

ORDINANCE NO. 94268-0518

**AN ORDINANCE AMENDING TITLE 7 VEHICLES AND TRAFFIC, CHAPTER 5
AUTOMATED TRAFFIC ENFORCEMENT**

WHEREAS, a clerical error was identified in the codification of Muscatine Code of Ordinances section 7-5-5. This clerical error inadvertently omitted subsection A of 7-5-5 from the Muscatine Code of Ordinances, which subsection established a scheduled penalty for violation of Title 7, Chapter 5, Section 3(A).

WHEREAS, the City has been able to issue citations for violations of Title 7, Chapter 5, Section 3(A); however, as a result of this omission, penalties for violations of Title 7, Chapter 5, Section 3(A) are subject to the standard penalty for civil infractions, which can amount to as much as \$500 per violation.

WHEREAS, the City wishes to correct this clerical oversight and reinsert 7-5-5(A) into the Muscatine Code of Ordinances, and to renumber all sections of 7-5-5 affected by such change, so that penalties for violations of Title 7, Chapter 5, Section 3(A) cannot exceed \$75.00.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Muscatine, Iowa as follows:

SECTION 1. AMENDMENT. TITLE 7 VEHICLES AND TRANSPORTATION, CHAPTER 5 AUTOMATED TRAFFIC ENFORCEMENT of the City Code of Muscatine Section 7-5-5 is amended as follows:

7-5-5 Penalty and Appeal.

- A. Any violation of Subsection 7-5-3[A] shall be considered a notice of violation for which a civil fine of seventy-five dollars (\$75.00) shall be imposed, payable to the City of Muscatine.
- B. Any violation of Subsection 7-5-3[B] shall be considered a notice of violation for which a civil fine as listed in the tables below shall be imposed, payable to the City of Muscatine.

1. Standard ATE and Mobile ATE Penalties.

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

2. Mobile ATE Penalties in School or Construction Zones .

Speed Limit Over	Civil Fine
1 through 5 mph	\$ 0
6 through 10 mph	\$70
11 through 20 mph	\$75
21 through 25 mph	\$100
26 through 30 mph	\$250
Over 30 mph	\$350

- C. 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.
- D. 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 thirty (30) days alter 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 .
- E. 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 thirty (30) days following the mailing of the notice, a second violation notice shall be mailed with a thirty-five dollar (\$35.00) late fee added to the civil fine. If at the end of the thirty (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.
- F. If the recipient of an automated traffic enforcement citation 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 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect

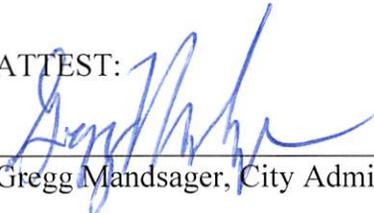
the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

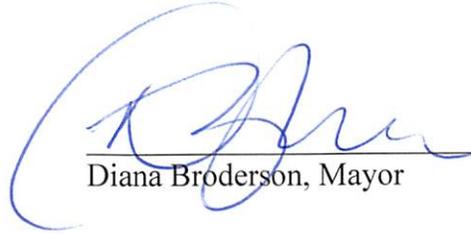
Passed First Reading by the City Council of Muscatine, Iowa, 3rd day of May, 2018.

Adopted on Second and Final Reading by the City Council of Muscatine, Iowa, the 3rd day of May, 2018.

ATTEST:



Gregg Mandsager, City Administrator



Diana Broderson, Mayor

1st Reading – May 3rd, 2018

2nd Reading – May 3rd, 2018

The Mayor declared Ordinance No. 94268-0518 was passed on May 3rd, 2018.

I certify that the foregoing was published as Ordinance No. 94268-0518 on the 10th day of May, 2018.



Gregg Mandsager, City Administrator

***** Proof of Publication *****

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 5798

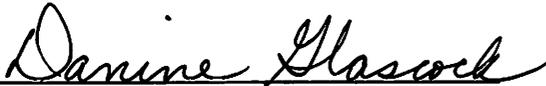
The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.



PUBLISHED ON: 05/10/2018

TOTAL AD COST: 73.09
FILED ON: 5/15/2018

Subscribed and sworn to before me by said affiant this 15 day of May 2018.



Notary Public in and for Scott County, Iowa



*** Proof of Publication ***

ORDINANCE NO. 94268-0518 AN ORDINANCE AMENDING TITLE 7 VEHICLES AND TRAFFIC, CHAPTER 5 AUTOMATED TRAFFIC ENFORCE- MENT

WHEREAS, a clerical error was identified in the codification of Muscatine Code of Ordinances section 7-5-5. This clerical error inadvertently omitted subsection A of 7-5-5 from the Muscatine Code of Ordinances, which subsection established a scheduled penalty for violation of Title 7, Chapter 5, Section 3(A).

WHEREAS, the City has been able to issue citations for violations of Title 7, Chapter 5, Section 3(A); however, as a result of this omission, penalties for violations of Title 7, Chapter 5, Section 3(A) are subject to the standard penalty for civil infractions, which can amount to as much as \$500 per violation.

WHEREAS, the City wishes to correct this clerical oversight and reinsert 7-5-5(A) into the Muscatine Code of Ordinances, and to renumber all sections of 7-5-5 affected by such change, so that penalties for violations of Title 7, Chapter 5, Section 3(A) cannot exceed \$75.00.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Muscatine, Iowa as follows:

**SECTION 1. AMENDMENT. TITLE 7
VEHICLES AND TRANSPORTATION,
CHAPTER 5 AUTOMATED TRAFFIC
ENFORCEMENT of the City Code of
Muscatine Section 7-5-5 is amended as
follows:**

7-5-5 Penalty and Appeal.

A. Any violation of Subsection 7-5-3(A) shall be considered a notice of violation for which a civil fine of seventy-five dollars (\$75.00) shall be imposed, payable to the City of Muscatine.

B. Any violation of Subsection 7-5-3(B) shall be considered a notice of violation for which a civil fine as listed in the tables below shall be imposed, payable to the City of Muscatine.

1. Standard ATE and Mobile ATE Penalties.

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11 through 20 mph, \$75
21 through 25 mph, \$100
26 through 30 mph, \$250
Over 30 mph, \$350

2. Mobile ATE Penalties in School or Construction Zones.

Speed Limit Over, Civil Fine

1 through 5 mph, \$0
6 through 10 mph, \$70
11 through 20 mph, \$75
21 through 25 mph, \$100
26 through 30 mph, \$250
Over 30 mph, \$350

C. 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.

D. 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 thirty (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.

E. 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 thirty (30) days following the mailing of the notice, a second violation notice shall be mailed with a thirty-five dollar (\$35.00) late fee added to the civil fine. If at the end of the thirty (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.

F. If the recipient of an automated traffic enforcement citation 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 3. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any portion of this ordinance is held to be

*** Proof of Publication ***

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

SECTION 5. WHEN EFFECTIVE. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed First Reading by the City Council of Muscatine, Iowa, 3rd day of May, 2018.
Adopted on Second and Final Reading by the City Council of Muscatine, Iowa, the 3rd day of May, 2018.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator