

Ordinance No. 16-03

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE TRAFFIC AND VEHICLES CODE, UNDER THE ORDINANCES OF CHAPTER 60.02.08

WHEREAS, the City Council of the City of Windsor Heights previously adopted Ordinance No. 16-02 on February 1, 2016, an Ordinance Adopting the Code of Ordinances of the City of Windsor Heights, Iowa; and

WHEREAS, the City Council desires to enact the following in order to accomplish the objectives described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:

SECTION 1: Amended. Section 60.02.08 is hereby amended as follows:

60.02.08 AUTOMATED TRAFFIC ENFORCEMENT. The City of Windsor Heights, in accordance with its police powers, may deploy, erect or cause to have erected an automated traffic enforcement system for making video and/or photographic images of vehicles that fail to obey red light traffic signals at intersections designated by the city administrator, or designee, or fail to obey speed regulations at other locations in the City. The systems may be managed by a private contractor ~~that~~ where the city or private contractor owns and operates the requisite equipment, with supervisory control vested in the City's Police Department. Video and/or photographic images shall be provided to the Police Department by the contractor for review.

60.02.08.2.B The Vehicle Owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the ~~established~~ posted limit.

60.02.08.3.C Any violation of Subsection 2(B) shall be subject to one of the civil fines identified in the table below. The fine for any violation committed in a designated Road Work Zone, as defined by the City's Code of Ordinances Subsection 60.01.01(12), shall be doubled—as identified in the table below. All civil fines shall be made payable to the City of Windsor Heights.

Speed over the limit in miles per hour ("MPH")	Civil Fine	If in a Road Work Zone
1+ through 15 MPH	\$65	\$130
16 through 20 MPH	\$75	\$150
21 MPH and more	\$80 plus \$5 for each additional mile over 21 MPH	\$160 plus \$5 for each additional mile over 21 MPH

60.02.08.4.A By submitting, in a form specified by the City, a request for an administrative review to be held at the Police Department before an impartial

administrative appeals board (the "Board"). Such a request must be filed within thirty (30) days from the date of the first notice of the Automated Traffic Citation sent to the vehicle owner. The Board may either uphold or dismiss the Automated Traffic citation and shall mail its written decision within ten (10) days after the review to the address provided on the request for the review. If the citation is upheld, then the Board shall include in its written decision a date by which the fine must be paid and, on or before that date, the vehicle owner shall either pay the fine or submit a request pursuant to the paragraph B of this subsection.

60.02.08.5.E The officer inspecting the recorded image determines that the vehicle in question entered the intersection in order to yield the right-of-way to an emergency vehicle when cited for a red light violation.

60.02.08.6.A Attempt to collect the payment via a second and final automated traffic citation notification with a service fee added to the civil fine. If the end of an additional thirty (30) day period given for the second notification is reached and the vehicle owner does not pay the fine or request a trial pursuant to paragraph 4(B) of this section, the vehicle owner shall be deemed guilty of the violation and be held liable for the fine amount plus any additional service fees.

Only the content of the aforementioned subsections of 60.02.08 shall be affected by this Ordinance. All other sections and subsections shall remain unchanged.

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

SECTION 3. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this ___ Day of May 16, 2016

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Publish Date: _____

Diana Willits, Mayor

(SEAL)

ATTEST:

Marcia Woodke, Interim City Clerk