ORDINANCE NO. 6450

AN ORDINANCE TO AMEND CHAPTER 9.16 "SIGNS AND SIGNALS" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 9.16.055 "AUTOMATED RED LIGHT ENFORCEMENT".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 9.16 "Signs and Signals" of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 9.16.055 "Automated Red Light Enforcement" as follows:

9.16.055 Automated Red Light Enforcement

A. General. The city of Council Bluffs, in accordance with the police powers authorized it by the state of Iowa for governing safe traffic flow, may erect or cause to have erected an automated traffic enforcement system for making photographs, video, or digital images of vehicles that fail to obey red light traffic signals at intersections designated by the mayor or his/her designee. The system may be managed by the private contractor that owns and operates the requisite equipment with supervisory control vested in the city's police department. Photographs, video, or digital images shall be provided to the police department by the contractor for review. The police department will determine which vehicle owners are in violation of the city's red light ordinance and are to receive a notice of violation for the offense.

B. Definitions.

Automated traffic enforcement system: An electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control.

Vehicle owner: The person or entity identified by the Iowa Department of Transportation, or registered with any other state vehicle registration office, as the registered owner of a vehicle.

C. Offense.

1. The vehicle owner shall be liable for a fine as imposed below if such vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or red arrow.
2. The violation may be rebutted by a showing that a stolen vehicle report was made on the vehicle encompassing the period in question.
3. The citation will in no event be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the vehicle owner's driving record.

D. Penalty and Appeal.

1. Any violation of paragraph C,1 shall be considered a civil violation for which a penalty of one hundred dollars ($100.00) shall be imposed, payable as directed on the citation.

2. A recipient of an automated red light citation may dispute the citation by requesting an administrative review of the citation by the Council Bluffs City Attorney's Office, or their designee. Any such request for administrative review shall comply with the written instructions as designated on the citation, including any stated deadline for submission. Such administrative review shall be in person, and at a set date and time, as determined by the Council Bluffs City Attorney's Office. As a result of the appeal herein, the citation may be dismissed, paid by the appellant, or may result in the issuance of a municipal infraction citation, at the request of the appellant, pursuant to Iowa Code 364.22 and Council Bluffs Municipal Code 1.95. Such municipal infraction citation will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Pottawattamie County Courthouse. The issuance of a municipal infraction citation will cause the imposition of state mandated court costs to be added to the amount of the violation.
3. If a recipient of an automated right light citation does not pay the fine, or request administrative review, by the stated due date or request a trial before a judge or magistrate, the citation shall be referred by the private contractor to a collection agency for collection in accordance with the laws of the State of Iowa, including any applicable fees or costs that may be associated with such collection..

(Ord. 5870 § 1, 2005)
(Ord. No. 6036, § 1, 8-24-2009; Ord. No. 6121, § 1, 2-28-2011)

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

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND April 26, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 4-12-21
Second Consideration: 4-26-21
Public Hearing: N/A
Third Consideration: