

COUNCIL ACTION FORM

AGENDA ITEM: RESOLUTION SETTING THE PUBLIC HEARING FOR AMENDMENTS TO CITY CODE CHAPTER 4, RELATED TO MUNICIPAL INFRACTIONS, AND CHAPTER 60, RELATED TO TRAFFIC AND VEHICLES.

HISTORY:

On August 31, 2018, the Iowa Supreme Court issued three opinions relating to Automated Traffic Enforcement (ATE) devices. The rulings particularly addressed the process of the ATE violation if the vehicle owner fails to voluntarily submit the fine for the violation. In the ruling, the Supreme Court stated City's cannot find judgement against those who do not pay the fine voluntarily, without the matter going in front of a Court for final judgement. As such, changes have been recommended to the Windsor Heights ATE program and associated City Code.

Recommendations of changes to the City Code include the following:

4.07 – Delete and mark as “REPEALED” - FAILURE TO PAY A CIVIL CITATION.

1. Delinquent Offenders. As used in this section, “delinquent offender” means any person that has at least one unpaid citation or municipal infraction of a violation of this Code of Ordinances that has remained unpaid for 120 days or more. It shall be a separate citable offense to be a delinquent offender of this Code. A delinquent offender administrative fee of thirty-five dollars (\$35.00) may be assessed against any such offender, which fee shall be in addition to any fine otherwise due pursuant to this Code.

2. Collection. A default in the payment of a fine or penalty, or any installment of a fine or penalty, may be collected by any means allowable for the collection of monetary judgements. The City Attorney and/or a private collection agent may be retained for the purpose of collecting any default in payment or any fine or penalty or installment of a fine or penalty, or any combination thereof. Any fees or costs incurred by the City with respect to attorneys or private agents retained under this section shall be charged to the offender.

3. Denial of Licenses and Permits. In addition to any other means provided by law, the City may collect any past due citation fine, late payment charge, costs, taxes, or fees by declining to issue or renew any license, permit, zoning variance, or other permission applied for by the responsible party under this Code of Ordinances until the responsible party pays such fine, charge, costs, taxes, and fees.

60.02.08 (3) (A) – Remove “and monetary penalty that shall be assessed for late payment” in the paragraph.

60.02.08 (4) (B) – Remove “Such a request must be filed within thirty (30) days of whichever is later, either: the date of the notice of the automated traffic citation sent to the vehicle owner, or the date of the Board’s decision pursuant to paragraph A of this subsection.”

60.02.08 (6) – Remove “If the recipient of an automated traffic citation either does not pay the civil penalty when due or does not contest the automated traffic citation as provided herein, the City may:

A. Attempt to collect the payment via a second and final 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.(Ord. 16-03 – Aug. 16 Supp.)

B. The City may then refer the vehicle owner to a private service agent for collection of the civil penalties imposed under the provisions of this section, together with any interest and service fees thereon, by either the private agency on behalf of the City or by civil suit; and/or

C. Refer the vehicle owner to the State's income offset billing program for payment; or

D. File a municipal infraction, and a corresponding fine sought, pursuant to Chapter 4 of this Code of Ordinances. If the Court finds the vehicle owner guilty of the municipal infraction, State-mandated court costs will be added to the amount of the fine imposed.

(Subchapter 60.02 - Ord. 16-02 – Feb. 16 Supp.)

60.02.08 (6) – Add “If the recipient of an automated traffic citation either does not pay the civil penalty when due or does not contest the automated traffic citation as provided herein, 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 provision(s) of this Code. Such municipal infraction citation may seek a penalty and/or additional relief to the extent permitted by law. If at trial the Court finds the vehicle owner guilty of the municipal infraction, State-mandated court costs will be added to the amount of the fine imposed by the applicable provision(s) of this Code.”

To ensure compliance with the Iowa Supreme Court decision, the previous policy of sending those violations which are not voluntarily paid to collections has ceased. Staff will work through the process of submitting Municipal Infractions for those who do not voluntarily pay with the Courts as this process moves forward.

OPTIONS:

1. Set a public hearing for the proposed changes to City Code Chapter 4 related to Municipal Infractions and Chapter 60 related to Traffic Control Devices.
2. Give staff direction on other changes and revisit Chapter 4 and Chapter 60 revisions at a future meeting.

STAFF RECOMMENDATIONS:

Staff recommends approval of Option #1, set a public hearing for the proposed changes to City Code Chapter 4 related to Municipal Infractions and Chapter 60 related to Traffic Control Devices.

Therefore, it is the recommendation of the City Administrator that Council approves Option #1, set the public hearing for October 15, 2018.



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MEMORANDUM

Confidential: Attorney/Client Privileged – Attorney Work Product

TO: City of Windsor Heights
FROM: Erin Clanton
DATE: September 26, 2018
SUBJECT: ATE Changes

On August 31, 2018, the Iowa Supreme Court decided the cases of Weizberg v. City of Des Moines, City of Cedar Rapids v. Leaf, and Behm v. City of Cedar Rapids. Each case had a different procedural avenue than the others, which rendered different outcomes on similar issues. That said, the Court generally ruled as a matter of law against Plaintiffs on their constitutional arguments. However, the Court left the door open to two constitutional challenges: 1) an improper delegation of police power argument on the issue of calibration of ATE equipment and 2) violation of the equal protection clause argument based on utilization of a license plate database which excludes commercial and government owned vehicles.

Remanded Issues

As to the issue of calibration, the Court declined to find as a matter of law that Gatos's calibration of the ATE equipment constituted an improper delegation of police power because the factual record failed to establish whether the act of calibrating the machine constituted a ministerial act or not. This question was remanded for further factual findings so further answers on this issue are likely forthcoming. See Weizberg.

As to the equal protection issue, the Court also remanded Weizberg to allow Plaintiffs to show that there is no rational basis for the City to utilize a database which does not include commercial vehicles or government owned vehicles in its ATE enforcement system. The Court indicated that, on remand, it would look to whether or not the evidence establishes that utilizing this database is the most cost-effective option or whether another, equally priced database, is available to cities which includes commercial and government owned vehicles. The City may want to begin to develop this factual record if NETS is utilized to pull license plate information for its ATE system.

We will be following these cases on remand and apprise the City of any necessary changes needed once these matter are fully adjudicated.

Default Liability

While the constitutional arguments largely failed to have any impact on the operation of ATE equipment in Iowa, the Court issued rulings in the Behm and Weizberg cases, which upends prior authority and requires immediate restructuring of ATE ordinances.

