

ORDINANCE NO. 14,885

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, by adding and enacting a new Article III, Obedience to Traffic Laws, Section 114-243, relating to automated traffic enforcement.

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, is hereby amended by enacting a new Article III, Obedience to Traffic Laws, Section 114-243, relating to automated traffic enforcement, as follows:

ARTICLE III. OBEDIENCE TO TRAFFIC LAWS

DIVISION 3. Automated Traffic Enforcement

Sec. 114-243. Civil Automated Traffic Enforcement

- (a) General. The city of Des Moines, in accordance with the police powers authorized it by the state of Iowa for governing safe traffic flow, may deploy, erect or cause to have erected an automated traffic enforcement system for making video images of vehicles that fail to obey red light traffic signals at intersections designated by the city manager or his designee or fail to obey speed regulations at other locations in the city. The system may be managed by the private contractor that owns and operates the requisite equipment with supervisory control vested in the city's police department. Video images shall be provided to the police department by the contractor for review. The police department will determine which vehicle owners are in violation of the city's traffic control ordinances and are to receive a notice of violation for the offense.
- (b) Definitions. The following phrases or terms when used in this section shall have the meanings ascribed to them herein:

Automated traffic enforcement system means an

electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or police department employee to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control device or speed restriction.

Vehicle owner means 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 civil penalty 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 civil penalty as imposed below if such vehicle travels at a speed above the posted speed limit.
- (3) The violation may be rebutted by a showing that a stolen vehicle report was made on the vehicle encompassing the time period in question.
- (4) The citation will in no event be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the vehicle owner's driving record.

(d) Penalty and Appeal.

- (1) Any violation of subsection (c)(1) or subsection (c)(2) above shall be considered for a notice of violation for which a civil penalty in the amount specified in the schedule of administrative penalties adopted by city council by resolution shall be imposed, payable to the city of Des Moines at the city's finance department or a designee.
- (2) A recipient of an automated traffic citation may dispute the citation by requesting an issuance of a municipal infraction citation by the police department. 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 Polk 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.
- (3) If a recipient of an automated traffic citation does

not pay the civil penalty by the stated due date or request a trial before a judge or magistrate, a municipal infraction citation will be issued to the recipient by certified mail from the police department. Said municipal infraction citation will result in a mandatory court appearance by the recipient as well as imposition of state mandated court costs if a finding of guilty is made by the court.

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. 09-1683), passed by the City Council of said City at a meeting held September 14, 2009, signed by the Mayor on September 14, 2009 and published as provided by law in the Business Record on September 28, 2009. Authorized by Publication Order No. 6643.

Diane Rauh
City Clerk