

ORDINANCE NO. 91391-0910

AN ORDINANCE AMENDING TITLE 7 POLICE REGULATIONS,  
CHAPTER 20, TRAFFIC: IN GENERAL, ADDING A NEW SECTION 10  
AUTOMATED TRAFFIC ENFORCEMENT.

Be It Enacted by the City Council of the City of Muscatine, Iowa:

SECTION 1. AMENDMENT. TITLE 7 POLICE REGULATIONS, CHAPTER  
20 TRAFFIC: IN GENERAL, of the City Code of Muscatine is hereby amended to add a  
new Section 10 to provide as follows:

7-20-10 Automated Traffic Enforcement.

- A. General – The City of Muscatine, in accordance with the police powers authorized it by the State of Iowa for governing safe traffic flow, may deploy, erect or cause to be erected an automated traffic enforcement system for making photographic, video or digital images of vehicles that fail to obey red light traffic signals at intersections designated by the city administrator or their designee or fail to obey speed regulations at the designated intersections. The system may be managed by a private contractor that owns and operates the requisite equipment with supervisory control vested in the Muscatine Police Department. Photographs, video or digital images shall be provided by the contractor to the Muscatine Police Department for review. The Muscatine Police Department will determine which vehicle owners are in violation of the city's traffic control ordinance and are to receive a notice of violation for the offense.
- B. Definitions
  - 1. Automated Traffic Enforcement System – An electronic system consisting of photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video or digital images of each vehicle that violates a standard traffic control device or speed restriction.
  - 2. Vehicle Owner – The person or entity identified by the Iowa Department of Transportation, or registered with any other state vehicle registration office, as the registered owner of a vehicle.

C. Offense

1. The vehicle owner shall be liable for a fine as imposed below if such vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or red arrow.
2. The vehicle owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the posted speed limit through the marked intersections.
3. The citation will in no event be sent or reported to the Iowa Department of Transportation or similar department of any state for the purposes of being added to the vehicle owner's driving record.

D. Exceptions to Owner Liability

There shall be no liability pursuant to this section if:

1. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant the section 321 of the Code of Iowa or Muscatine municipal ordinance 7-20-5; or
2. The violation occurred at any time after the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen, provided that the vehicle or its plates had not been recovered by the Vehicle Owner at the time of the alleged violation; or
3. The vehicle in question was lawfully participating in a funeral procession; or
4. The officer inspecting the recorded image determines that the vehicle in question entered the intersection in order to yield the right-of-way to an emergency vehicle.

E. Penalty and Appeal

1. Any violation of subsection C, 1 above shall be considered a notice of violation for which a civil fine of seventy-five dollars shall be imposed, payable to the City of Muscatine.
2. Any violation of subsection C, 2 above shall be considered a notice of violation for which a civil fine as listed in the table below shall be imposed, payable to the City of Muscatine.

<b><u>Speed Over Limit</u></b>	<b><u>Civil Fine</u></b>
1 through 10 mph	\$0
11 through 20 mph	\$75
21 through 25 mph	\$100
26 through 30 mph	\$250
Over 30 mph	\$350

3. A recipient of an automated traffic citation may contact the issuing officer and ask for an in-person review of the citation, the facts surrounding the issuance of the citation and to present any extenuating circumstances that pertain to that violation. Based on this review the issuing officer may sustain or void the citation.
4. A recipient of an automated traffic citation may dispute the citation by requesting the issuance of a municipal infraction citation by the police department within the first 30 days after the violation notice was mailed. Such request will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Muscatine County Courthouse. The issuance of a municipal infraction citation will cause the imposition of state mandated court costs to be added to the amount of the violation in the event of a guilty finding by the court.
5. If a recipient of an automated traffic enforcement citation does not pay the fine by the stated due date or request a trial before a judge or magistrate within the 30 days following the mailing of the notice, a second violation notice shall be mailed with a \$35.00 late fee added to the civil fine. If at the end of the 30 day period the recipient of the automated traffic enforcement citation does not pay the fine or request a trial before a judge or magistrate the recipient shall be deemed guilty of violation and held liable for the fine plus the late fee.
6. If the recipient of an automated traffic enforcement citations does not pay the fine and late fee by the stated due date on the second violation notice the civil penalties imposed under the provisions of this ordinance shall be collectible, together with any interest and penalties thereon, by either a private agency on behalf of the City or by civil suit.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council on September 16, 2010, and APPROVED on September 16, 2010.



