

**CITY OF MUSCATINE
ORDINANCE 2024-0317**

**ORDINANCE AMENDING TITLE 7, CHAPTER 5 OF CITY CODE RELATING
TO AUTOMATIC TRAFFIC ENFORCEMENT**

WHEREAS, the City currently utilizes fixed and mobile Automated Traffic Enforcement ("ATE") equipment, and

WHEREAS, on May 17, 2024, File 2681, relating to Automated Traffic Enforcement, was signed into law by the Honorable Governor Kim Reynolds, with new regulations governing ATE Systems, and

WHEREAS, The City of Muscatine wishes to adapt its ATE Ordinance to comply with the updated law, and

WHEREAS, an amended code has been developed to address regulatory processes for the Automated Traffic Enforcement in the City of Muscatine

NOW THEREFORE, be it ordained by the City Council of the City of Muscatine, in the State of Iowa, as follows:

SECTION 1: **AMENDMENT** “7-5-3 Offense” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7-5-3 Offense

- A. If a vehicle is detected crossing a marked stop line or the intersection a system location when the traffic signal for that vehicle's direction is emitting a steady red light or arrow, the Vehicle Owner shall be subject to a fine as scheduled below in Section 7-5-5 of this Code of Ordinances.
- B. If a vehicle is detected travelling at a speed above the posted limit, the Vehicle Owner shall be subject to a fine as scheduled in Section 7-5-5 of this Code of Ordinances. ^v
- C. The citation will in no event be sent or reported to the Iowa Department of Transportation or similar department of any state for the purposes of being added to the vehicle owner’s driving record.

SECTION 2: **AMENDMENT** “7-5-5 Penalty And Appeal” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

7-5-5 Penalty And Appeal

- A. If the Recipient of an Automated Traffic Citation admits and pays the citation, such person shall be subject to the penalties as set forth below.
1. Any violation of Subsection 7-5-3 (A) shall be punishable by a civil penalty of one hundred dollars (\$100).
 2. Any violation of Subsection 7-5-3(B) shall be punishable by a civil fine as listed in the table below.

Speed Over Limit	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	\$500

Mobile ATE Penalties in Road Work Zones.

Speed Over Limit	Civil Fine
1 through 10 mph	\$0
11 through 20 mph	\$150
21 through 25 mph	\$200
26 through 30 mph	\$500
Over 30 mph	\$1000

- B. Upon payment of the above penalty to the City Clerk or his designee within thirty days of issuance of the citation, the recipient of the citation shall not be further prosecuted or assessed any costs or other expenses for such violation, and the City shall retain all penalties collected pursuant to this action.
- C. Where an automated traffic citation charged upon a simple notice of violation pursuant to this section is not admitted and paid by the person charged within thirty days of issuance of the notice of violation, the City may file a civil municipal infraction citation, which shall be served and filed with the courts in the manner prescribed by the applicable provisions of this Code. In the even that a municipal infraction citation is filed, additional fees may apply such as court costs, service costs, and filing fees, as may be permitted by law.

- D. A recipient of an automated traffic citation may contact the issuing officer and ask for 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.

SECTION 3: **AMENDMENT** “7-5-2 Definitions” of the Muscatine Municipal Code is hereby *amended* as follows:

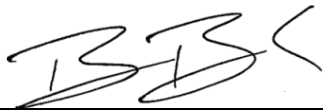
A M E N D M E N T

7-5-2 Definitions

- A. "Automated Traffic Enforcement System." An electronic system consisting of photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device or mobile unit, as calibrated by Police Department employees or their agents, to automatically produce photographs, video or digital images of each vehicle that violates a standard traffic control device or speed restriction. The mobile speed enforcement unit is considered exempt from Title 7, Chapter 12, Section 3. ^{iii iv}
- B. "Vehicle Owner." 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. However, if the vehicle is leased or rented, "owner" means the person to whom the vehicle is leased or rented, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. For purposes of this section, "leased" or "rented" means the transfer of the possession or right to possession of a vehicle to a lessee for a valuable consideration for a continuous period pursuant to a written agreement.

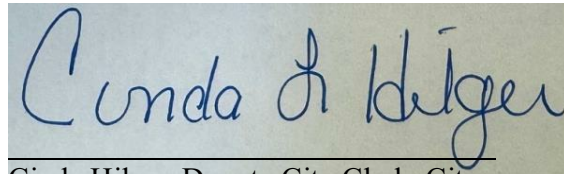
PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL
SEPTEMBER 05, 2024.

Presiding Officer

A handwritten signature in black ink, appearing to read 'B B K', written over a horizontal line.

Dr. Brad Bark, Mayor, City of
Muscatine

Attest

A handwritten signature in blue ink, reading 'Cinda Hilger', written over a horizontal line.

Cinda Hilger, Deputy City Clerk, City
of Muscatine

