

ORDINANCE NO. 2019-0158

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

WHEREAS, the City currently utilizes fixed and mobile ATE equipment, and

WHEREAS, the City wishes to amend the existing ATE ordinance to clarify that, for speed violations, violations are not limited to those occurring at a marked intersection.

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 7-5-1 is amended by adding the following:

7-5-1 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 his or her designee or that fail to obey speed regulations. 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.

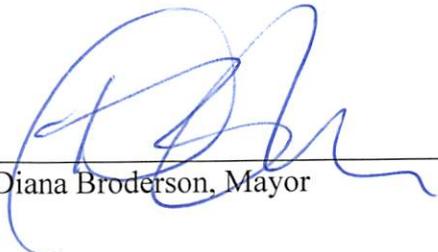
SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

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

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

PASSED AND ENACTED by the City Council of Muscatine, Iowa, the 3rd day of July, 2019.





Diana Broderson, Mayor

ATTEST:



Jerry Ewers, Acting City Clerk

The Mayor declared Ordinance No. 2019-0154 was passed on the 3rd day of July, 2019.

I certify that the foregoing was published as Ordinance No. 2019-0154 on the 16 day of July 2019.



Gregg Mandsager, City Administrator

1st Reading June 6, 2019
2nd Reading June 29, 2019
3rd Reading July 3, 2019
Publication:

MUSCATINE POLICE DEPARTMENT

MEMORANDUM

TO: Gregg Mandsager, City Administrator

FROM: Brett Talkington, Chief of Police

SUBJECT: City Council Agenda Item for June 6, 2019 – Ordinance Revision

DATE: May 21, 2019

INTRODUCTION:

Late last year a concern or issue was found in the ATE ordinance by the prosecuting attorney. This issue was confusing language in 7-5-1 “general” as it relates to the mobile speed enforcement vehicle. The City Attorney has revised this paragraph to remove the language “designated intersection” to remove all confusion from this ordinance.

RECOMMENDATION/RATIONALE:

We would like the city council to pass the attached revision to 7-5-1 as created by the city attorney.

*** 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 44933

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



Section: Notices & Legals

Category: 2520 Miscellaneous Notice

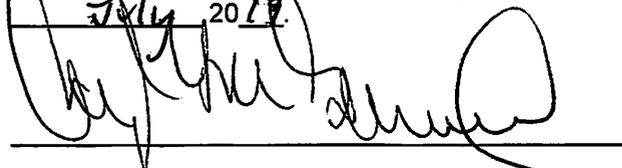
PUBLISHED ON: 07/16/2019

TOTAL AD COST: 49.72

FILED ON: 7/16/2019

Subscribed and sworn to before me by said affiant this 16 day of

July 2019



Notary Public in and for Scott County, Iowa

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

WHEREAS the City currently utilizes fixed and mobile ATE equipment, and WHEREAS the City wishes to amend the existing ATE ordinance to clarify that, for speed violations, violations are not limited to those occurring at a marked intersection. In addition, the City seeks to clarify the roles of the issuing and reviewing officer in the administrative review process.

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 7-5-1 is amended by adding or deleting the following:

7-5-1 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 his or her designee or that 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.

SECTION 2. AMENDMENT. TITLE 7 VEHICLES AND TRANSPORTATION, CHAPTER 5 AUTOMATED TRAFFIC ENFORCEMENT of the City Code of Muscatine Section 7-5-5 is amended by adding or deleting the following:

7-5-5 Penalty and Appeal.
C. A recipient of an automated traffic citation may contact the issuing officer Department 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 reviewing officer may sustain or void the citation.

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.

1st Reading June 6, 2019
2nd Reading June 20, 2019
3rd and Final Reading July 3, 2019

