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MUSCATINE “A.T.E.” SYSTEM TO RESUME ISSUING CITATIONS

Changes to violation processing completed with adoption of amended ordinance

MUSCATINE, Iowa – The five fixed cameras of the Muscatine Automated Traffic Enforcement (ATE) program along with the mobile ATE vehicle will be issuing citations once again starting March 1, 2019, according to Phil Sargent, assistant police chief for the City of Muscatine.

All of the camera locations have been operational but the ability for the system to issue citations for red light running and/or speeding were turned off while the City amended the ATE ordinance.

“There were two Iowa Supreme Court rulings in 2018 pertaining to ATE systems,” Sargent said. “The first overruled the State of Iowa’s creation of rules regarding the use of ATE’s and the second on the citation payment process.”

The April 2018 ruling overruling a set of ATE rules established by the Iowa Department of Transportation (IDOT) allowed the camera at the Highway 61 and University Avenue intersection to again issue citations. That camera watches the westbound approach to the city and had been recording only for statistical purposes since a district court decision in April 2017 that sided with IDOT on their authority over use of ATE systems by municipalities. The district court decision was appealed by Muscatine and two other municipalities.

A subsequent Supreme Court case on violation processing did not involve the City but was watched closely as it did have an impact on Muscatine and other cities across the state collected ATE fines. The ruling in September 2018 resulted in the City suspending the citation issuing power of the ATE system until the City ordinance (Title 7: Chapter 5) could be amended.

The Iowa Supreme Court ruled in *Behm v City of Cedar Rapids* that Cedar Rapids denied Behm's constitutional arguments over due process and equal protection. The Court did side with Behm in that the Cedar Rapids ordinance did sidestep municipal infraction procedures making the ordinance "irreconcilable" with state code.

Municipalities could not hold a vehicle owner liable for a violation (by default of a municipal violation) if they ignore the citations and do not pay them or contest them in court, and the city never begins municipal infraction proceedings.

While reviewing the Supreme Court ruling the City decided to suspend the ATE system from issuing citations while a complete review of the ordinance was completed. The cameras were maintained and used for statistical purposes only during the past five months.

"Based on the recommendation of the City attorney, we stopped issuing ATE citations in September of 2018 for all violations until a new ordinance was passed, forms edited, and violation processing was changed," Sargent said.

The major change in the ordinance was changing how violations were processed.

The original ordinance had the citation and any associated legal and late fees turned over to a collection agency if the citation was not paid within a specified time. Specifically, the receiver of an ATE citation had 30 days to either pay the fine, ask for a review, or ask for a trial before a judge before late fees were added to the fine. The recipient would have another 30 days to pay before the citation was turned over to the collection agency.

The revised ordinance still gives the recipient of a citation 30 days to admit and pay. However the City has the option to file a civil municipal infraction citation with the courts if the citation is

not paid that adds additional penalties and costs to the original fine, and any other relief as permitted by law.

The revised ordinance also keeps the option for a recipient to request an in-person review by the issuing officer.

A total of 7,922 citations were issued from January through August of 2018 including 1,943 for red light violations and 5,979 for speed violations. Even if an average number of citations were used to complete the 2018 statistics, the number of citations is less than 2011 through 2016 but more than 2017.

“We want the number of citations to go down,” Sargent said. “This program is about safety for the travelling public and for pedestrians. We would be happy to see fewer citations because that means drivers are obeying traffic laws.”

The use of ATE systems by municipalities continues to be more about safety than about revenue generation, Sargent said. And the revisions to the City ordinance is in agreement with what the Court wrote that the violation process should be and to be in line with state code.