

ORDINANCE NO. 14,374

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,141, passed October 7, 2002, by amending paragraphs (a) and (b) of Section 1-15, and Sections 114-1, 114-277, and 114-294, and adding and enacting Sections 114-174, 114-174A, 114-193, 114-216, 114-219, 114-220, 114-277A and 114-483 and repealing Section 114-277.01 thereof, regarding general penalty, operators license, reckless and careless driving and road work zone regulations.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,141, passed October 7, 2002, is hereby amended by amending paragraphs (a) and (b) of Section 1-15, and Sections 114-1, 114-277, and 114-294, and adding and enacting Sections 114-174, 114-174A, 114-193, 114-216, 114-219, 114-220, 114-277A and 114-483 and repealing Section 114-277.01 thereof, regarding general penalty, operators license, reckless and careless driving and road work zone regulations, as follows:

**Sec. 1-15. General penalty.**

- (a) Whenever in this Code or in any city ordinance any act is prohibited or is made or declared to be unlawful or an offense or whenever in this Code or in any city ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, if the act is not declared to be a misdemeanor or a municipal infraction and if no

specific penalty is provided therefor, the violation of any such provision shall be deemed to be a misdemeanor punishable by a fine not exceeding \$500.00 or by imprisonment not exceeding 30 days.

- (b) Whenever in this Code or in any city ordinance any act is prohibited and is declared to be a misdemeanor or whenever in this Code or in any city ordinance the doing of any act is required and the failure to do that act is declared to be a misdemeanor, the violation of any such provision shall be punishable by a fine not exceeding \$500.00 or by imprisonment not exceeding 30 days.

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**Sec. 114-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Road work zone* means the portion of a street or highway which is identified by posted or moving signs as the site of construction, maintenance, survey, or utility work. The zone starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the work zone has ended.

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**114-174 Operators licensed -- operation of commercial motor vehicles.**

- (a) A person, except those expressly exempted under section 321.176 of the Iowa Code, shall not operate any motor vehicle upon a street in the city limits unless the person has a driver's license issued by the Iowa State Department of Transportation valid for the vehicle's operation.
- (b) A person operating a commercial motor vehicle shall not have more than one driver's license. A nonresident of Iowa may operate a commercial motor vehicle in the city limits if the nonresident has been issued a license by another state, a nonresident commercial driver's license, or a driver's license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, or driver's license is valid for the

vehicle operated. A person who operates a commercial motor vehicle upon the streets of this city without having been issued a driver's license valid for the vehicle operated commits a simple misdemeanor.

**Sec. 114-174A. Operation of motor vehicle with expired license.**

A person shall not operate a motor vehicle upon a street in this city with an expired driver's license.

**Sec. 114-193 Restrictions on licenses.**

A person shall not operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person by the Iowa State Department of Transportation.

**Sec. 114-216 Unlawful use of license or nonoperator's identification card.**

It is a simple misdemeanor for any person:

- (a) To display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or fraudulently altered driver's license or nonoperator's identification card.
- (b) To lend that person's driver's license or nonoperator's identification card to another person or knowingly permit the use of the license by another.
- (c) To display or represent as one's own a driver's license or nonoperator's identification card not issued to that person.
- (d) To fail or refuse to surrender to the department upon its lawful demand a driver's license or nonoperator's identification card which has been suspended, revoked, or canceled.
- (e) To permit an unlawful use of a driver's license or nonoperator's identification card issued to that person.

**Sec. 114-219. Permitting unauthorized minor to drive.**

A person shall not cause or knowingly permit the person's child or ward under the age of eighteen years to drive a motor vehicle upon any street when the minor is not authorized under Iowa Code Chapter 321.

**Sec. 114-220. Permitting unauthorized person to drive.**

A person shall not knowingly authorize or permit a motor vehicle owned by the person or under the person's control to be driven upon a highway by a person who is not issued a driver's license valid for the vehicle's operation.

**Sec. 114-277. Reckless driving.**

- (a) Any person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving.
- (b) Every person convicted of reckless driving shall be guilty of a simple misdemeanor.

**Sec. 114-277.01. Repealed by Ord. No. 14,---.**

**Sec. 114-277A. Careless Driving.**

- (a) A person commits careless driving if the person intentionally operates a motor vehicle on a public road or highway in any one of the following ways:
  - 1. Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.
  - 2. Simulates a temporary race.
  - 3. Causes any wheel or wheels to unnecessarily lose contact with the ground.
  - 4. Causes the vehicle to unnecessarily turn abruptly or sway.
- (b) A person convicted of violating this section shall pay the scheduled fine in the amount stated at §805.8A, subsection 6, paragraph b. of the Iowa Code.

**Sec. 114-294. Impeding traffic by slow speed.**

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe

operation or in compliance with the law. Peace officers are authorized to enforce this section by direction to drivers. The apparent willful disobedience of this section and refusal to comply with the direction of an officer in accordance with this section shall constitute a violation of this chapter and shall be punishable as a scheduled violation in the amount stated at section 805.8A, subsection 8 of the Iowa Code.

**Sec. 114-483. Road Work Zone Violations.**

The scheduled fine for any moving traffic violation under this chapter, as provided in section 805.8A of the Iowa Code and made applicable to city ordinances by section 805.8 of the Iowa Code, shall be doubled if the violation occurs within any road work zone, as defined in section 114-1 of this chapter.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 04-2069), passed by the City Council of said City at a meeting held September 27, 2004 signed by the Mayor on September 27, 2004 and published as provided by law in the Business Record on October 11, 2004 Authorized by Publication Order No.4382.

Diane Rauh, City Clerk