  
Gregg Mandsager, City Clerk

  
Richard W. O'Brien, Mayor

First Reading	August 19, 2010
Second Reading	September 2, 2010
Third Reading	September 16, 2010
Publication	<u>September 24, 2010</u>

## PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk  
Ordinance 91391-0910

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

September 24, 2010

Jeff Lee

STATE OF IOWA  
MUSCATINE COUNTY

Subscribed and sworn to before me this  
27th day of September 2010

Beth Lester  
Beth Lester, Notary Public



Beth Lester  
Iowa Notarial Seal  
Commission number 745921  
My Commission Expires 03/20/2013

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Richard W. O'Brien, Mayor

**Attest:**

Gregg Mandsager, City Clerk

First Reading August 19, 2010

Second Reading September 2, 2010

Third Reading September 16, 2010

Publication September 24, 2010

1141

# **MUSCATINE POLICE DEPARTMENT**

## **MEMORANDUM**

**TO:** Gregg Mandsager, City Administrator

**FROM:** Gary R. Coderoni, Chief of Police

**SUBJECT:** City Council Agenda Item for August 19, 2010 – Automated Traffic Enforcement Ordinance

**DATE:** August 13, 2010

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### **INTRODUCTION:**

Included with this memo is a proposed ordinance for Automated Traffic Enforcement. This ordinance covers both red light violation and speed on green enforcement. This ordinance is modeled after the ordinances of other cities in Iowa that already have an automated traffic enforcement initiative.

### **BACKGROUND:**

On October 8, 2009, a presentation was made to the City Council about the merits of automated traffic control enforcement (red light cameras). The presentation concentrated on the red light cameras and their capabilities to also detect speed violations (Speed on Green or Yellow) as well as license plate recognition for use during Amber Alerts and other major incidents. The presentation and the concept of the use of an automated traffic control system was well received by the City Council who were unanimous in their direction to staff for moving forward with this concept. On December 17, 2009, Gatso USA was awarded the contract by the City of Muscatine City Council. On March 4, 2010 the City of Muscatine entered into a contract with Gatso USA for this service.

There was a provision in the contract that surveys would be conducted at the proposed intersections for red light violators and speed violators. The surveys are completed. The survey results along with the intended intersections are included in the attached PDF. The intersections that Gatso and the City have agreed on are highlighted in green on the spreadsheet. Both Gatso and City staff agree that there is a problem with red light running and speed through the intersections noted on the spread sheet.



### **RECOMMENDATION/RATIONALE:**

Now is the time that an ordinance needs to be considered and approved. The proposed ordinance is based on other ordinances from Iowa cities. The ordinance provides for a review with the issuing officer along with an appeal process utilizing the Associate District Court. The proposed civil penalties in this ordinance are considerably lower than the scheduled fines for similar traffic violations. Two cities have the fine equal to the scheduled fine for a similar traffic violation. The scheduled fines are listed below for your comparison. The other cities fines are comparable to the ones in the proposed ordinance.

### **BACKUP INFORMATION:**

#### **State of Iowa Scheduled Fines**

Failure to Obey Traffic Control Device	\$195.00
Speed (11-15 mph over limit)	\$168.00
Speed (16-20 mph over limit)	\$181.50
Speed (21-25 mph over limit)	\$228.75
Speed (26-30 mph over limit)	\$262.50

		Red Violation	Speed Violation	Combined	Notes
1	NB Park (Rt. 38) & Cleveland	43	37	80	3 speed counts performed - Morning rush, Midday, and Evening rush
2	SB Park (Rt. 38) & Cleveland	31	122	153	3 speed counts performed - Morning rush, Midday, and Evening rush
3	NB Park (Rt. 38) & Washington	15	23	38	2 speed counts performed - Morning rush and Evening rush
4	SB Park (Rt. 38) & Washington	25	9	34	2 speed counts performed - Morning rush and Evening rush
5	WB US 61 & Mulberry	<del>2</del>	45	47	2 speed counts performed - Morning rush and Evening rush
6	EB US 61 & Mulberry	0	7	7	2 speed counts performed - Morning rush and Evening rush
7	WB US 61 & University	9	51	60	2 speed counts performed - Morning rush and Evening rush
8	EB US 61 & University	3	3	6	2 speed counts performed - Morning rush and Evening rush
9	WB Cedar & Houser	41		41	1 blk west of 2 schools. Speed limit 35mph. Construction coming 2012
10	EB Cedar & Houser	41		41	
11	WB Park (Rt. 38) & US 61	13		13	
12	EB Park (Rt. 38) & US 61	15		15	