCTIONS

ONLINE PAYMENT: The fastest and easiest way to pay your Notice is to pay online. Go to www.ViolationInfo.com and logon with your Notice # and PIN # shown in the red box on the front of this notice. Click the Pay button. There is a \$4 convenience fee.

PAYMENT BY PHONE: Call toll free 1-866-790-4111 between 9:00 a.m. and 5:00 p.m. Eastern time.

PAYMENT BY MAIL: Mail your check or money order (payable to the City of Temple Terrace) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this notice. DO NOT MAIL CASH. Be sure to put the Notice # (see reverse) on the face of your payment.

PAYMENT IN PERSON: You may pay in person by check, money order, or credit card (Visa or MasterCard) at Temple Terrace City Hall, located at 11250 N. 56th St., Temple Terrace, FL 33617, Monday through Friday between 8:00 a.m. and 4:00 p.m..

VIEW YOUR IMAGES AND VIDEO: The recorded images and video of your violation will be submitted as evidence in the Police Department proceeding for disposition of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice inside the red box.

REQUEST AN APPEAL: You may contest the imposition of the civil penalty by requesting, in writing, an appeal for a Hearing. Sign and mail the coupon below; your request must be received by the Due Date stated on the front of this Notice. Upon receipt, you will be notified of the date, time and location of your hearing. Your request must be received before the due date. If you are found liable after a hearing you must pay an additional \$50 for court costs and you have 15 days in which to pay.

QUESTIONS: If you have any questions, please contact Customer Service toll free at 1-866-790-4111.

It is presumed that the registered owner of the vehicle for which a civil red light Notice of Violation is issued is the person who committed the civil red light violation. However, if your vehicle was sold or stolen or was otherwise not in your care, custody or control without the consent of you, the registered owner, at the time of the violation, you may submit an Affidavit of Non-Responsibility at your hearing to rebut the presumption that you were driving the vehicle at the time of the violation.

1. You may print the form from the website: www.ViolationInfo.com. You will need your Notice # and PIN # printed on the front of this notice to login to the website.
2. You must set forth the circumstances demonstrating that the vehicle was not in your care, custody, or control or that of a person with your consent.
3. The Affidavit of Non-Responsibility must be executed in the presence of a notary.
4. You must request an appeal for a hearing by signing and mailing the coupon below.

IF YOU ARE A RENTAL CAR COMPANY send your letter identifying the driver along with the copy of this Notice to the Violation Processing Center, PO Box 12129, Scottsdale, AZ 85267-2129.



City of Temple Terrace
Red Light Safety Program
11250 N. 56th Street
Temple Terrace, FL 33617

KENNETH ALVIN BERT
7605 SUMTER CT
TEMPLE TERRACE, FL 33637-7330

DATE: 02/04/2009

PLATE: FL E344NQ

Notice of Violation # 0940800050228

The court date for the above mentioned violation has been scheduled for:

07/01/2009 06:00 PM
City of Temple Terrace
11250 N. 56th Street
Temple Terrace, FL 33617

If you choose not to appear, you waive the right to contest this citation and must pay the fine of \$100.00 on or before the day of your scheduled hearing. Failure to pay shall result in an imposition of an additional court costs of \$50.00.

Pursuant to the Ordinance 20.230 approved by Temple Terrace's City Council, if you wish to submit an Affidavit of Non-Responsibility you will need the following information:

- a. The name, current address and driver's license number of the person operating the vehicle without your consent at the time and place of the violation; or
- b. A copy of the seller's report if the vehicle was sold; or
- c. A copy of the police report if the vehicle was stolen.

City of Temple Terrace