In particular, the Court held that ATE ordinances that impose liability by default when an individual fails to timely pay, timely appeal, or timely request the issuance of a municipal infraction, are preempted by Iowa Code section 364.22. The court specifically held as follows:

We conclude the provisions of the ordinance that purportedly impose liability on a protesting vehicle owner who does not respond to a notice of violation or who does not timely file a request with the City to institute a municipal infraction proceeding at the conclusion of the administrative process are irreconcilable with the provisions of Iowa Code section 364.22.

See Behm.

The Supreme Court reiterated this holding in Weizberg, where it stated as follows:

We noted in *Behm* that to the extent a municipality seeks to assert the coercive power of government to enforce payment of a penalty for a municipal infraction, a municipality must pursue a municipal infraction under Iowa Code section 364.22. *See Behm*, ___ N.W.2d at ___. A municipality is free, however, to establish an alternate, informal procedure to pursue resolution of the matter without resort to the court if the municipality does not claim or attempt to assert the power to enforce any purported citation except through the municipal infraction provisions of Iowa Code section 364.22.

See Weizberg.

Based on these holdings of the Court, cities can no longer find the recipient of an ATE citation liable for the citation because they have failed to pay, failed to appeal, or failed to request the issuance of a citation. If an individual does not voluntarily pay for and admit liability for the citation, cities must either file a municipal infraction proceeding or let the citation be.

Importantly, after declaring that ATE ordinances violate Iowa Code section 364.22 if they imposed liability without utilizing the municipal infraction procedure, the court also indicated that it would allow claims for unjust enrichment to proceed for penalties paid under such ordinances.

In light of these cases, the City will want to immediately take the following steps:

1. Amend ordinance to remove imposition of liability at the city level absent voluntary admission;
2. Contact vendor and amend notices can be revised to conform to language of ordinance;
3. Revise notices of violation to conform to new city code provisions;

4. Cease all collection activity against any recipient of ATE citations. Based on the trilogy of cases, these are not considered valid debts owing to the City.

Enclosed herewith is a revised ATE ordinance which has been amended to conform to the August 31, 2018 rulings.

CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
 4.02 Environmental Violation
 4.03 Penalties
 4.04 Civil Citations

4.05 Alternative Relief
 4.06 Alternative Penalties
 4.07 Failure to Pay a Civil Citation
 4.08 Habitual Offenders

4.01 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the *Code of Iowa*, is a municipal infraction punishable by civil penalty as provided herein.[†]

(Code of Iowa, Sec. 364.22[3])

4.02 ENVIRONMENTAL VIOLATION. A municipal infraction which is a violation of Chapter 455B of the *Code of Iowa* or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

(Code of Iowa, Sec. 364.22[1])

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

4.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

(Code of Iowa, Sec. 364.22[1])

1. Standard Civil Penalties.
 - A. First offense – not to exceed \$750.00
 - B. Each repeat offense – not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties.
 - A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.

[†] **EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

4.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22[4])

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

If the citation affects real property and charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, after filing the citation with the Clerk of the District Court, the City shall also file the citation in the office of the County Treasurer.

4.05 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22[8])

4.06 ALTERNATIVE PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[11])

~~4.07 FAILURE TO PAY A CIVIL CITATION.~~

~~1. Delinquent Offenders. As used in this section, "delinquent offender" means any person that has at least one unpaid citation or municipal infraction of a violation of this Code of Ordinances that has remained unpaid for 120 days or more. It shall be a separate citable offense to be a delinquent offender of this Code. A delinquent offender administrative fee of thirty five dollars (\$35.00) may be assessed against any such offender, which fee shall be in addition to any fine otherwise due pursuant to this Code.~~

~~2. Collection. A default in the payment of a fine or penalty, or any installment of a fine or penalty, may be collected by any means allowable for the collection of monetary judgments. The City Attorney and/or a private collection agent may be retained for the purpose of collecting any default in payment or any fine or penalty or installment of a fine or penalty, or any combination thereof. Any fees or costs incurred by the City with respect to attorneys or private agents retained under this section shall be charged to the offender.~~

~~3. Denial of Licenses and Permits. In addition to any other means provided by law, the City may collect any past due citation fine, late payment charge, costs, taxes, or fees by declining to issue or renew any license, permit, zoning variance, or other permission applied for by the responsible party under this Code of Ordinances until the responsible party pays such fine, charge, costs, taxes, and fees.~~

4.07 REPEALED (October 1, 2018)

4.08 HABITUAL OFFENDERS. "Habitual offender" means any person that on at least three (3) occasions within a 12-month period has: (i) received a citation, either civil or criminal, of a violation of this Code of Ordinances; or (ii) has had abatement action initiated against any property the habitual offender owns. It shall be a separate citable offense to be a habitual offender of this Code. A habitual offender administrative fee of thirty-five dollars (\$35.00) may be assessed for each citation above three (3) issued to the same violator within any 12-month period, which fee shall be in addition to any fine otherwise due pursuant to this Code.

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CHAPTER 60

TRAFFIC AND VEHICLES

- 60.01 ADMINISTRATION OF TRAFFIC CODE**
 - 60.02 TRAFFIC CONTROL DEVICES**
 - 60.03 GENERAL TRAFFIC REGULATIONS**
 - 60.04 SPEED REGULATIONS**
 - 60.05 TURNING REGULATIONS**
 - 60.06 STOP OR YIELD REQUIRED**
 - 60.07 LOAD AND WEIGHT RESTRICTIONS**
 - 60.08 PEDESTRIANS**
 - 60.09 ONE-WAY TRAFFIC**
 - 60.10 PARKING REGULATIONS**
 - 60.11 TRAFFIC CODE ENFORCEMENT PROCEDURES**
 - 60.12 ALL-TERRAIN VEHICLES AND SNOWMOBILES**
 - 60.13 BICYCLE REGULATIONS**
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TITLE. This chapter may be known and cited as the “Windsor Heights Traffic Code” and is referred to in this chapter as the “Traffic Code.”

SUBCHAPTER 60.01

ADMINISTRATION OF TRAFFIC CODE

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| <ul style="list-style-type: none"> 60.01.01 Definitions 60.01.02 Administration and Enforcement 60.01.03 Power to Direct Traffic 60.01.04 Traffic Accidents: Reports | <ul style="list-style-type: none"> 60.01.05 Peace Officer’s Authority 60.01.06 Obedience to Peace Officers 60.01.07 Parades Regulated |
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60.01.01 DEFINITIONS. Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or

more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.

5. “Road work zone” means the portion of a 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.

6. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a schoolhouse.

7. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

8. “Stop” means when required, the complete cessation of movement.

9. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

10. “Suburban district” means all other parts of the city not included in the business, school, or residence districts.

11. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

12. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.01.02 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the Police Department.

(Code of Iowa, Sec. 372.13[4])

60.01.03 POWER TO DIRECT TRAFFIC. A peace officer and, in the absence of a peace officer, any officer of the Fire Department when at the scene of a fire is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

(Code of Iowa, Sec. 102.4 & 321.236[2])

60.01.04 TRAFFIC ACCIDENTS: REPORTS. The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the *Code of Iowa*.

(Code of Iowa, Sec. 321.273)

60.01.05 PEACE OFFICER’S AUTHORITY. A peace officer is authorized to stop a vehicle to require exhibition of the driver’s license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment,

tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Code of Iowa, Sec. 321.492)

60.01.06 OBEDIENCE TO PEACE OFFICERS. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

(Code of Iowa, Sec. 321.229)

60.01.07 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. Definition. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Chief of Police. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.
3. Sponsor Signature. The application for a permit shall be signed by the president, secretary, or some person having authority connected with the association, company, society, order, or exhibition sponsoring the parade.
4. Approval. If the Mayor or Chief of Police, upon presentation of an application for a permit for a street parade, is satisfied that the march or parade will not interfere with the safety of travel or good order of the City, he or she shall issue a permit without charge. Nothing in this section shall be construed as requiring a permit for funeral processions.
5. Conditions. The Mayor or Chief of Police is empowered to prescribe the conditions governing any parade, procession or march, including the designation of the routes to be followed, held or proposed to be held on any public street. Should the public interest so require, he or she may for limited periods of time prohibit or restrict parking on any street where unrestricted or restricted parking is permitted under the provisions of this Code. Signs shall be placed, police officers stationed, or other steps taken to inform the public of special regulations.
6. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
7. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.02

TRAFFIC CONTROL DEVICES

60.02.01 Installation of Traffic Control Devices

60.02.02 Compliance

60.02.03 Crosswalks

60.02.04 Traffic Lanes

60.02.05 Necessity of Signs

60.02.06 Standards

60.02.07 (Reserved)

60.02.08 Automated Traffic Enforcement

60.02.01 INSTALLATION OF TRAFFIC CONTROL DEVICES. The Public Works Director shall cause to be placed and maintained appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets. The Chief of Police shall establish the location of traffic control devices and shall also have the power to designate and indicate intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections. The City shall keep a record of all such traffic control devices.

60.02.02 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this subchapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the *Code of Iowa*.

(Code of Iowa, Sec. 321.256)

60.02.03 CROSSWALKS. The Chief of Police is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13[4] & 321.255)

60.02.04 TRAFFIC LANES. Where traffic lanes have been marked on street pavements at such places as traffic conditions require, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, Sec. 372.13[4] & 321.255)

60.02.05 NECESSITY OF SIGNS. No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in a viewable position and sufficiently legible to an ordinarily observant person.

60.02.06 STANDARDS. Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

(Code of Iowa, Sec. 321.255)

60.02.07 (RESERVED)

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 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.

(Ord. 16-03 – Aug. 16 Supp.)

1. Definitions. The following terms are defined as used in this section:
 - A. "Automated traffic citation" means a notice of fine generated in connection with the automated traffic enforcement system.
 - B. "Automated traffic enforcement contractor" means the company or entity, if any, with which the City contracts to provide equipment and/or services in connection with the automated traffic enforcement system.
 - C. "Automated traffic enforcement system" (ATE system) shall mean an electronic system consisting of photographic, video, and/ or electronic camera(s) and a vehicle sensor(s) installed to work in conjunction with an official traffic controller or Police Department employee(s) to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control device or speed restriction.
 - D. "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.
2. Vehicle Owner's Civil Liability for Certain Traffic Offenses.
 - A. The vehicle owner shall be liable for a fine as imposed below if such a 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 arrow.
 - B. The Vehicle Owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the established limit.

(Ord. 16-03 – Aug. 16 Supp.)
 - C. The violation may be exempted from liability as outlined in this section, and other defenses may be considered in connection with the appeals process.
 - D. An automated traffic citation will not 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.
3. Notice of Violation; Fine.
 - A. A notice of any automated traffic citation will be mailed to the vehicle owner. The automated traffic enforcement contractor shall mail the notice within 30 days after the Police Department determines a violation of the City's Traffic Code has occurred. The notice shall include the name and address of

the vehicle owner; the vehicle make, if available and readily discernible, and registration number; the violation charged; the time; the date; the location of the alleged violation; the applicable fine ~~and monetary penalty that shall be assessed for late payment~~; information on how to contest the notice on its merits; and that the basis of the notice is a photographic record obtained by an automated traffic enforcement system.

B. Any violation of paragraph 2(A) of this section shall be subject to a civil fine of \$100.00), made payable to the City of Windsor Heights.

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	\$65.00	\$130.00
16 through 20 MPH	\$75.00	\$150.00
21 MPH and over	\$80.00, plus \$5.00 for each additional mile over 21 MPH	\$160.00, plus \$5.00 for each additional mile over 21 MPH

(Ord. 16-03 – Aug. 16 Supp.)

4. Contesting an Automated Traffic Citation. A vehicle owner who has been issued an automated traffic citation may contest the citation as follows:

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.

(Ord. 16-03 – Aug. 16 Supp.)

B. By submitting, in a form specified by the City, a request that—in lieu of the automated traffic citation—a municipal infraction citation be filed with the Small Claims Division of the Iowa District Court in Polk County. ~~Such a request must be filed within thirty (30) days of whichever is later, either: the date of the notice of the automated traffic citation sent to the vehicle owner, or the date of the Board’s decision pursuant to paragraph A of this subsection.~~ Such a request will require the vehicle owner to file an answer and appearance with the Clerk of Court for the matter to be set for trial. If at trial the Court finds the vehicle owner guilty of the municipal infraction, State-mandated court

costs and municipal infraction penalties may be added to the amount of the fine imposed by this section.

5. Exceptions to Owner Liability. There shall be no liability pursuant to this section if:

A. The operator of the vehicle in question was issued a uniform traffic citation for the violation pursuant to the Section 60.11.01 of this Code of Ordinances or Chapter 321 of the *Code of Iowa*; or

B. The violation occurred at any time after the vehicle in question or its State registration plates were reported to a law enforcement agency as having been stolen; provided, however, the vehicle or its plates had not been recovered by the vehicle owner at the time of the alleged violation; or

C. The vehicle in question was an authorized emergency vehicle engaged in an official act; or

D. The officer inspecting the recorded image determines that the vehicle in question was lawfully participating in a funeral procession; or

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.

(Ord. 16-03 – Aug. 16 Supp.)

6. Failure to Pay or Appeal in a Timely Manner. If the recipient of an automated traffic citation either does not pay the civil penalty when due or does not contest the automated traffic citation as provided herein, 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 provision(s) of this Code. Such municipal infraction citation may seek a penalty and/or additional relief to the extent permitted by law. If at trial the Court finds the vehicle owner guilty of the municipal infraction, State-mandated court costs will be added to the amount of the fine imposed by the applicable provision(s) of this Code.~~If the recipient of an automated traffic citation either does not pay the civil penalty when due or does not contest the automated traffic citation as provided herein, the City may:~~

~~A. Attempt to collect the payment via a second and final 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. (Ord. 16-03 – Aug. 16 Supp.)~~

~~B. The City may then refer the vehicle owner to a private service agent for collection of the civil penalties imposed under the provisions of this section, together with any interest and service fees thereon, by either the private agency on behalf of the City or by civil suit; and/or~~

~~C. Refer the vehicle owner to the State's income offset billing program for payment; or~~

~~D. File a municipal infraction, and a corresponding fine sought, pursuant to Chapter 4 of this Code of Ordinances. If the Court finds the vehicle owner~~

~~guilty of the municipal infraction, State-mandated court costs will be added to the amount of the fine imposed.~~

~~(Subchapter 60.02—Ord. 16-02—Feb. 16 Supp.)~~

[The next page is 445]

CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.03

GENERAL TRAFFIC REGULATIONS

60.03.01 Violation of Regulations

60.03.02 Boarding or Alighting From Moving Vehicle

60.03.03 Vehicles on Sidewalks

60.03.04 Clinging to Vehicle

60.03.05 Climbing on Vehicles Prohibited

60.03.06 Quiet Zones

60.03.07 Pushcarts and Animals on Roadway

60.03.08 Excessive Tire Noise

60.03.09 Dumping of Snow

60.03.01 VIOLATION OF REGULATIONS. Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.25 – Application for registration and title; cards attached.
3. Section 321.32 – Registration card, carried and exhibited; exception.
4. Section 321.34 – Plates or validation sticker furnished.
5. Section 321.37 – Display of plates.
6. Section 321.38 – Plates, method of attaching, imitations prohibited.
7. Section 321.41 – Change of address or name or fuel type.
8. Section 321.45 – Title transfer.
9. Section 321.46 – New title upon transfer of ownership.
10. Section 321.47 – Transfers by operation of law.
11. Section 321.48 – Vehicles acquired for resale.
12. Section 321.52 – Out of state sales.
13. Section 321.54 – Registration and financial liability coverage required of certain nonresident carriers.
14. Section 321.55 – Registration and financial liability coverage required for certain vehicles owned or operated by nonresidents.
15. Section 321.57 – Operation under special plates.
16. Section 321.62 – Records required for special plates.
17. Section 321.67 – Certificate of title must be executed.
18. Section 321.78 – Injuring or tampering with vehicle.
19. Section 321.79 – Intent to injure.
20. Section 321.91 – Penalty for abandonment.

21. Section 321.98 – Operation without registration.
22. Section 321.99 – Fraudulent use of registration.
23. Section 321.104 – Penal offenses against title law.
24. Section 321.115 – Antique vehicles; model year plates permitted.
25. Section 321.174 – Operators licensed.
26. Section 321.174A – Operation of motor vehicles with expired license.
27. Section 321.180 – Instruction permits.
28. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
29. Section 321.193 – Restricted licenses.
30. Section 321.194 – Special minor’s licenses.
31. Section 321.208A – Operation in violation of out-of-service order.
32. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
33. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
34. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
35. Section 321.218 – Operating without valid driver’s license or when disqualified.
36. Section 321.219 – Permitting unauthorized minor to drive.
37. Section 321.220 – Permitting unauthorized person to drive.
38. Section 321.221 – Employing unlicensed chauffeur.
39. Section 321.222 – Renting motor vehicle to another.
40. Section 321.223 – License inspected.
41. Section 321.224 – Record kept.
42. Section 321.229 – Obedience to peace officers.
43. Section 321.231 – Authorized emergency vehicles and police bicycles.
44. Section 321.232 – Speed detection jamming devices; penalty.
45. Section 321.234A – All-terrain vehicles.
46. Section 321.235A – Electric personal assistive mobility devices.
47. Section 321.247 – Golf cart operation on City streets.
48. Section 321.257 – Official traffic control signal.
49. Section 321.259 – Unauthorized signs, signals or markings.
50. Section 321.260 – Interference with devices, signs or signals; unlawful possession.

51. Section 321.262 – Damage to vehicle.
52. Section 321.263 – Information and aid.
53. Section 321.264 – Striking unattended vehicle.
54. Section 321.265 – Striking fixtures upon a highway.
55. Section 321.266 – Reporting accidents.
56. Section 321.275 – Operation of motorcycles and motorized bicycles.
57. Section 321.277 – Reckless driving.
58. Section 321.277A – Careless driving.
59. Section 321.278 – Drag racing prohibited.
60. Section 321.284 – Open container; drivers.
61. Section 321.284A – Open container; passengers.
62. Section 321.288 – Control of vehicle; reduced speed.
63. Section 321.295 – Limitation on bridge or elevated structures.
64. Section 321.297 – Driving on right-hand side of roadways; exceptions.
65. Section 321.298 – Meeting and turning to right.
66. Section 321.299 – Overtaking a vehicle.
67. Section 321.302 – Overtaking and passing.
68. Section 321.303 – Limitations on overtaking on the left.
69. Section 321.304 – Prohibited passing.
70. Section 321.306 – Roadways laned for traffic.
71. Section 321.307 – Following too closely.
72. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
73. Section 321.309 – Towing; convoys; drawbars.
74. Section 321.310 – Towing four-wheel trailers.
75. Section 321.312 – Turning on curve or crest of grade.
76. Section 321.313 – Starting parked vehicle.
77. Section 321.314 – When signal required.
78. Section 321.315 – Signal continuous.
79. Section 321.316 – Stopping.
80. Section 321.317 – Signals by hand and arm or signal device.
81. Section 321.318 – Method of giving hand and arm signals.
82. Section 321.319 – Entering intersections from different highways.
83. Section 321.320 – Left turns; yielding.
84. Section 321.321 – Entering through highways.

85. Section 321.322 – Vehicles entering stop or yield intersection.
86. Section 321.323 – Moving vehicle backward on highway.
87. Section 321.323A – Approaching certain stationary vehicles.
88. Section 321.324 – Operation on approach of emergency vehicles.
89. Section 321.324A – Funeral processions.
90. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
91. Section 321.330 – Use of crosswalks.
92. Section 321.332 – White canes restricted to blind persons.
93. Section 321.333 – Duty of drivers approaching blind persons.
94. Section 321.340 – Driving through safety zone.
95. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
96. Section 321.342 – Stop at certain railroad crossings; posting warning.
97. Section 321.343 – Certain vehicles must stop.
98. Section 321.344 – Heavy equipment at crossing.
99. Section 321.344B – Immediate safety threat; penalty.
100. Section 321.354 – Stopping on traveled way.
101. Section 321.359 – Moving other vehicle.
102. Section 321.362 – Unattended motor vehicle.
103. Section 321.363 – Obstruction to driver's view.
104. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
105. Section 321.365 – Coasting prohibited.
106. Section 321.367 – Following fire apparatus.
107. Section 321.368 – Crossing fire hose.
108. Section 321.369 – Putting debris on highway.
109. Section 321.370 – Removing injurious material.
110. Section 321.371 – Clearing up wrecks.
111. Section 321.372 – School buses.
112. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
113. Section 321.381A – Operation of low-speed vehicles.
114. Section 321.382 – Upgrade pulls; minimum speed.
115. Section 321.383 – Exceptions; slow vehicles identified.
116. Section 321.384 – When lighted lamps required.
117. Section 321.385 – Head lamps on motor vehicles.

118. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
119. Section 321.387 – Rear lamps.
120. Section 321.388 – Illuminating plates.
121. Section 321.389 – Reflector requirement.
122. Section 321.390 – Reflector requirements.
123. Section 321.392 – Clearance and identification lights.
124. Section 321.393 – Color and mounting.
125. Section 321.394 – Lamp or flag on projecting load.
126. Section 321.395 – Lamps on parked vehicles.
127. Section 321.398 – Lamps on other vehicles and equipment.
128. Section 321.402 – Spot lamps.
129. Section 321.403 – Auxiliary driving lamps.
130. Section 321.404 – Signal lamps and signal devices.
131. Section 321.404A – Light-restricting devices prohibited.
132. Section 321.405 – Self-illumination.
133. Section 321.406 – Cowl lamps.
134. Section 321.408 – Back-up lamps.
135. Section 321.409 – Mandatory lighting equipment.
136. Section 321.415 – Required usage of lighting devices.
137. Section 321.417 – Single-beam road-lighting equipment.
138. Section 321.418 – Alternate road-lighting equipment.
139. Section 321.419 – Number of driving lamps required or permitted.
140. Section 321.420 – Number of lamps lighted.
141. Section 321.421 – Special restrictions on lamps.
142. Section 321.422 – Red light in front.
143. Section 321.423 – Flashing lights.
144. Section 321.430 – Brake, hitch, and control requirements.
145. Section 321.431 – Performance ability.
146. Section 321.432 – Horns and warning devices.
147. Section 321.433 – Sirens, whistles, and bells prohibited.
148. Section 321.434 – Bicycle sirens or whistles.
149. Section 321.436 – Mufflers, prevention of noise.
150. Section 321.437 – Mirrors.
151. Section 321.438 – Windshields and windows.

152. Section 321.439 – Windshield wipers.
153. Section 321.440 – Restrictions as to tire equipment.
154. Section 321.441 – Metal tires prohibited.
155. Section 321.442 – Projections on wheels.
156. Section 321.444 – Safety glass.
157. Section 321.445 – Safety belts and safety harnesses; use required.
158. Section 321.446 – Child restraint devices.
159. Section 321.449 – Motor carrier safety regulations.
160. Section 321.450 – Hazardous materials transportation.
161. Section 321.454 – Width of vehicles.
162. Section 321.455 – Projecting loads on passenger vehicles.
163. Section 321.456 – Height of vehicles; permits.
164. Section 321.457 – Maximum length.
165. Section 321.458 – Loading beyond front.
166. Section 321.460 – Spilling loads on highways.
167. Section 321.461 – Trailers and towed vehicles.
168. Section 321.462 – Drawbars and safety chains.
169. Section 321.463 – Maximum gross weight.
170. Section 321.465 – Weighing vehicles and removal of excess.
171. Section 321.466 – Increased loading capacity; reregistration.
172. Section 321A.32 – Other violations; penalties.
173. Section 321.276 – Use of electronic communication device while driving; text-messaging.
174. Section 321.281 – Actions against bicyclists.
175. Section 321.449A – Rail crew transport drivers.

(Ord. 15-08 – Nov. 15 Supp.)

60.03.02 BOARDING OR ALIGHTING FROM MOVING VEHICLE. No person shall board or alight from any vehicle on the public highway while such vehicle is in motion.

60.03.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

60.03.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

60.03.05 CLIMBING ON VEHICLES PROHIBITED. It is unlawful for any person to jump or climb on or hang upon any vehicle on any street, alley, or other public place without the permission of the driver thereof.

60.03.06 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

60.03.07 PUSHCARTS AND ANIMALS ON ROADWAY. Every person propelling any pushcart or riding an animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this Code of Ordinances applicable to the driver of a vehicle, except those provisions which by their nature can have no application.

60.03.08 EXCESSIVE TIRE NOISE. No person shall skid, slide or spin the tires of the motor vehicle such person is operating so as to cause the emission of excessive or unusual noise when the same is not necessary for the safe operation of the vehicle.

60.03.09 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.[†]

(Code of Iowa, Sec. 364.12[2])

[†] **EDITOR'S NOTE:** See Section 40.03.06 of this Code of Ordinances for additional provisions regarding use of City streets.

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.04

SPEED REGULATIONS

60.04.01 General

60.04.02 State Code Speed Limits

60.04.03 Parks and Parking Lots

60.04.04 Special Speed Zones

60.04.05 Minimum Speed

60.04.06 Use of Automated Enforcement

60.04.01 GENERAL. Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

(Code of Iowa, Sec. 321.285)

60.04.02 STATE CODE SPEED LIMITS. The following speed limits are established in Section 321.285 of the *Code of Iowa* and any speed in excess thereof is unlawful unless specifically designated otherwise in this subchapter as a special speed zone.

1. Business District – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

60.04.03 PARKS AND PARKING LOTS. A speed in excess of fifteen (15) miles per hour in any public park or parking lot, unless specifically designated otherwise in this subchapter, is unlawful.

(Code of Iowa, Sec. 321.236[5])

60.04.04 SPECIAL SPEED ZONES. In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 60.04.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

1. Special 25 MPH Speed Zones. A speed in excess of 25 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. University Avenue. University Avenue, from the east corporate limits to the west corporate limits.
2. Special 30 MPH Speed Zones. A speed in excess of 30 miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. 63rd Street. 63rd Street, from the south line of Hickman Avenue to the south line of University Avenue.
3. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. 73rd Street. 73rd Street, from the south corporate limits to the south line of University Avenue;
 - B. 63rd Street. 63rd Street, from the south line of University Avenue to the south corporate limits.
 4. Interstate 235. Notwithstanding any speed restrictions contained in this Traffic Code, the following speed restrictions apply to Interstate Highway 235 when official signs are erected giving notice thereof:
 - A. Maximum Speed. No person shall operate a vehicle on said highway at a speed in excess of 60 miles per hour.
 - B. Minimum Speed. No person shall operate a vehicle on said highway at a speed less than 40 miles per hour.
 - C. Vehicle Capability. No person shall operate any vehicle, implement, or conveyance on said highway which is incapable of obtaining and maintaining a speed of 40 miles per hour.

60.04.05 MINIMUM SPEED. A person shall not 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 law.

(Code of Iowa, Sec. 321.294)

60.04.06 USE OF AUTOMATED ENFORCEMENT. Automated traffic enforcement technologies may be utilized to enforce speed regulations in this subchapter by civil fine pursuant to ATE regulations set forth in Section 60.02.07.

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.05

TURNING REGULATIONS

60.05.01 Turning at Intersections
60.05.02 U-Turns

60.05.03 Left Turn for Parking

60.05.01 TURNING AT INTERSECTIONS. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Chief of Police may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(Code of Iowa, Sec. 321.256)

60.05.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection; however, U-turns are prohibited within the Business District and at intersections where there are automatic traffic signals.

(Code of Iowa, Sec. 321.236[9])

60.05.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.06

STOP OR YIELD REQUIRED

60.06.01 Stop or Yield

60.06.02 School Stops

60.06.03 Stop Before Crossing Sidewalk

60.06.04 Stop When Traffic Is Obstructed

60.06.05 Yield to Pedestrians in Crosswalks

60.06.01 STOP OR YIELD. Every driver of a vehicle shall stop or yield as directed by traffic control devices posted in accordance with Subchapter 60.02 of this Traffic Code.

(Code of Iowa, Sec. 321.256)

60.06.02 SCHOOL STOPS. At any school crossing zone, every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

60.06.03 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

60.06.04 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

60.06.05 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.07

LOAD AND WEIGHT RESTRICTIONS

60.07.01 Temporary Embargo

60.07.02 Permits for Excess Size and Weight

60.07.03 Load Limits Upon Certain Streets

60.07.04 Load Limits on Bridges

60.07.05 Truck Routes

60.07.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Subchapter 60.02 of this Traffic Code.

(Code of Iowa, Sec. 321.471 & 472)

60.07.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Chief of Police may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

(Code of Iowa, Sec. 321.473 & 321E.1)

60.07.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets for which said signs are erected in accordance with Subchapter 60.02 of this Traffic Code.

(Code of Iowa, Sec. 321.473 & 475)

60.07.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Subchapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits. No person shall drive upon said bridge any vehicle weighing, loaded or unloaded, in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

60.07.05 TRUCK ROUTES. When truck routes have been designated in accordance with Subchapter 60.02, any motor vehicle exceeding established weight limits shall comply with the following:

1. Use of Established Routes. Every such motor vehicle having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon those streets within the City designated as truck routes and none other.

(Code of Iowa, Sec. 321.473)

2. Deliveries Off Truck Route. Any such motor vehicle, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

3. Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

(Code of Iowa, Sec. 321.473)

(Ch. 60.07 – Ord. 17-09 – Dec. 17 Supp.)

CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.08

PEDESTRIANS

60.08.01 Pedestrians Subject to Traffic Control Signals

60.08.02 Pedestrians on Left

60.08.03 Pedestrian's Right-of-Way

60.08.04 When Pedestrian Shall Yield

60.08.05 Prohibited Crossing

60.08.06 Pedestrians Prohibited on Interstate 235

60.08.07 Pedestrians Soliciting Rides

60.08.01 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL SIGNALS.

Pedestrians are subject to traffic control signals at intersections, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this subchapter. Any person failing to heed the command of an automatic traffic control signal shall be fined not more than \$25.00 or imprisoned not to exceed three (3) days.

(Code of Iowa, Sec. 321.325)

60.08.02 PEDESTRIANS ON LEFT. Pedestrians shall, at all times when walking on or along a street, walk on the left side of such street.

(Code of Iowa, Sec. 321.326)

60.08.03 PEDESTRIAN'S RIGHT-OF-WAY. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this subchapter.

(Code of Iowa, 1995, Sec. 321.327)

60.08.04 WHEN PEDESTRIAN SHALL YIELD. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. The foregoing rules of this section have no application under the conditions stated in Section 60.08.05 of this subchapter when pedestrians are prohibited from crossing at certain designated places.

60.08.05 PROHIBITED CROSSING. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. No pedestrian shall cross a roadway other than in a crosswalk in any Business District.

60.08.06 PEDESTRIANS PROHIBITED ON INTERSTATE 235. No person shall walk upon, along, or within any fenced portion of the right-of-way of Interstate Highway 235, except persons duly engaged in construction, maintenance or law enforcement or persons present for the purpose of leaving, servicing, or removing a disabled vehicle or aiding the injured.

60.08.07 PEDESTRIANS SOLICITING RIDES. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Nothing in this subchapter shall be construed so as to prevent any pedestrian from standing on that portion of the street or

roadway not ordinarily used for vehicular traffic for the purpose of soliciting a ride from the driver of any vehicle.

CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.09

ONE-WAY TRAFFIC

60.09.01 **ONE-WAY TRAFFIC REQUIRED.** When appropriate signs are in place, as provided for in Subchapter 60.02 of this Traffic Code, vehicular traffic, other than permitted cross traffic, shall move only in the direction indicated on such signs.

(Code of Iowa, Sec. 321.236[4] and 321.305)

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.10

PARKING REGULATIONS

60.10.01 Parking Limited or Controlled
60.10.02 Left Side to Curb Prohibited
60.10.03 Distance from Curb
60.10.04 Angle Parking
60.10.05 Manner of Angle Parking
60.10.06 Parking for Certain Purposes Illegal

60.10.07 Parking Prohibited
60.10.08 Persons With Disabilities Parking
60.10.09 Truck Parking Limited
60.10.10 Snow Removal
60.10.11 Temporary No-Parking Signs Near Excavations

60.10.01 PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Subchapter 60.02 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

(Code of Iowa, Sec. 321.256)

60.10.02 LEFT SIDE TO CURB PROHIBITED. Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand curb except as in the case of angle parking and vehicles parked adjacent to the left-hand curb of a one-way street.

60.10.03 DISTANCE FROM CURB. Every vehicle stopped or parked upon a roadway shall be so stopped or parked within eighteen (18) inches of the curb.

60.10.04 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. 66th Street, on the east side, from the north line of University Avenue to a point 100 feet north of the north line of University Avenue, at an angle of 45 degrees.

60.10.05 MANNER OF ANGLE PARKING. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

60.10.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than 24 hours, unless otherwise limited under the provisions of Section 60.10.01 of this subchapter, or for any of the following principal purposes:

(Code of Iowa, Sec. 321.236[1])

1. Sale. Displaying such vehicle for sale.

2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.
5. Abandoned. Vehicles defined as “abandoned” pursuant to Section 52.01 of this Code of Ordinances.

60.10.07 PARKING PROHIBITED. No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of, or within three (3) feet of a curb cut of, a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley, or as otherwise marked.
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, Sec. 321.358[11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358[13])

14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley except for the expeditious loading, unloading, and delivery which is incident to said loading and unloading of material or merchandise or passengers, and in no event shall any vehicle park in any alley for more than forty (40) minutes at any one time.

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. Area Between Lot Line and Curb Line. On any unpaved portion of any street between the curb line and the lot line, except that, on recommendation of the City Administrator, duly approved by resolution of the Council, parking may be permitted at such locations when requested in writing by property owners. Each such location must be properly marked by approved metal signs at the extremities of such location. The expense of such signs shall be borne by the property owner.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

19. Safety Zones. Between a safety zone and the adjacent curb or within ten (10) feet of points on the curb immediately opposite the ends of a safety zone.

(Code of Iowa, Sec. 321.358[7])

20. Off-Street Parking. On privately owned property or in an area developed as an off-street parking facility, without the consent of the owner, lessee, or person in charge of such privately owned property or facility. (A violation of this subsection shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee, or person in charge of the privately owned property or facility, said vehicle may be dealt with pursuant to the procedures in this Code of Ordinances governing abandoned vehicles.)

21. Unimproved Surfaces – Private or Public. On grass, unpaved areas, or any unimproved portion of a yard or lawn. Parking is only permitted on improved surfaces, such as concrete or asphalt.

22. Automotive Sales. In an area not zoned for commercial use, parking on private or public property incidental to the sale of automobiles, as defined in Section 167.07(2)(A) of this Code of Ordinances, and as prohibited in Section 171.08(2)(G) of this Code of Ordinances.

23. Fire Lanes. Within any No Parking Fire Lane and/or within ten (10) feet of any No Parking Fire Lane traffic control device.

60.10.08 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the *Code of Iowa*.

60.10.09 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

(Code of Iowa, Sec. 321.236[1])

1. Residential Districts. Excepting only when actually making pickups or deliveries to or conducting lawful business at any resident or building within the districts, governed by this section, no person shall park such vehicle (including specifically any motor truck having a freight capacity greater than one ton) on any portion of a street abutting or adjacent to property zoned for R-1, R-1A, R-2 or R-3 occupancy as defined in this Code of Ordinances.

2. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave

unattended such vehicle on any streets within the Business District. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

3. Livestock. No such vehicle containing livestock shall be parked on any street, alley, or highway for a period of time of more than thirty (30) minutes.

60.10.10 SNOW REMOVAL. Notwithstanding all other parking restrictions in this Traffic Code, it is unlawful to park any vehicle, except to avoid an accident or in obedience to the signal of a police officer or a traffic control device, upon any of the streets of the City during the time of any snowfall and within 24 hours following the end of any snowfall.

60.10.11 TEMPORARY NO-PARKING SIGNS NEAR EXCAVATIONS. No person shall excavate or obstruct any street until the person first reports to the Public Works Director of the person's intention to do so; whereupon, it shall be the duty of the Director to authorize the erection of temporary "NO PARKING" signs alongside of or opposite such area if the stopping, standing, or parking of vehicles therein would obstruct traffic.

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.11

TRAFFIC CODE ENFORCEMENT PROCEDURES

60.11.01 Arrest or Citation

60.11.02 Scheduled Violations

60.11.03 Parking Violations: Alternate

60.11.04 Parking Violations: Vehicle Unattended

60.11.05 Presumption in Reference to Illegal Parking

60.11.06 Impounding Vehicles

60.11.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

60.11.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

(Code of Iowa, Sec. 805.8 & 805.8A)

60.11.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine, payable at the office of the City Clerk, in accordance with the following.

(Code of Iowa, Sec. 321.236[1a])

1. The simple notice of a fine for violation of Section 60.10.08, Persons with Disabilities Parking, is \$100.00.
2. The simple notice of a fine for violation of Section 60.10.10, Snow Removal, is \$25.00.
3. The simple notice of a fine for violation of a No Parking Fire Lane traffic control device pursuant to Section 60.10.07(23) of this Code of Ordinances is \$50.00.
4. The simple notice of a fine for all other parking violations is \$15.00.

If the simple notice of a fine in subsections 2, 3, and 4 is not paid within 30 days, it shall be increased by \$5.00.

60.11.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

60.11.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the

registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

60.11.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(Code of Iowa, Sec. 321.236[1])

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, Sec. 321.236[1])

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

(Code of Iowa, Sec. 321.236[1])

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this subchapter shall be required to pay the reasonable cost of towing and storage.

(Code of Iowa, Sec. 321.236[1])

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.12

ALL-TERRAIN VEHICLES AND SNOWMOBILES

60.12.01 Purpose

60.12.02 Definitions

60.12.03 General Regulations

60.12.04 Operation of Snowmobiles

60.12.05 Operation of All-Terrain Vehicles

60.12.06 Negligence

60.12.07 Accident Reports

60.12.01 PURPOSE. The purpose of this subchapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

60.12.02 DEFINITIONS. For use in this subchapter the following terms are defined:

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1)

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

3. “Off-road utility vehicle” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:

(Code of Iowa, Sec. 321I.1)

A. “Off-road utility vehicle – type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – type 2” includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1)

60.12.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

60.12.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this subchapter.

60.12.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. An ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

60.12.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

60.12.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator

shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

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CHAPTER 60 – TRAFFIC AND VEHICLES

SUBCHAPTER 60.13

BICYCLE REGULATIONS

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60.13.02 Traffic Code Applies	60.13.11 Operation on Sidewalks
60.13.03 Obedience to Signals	60.13.12 Towing
60.13.04 Double Riding Restricted; Riding on Handlebars Prohibited	60.13.13 Improper Riding
60.13.05 Place of Riding; Two Abreast Limit	60.13.14 Parking
60.13.06 Bicycle Paths; Nondiscrimination on the Basis of Disability	60.13.15 Equipment Requirements
60.13.07 Speed and Reckless Operation	60.13.16 Alteration of Serial Frame Number
60.13.08 Emerging from Alley or Driveway	60.13.17 Sirens or Whistles
60.13.09 Carrying Articles	60.13.18 Prohibited Operation – Interstate 235
	60.13.19 Following Emergency Vehicles

60.13.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. The following terms are defined as used in this subchapter.

(Code of Iowa, Sec. 321.236[10])

1. “Bicycle” means either of the following:
 - A. A device having up to four wheels and having at least one saddle or seat for the use of a rider and which is propelled by human power.
 - B. A device having up to four wheels with fully operable pedals and an electric motor of one horsepower or less.
2. “Multi-use trail” means a way or place, the use of which is controlled by the City as an owner of real property, designated by the multi-use recreational trail maps, as approved by resolution by the Council, and no multi-use trail shall be considered as a street or highway.
3. “Other power-driven mobility device” means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—which is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway PT, or any mobility device designed to operate in areas without defined pedestrian routes, but which is not a wheelchair within the meaning of this section. This definition does not apply to federal wilderness areas; wheelchairs in such areas are defined in Section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).
4. “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. This definition does not apply to federal wilderness areas; wheelchairs in such areas are defined in Section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

60.13.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application.

(Code of Iowa, Sec. 321.234)

60.13.03 OBEDIENCE TO SIGNALS. Any person operating a bicycle shall obey the directions of traffic control signs, signals, and devices applicable to other vehicles unless otherwise directed by a police officer and shall obey direction signs relative to turns permitted unless such person dismounts from the bicycle, in which case he or she shall then obey the regulations applicable to pedestrians.

60.13.04 DOUBLE RIDING RESTRICTED; RIDING ON HANDLEBARS PROHIBITED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. It is unlawful for the operator of any bicycle (or of any motorcycle not equipped with a side car or built to transport two persons), when upon any public street, to carry any other person upon the handlebars, frame, or other part thereof, or for any other person to so ride on such vehicle. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

(Code of Iowa, Sec. 321.234[3 and 4])

60.13.05 PLACE OF RIDING; TWO ABREAST LIMIT.

1. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

A. When overtaking and passing another bicycle vehicle proceeding in the same direction.

B. When preparing for a left turn at an intersection or into a private road or driveway.

C. When reasonably necessary to avoid conditions, including (but not limited to) fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes, which make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

D. A facility that would allow bicycle traffic on the left side of the roadway.

2. Any person operating a bicycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

3. When so riding upon any multi-use trail with other cyclists, there shall not be more than two abreast.

4. This section does not apply to the use of a bicycle in a parade or special event authorized by the City.

60.13.06 BICYCLE PATHS; NONDISCRIMINATION ON THE BASIS OF DISABILITY.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. The City shall permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any area open to pedestrian use, including bicycle paths. The City shall also permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless it is demonstrated that the class of power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the City has adopted in accordance with the Americans with Disabilities Act Part 35.

(Code of Iowa, Sec. 321.236[10])

60.13.07 SPEED AND RECKLESS OPERATION. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing, and no person shall operate a bicycle in such a manner as to constitute a willful and wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.236[10])

60.13.08 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code of Iowa, Sec. 321.236[10])

60.13.09 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

(Code of Iowa, Sec. 321.236[10])

60.13.10 CONTROL. The operator of a bicycle upon a street or public way shall keep the same under control at all times and at all times during operation shall have one or both hands upon the handlebars and the feet engaged with the braking device if the braking device is designed to be actuated by the feet.

60.13.11 OPERATION ON SIDEWALKS. Bicycles may be operated upon the public sidewalks in a careful and prudent manner, except where signs are erected to prohibit riding on the sidewalk, and at a rate of speed not exceeding eight miles per hour. Every person lawfully operating a bicycle upon a public sidewalk, when approaching a pedestrian or a vehicle occupied by a child under the age of 16 years, shall either dismount or give a clear right-of-way to the full extent of such sidewalk to such pedestrian or child and, in overtaking such pedestrian or child, shall give an audible signal before passing.

60.13.12 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

60.13.13 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

60.13.14 PARKING. No person shall leave a bicycle lying on its side on any sidewalk, or park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic. Local authorities may, by ordinance or resolution, prohibit bicycle parking in designated areas of the public highway, provided that appropriate signs are erected.

60.13.15 EQUIPMENT REQUIREMENTS. Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps and Reflectors. Every bicycle shall be equipped with a lamp on the front exhibiting a white light, when used on the public ways of the City at any time from sunset to sunrise, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of 500 feet ahead. Such light shall be visible from a distance of at least 300 feet to the front. Such bicycle when so used shall display a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that in lieu thereof may be used a red reflector mounted not less than 24 inches or more than 42 inches above the ground, which shall be visible at night from all distances within 500 feet to 50 feet from the bicycle when directly in front of a motor vehicle displaying lawfully lit headlamps.

2. Brakes. Each bicycle used upon the public ways of the City shall be equipped with a brake which will enable the operator to make the braked wheel skid on a dry, level pavement and which may be applied and bring the bicycle to a stop without the brake locking the braked wheel.
3. Equivalent equipment such as headlamps and red light attachments to the arm or leg may be used in lieu of a lamp on the front and a red light on the rear of the bicycle.
4. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

60.13.16 ALTERATION OF SERIAL FRAME NUMBER. It is unlawful for any person willfully or maliciously to remove, destroy, mutilate, or alter the manufacturer's serial frame number of any bicycle.

60.13.17 SIRENS OR WHISTLES. No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. This section does not apply to bicycles ridden by peace officers in the line of duty.

60.13.18 PROHIBITED OPERATION – INTERSTATE 235. No person shall ride, park, or stop any bicycle within any fenced portion of the right-of-way of Interstate Highway 235.

60.13.19 FOLLOWING EMERGENCY VEHICLES. No person riding a bicycle shall follow closer than 500 feet to an emergency vehicle, as defined by Section 321.1 of the *Code of Iowa*, which has emergency lights and/or siren activated, and shall not stop, park, or leave a bicycle within 500 feet of an emergency vehicle stopped in response to an emergency.

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