

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF AVOCA, IOWA, BY ADDING A NEW SECTION REGARDING AUTOMATED SPEED ENFORCEMENT

BE IT ENACTED by the City Council of the City of Avoca, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Avoca, Iowa, is amended by adding a new Section 5.8, entitled AUTOMATED SPEED ENFORCMENT, which is hereby adopted to read as follows:

5.8 AUTOMATED SPEED ENFORCEMENT.

- A. Definitions. The following terms are defined for use in this section:
1. “Automated enforcement contractor” means the company or entity contracted by the City to provide equipment and services in connection with the automated vehicle speed enforcement system.
 2. “Automated traffic citation” means a notice of violation generated in connection with the automated speed enforcement system.
 3. “Automated traffic enforcement system” means an electronic system consisting of an electronic camera detection system to automatically produce digital images and violation data of each vehicle violating a posted speed restriction.
 4. “Vehicle owner” means the person or entity identified by a state Department of Transportation vehicle registration office as the registered owner of a vehicle. In the event that a state Department of Transportation identifies a person or entity as a lessee of a vehicle the lessee shall be considered the vehicle owner.
- B. Speed Violation. To assist with enforcing safety standards related to speed of traveling vehicles within the City the City may implement the use of automated speed enforcement devices. Vehicles that are traveling at a speed greater than a speed in excess of the speed posted or established by this Code shall be in violation of this Code and subject to penalties and fines as outline in this section, except for the following:
1. The vehicle traveling in a speed in excess of the limit identified in this Code is an emergency vehicle operating during an emergency.
- C. Notice, Penalties, and Civil Fines. Upon the determination that the automated speed enforcement system has detected a violation of the City’s speed regulations by a police officer the City or their automated enforcement contractor shall cause an Automated Traffic Citation to be mailed to the vehicle owner within 30 days of receipt of ownership information. The citation shall include the following:
1. Name and address of the vehicle owner.
 2. Vehicle make, if available and readily discernable.
 3. The vehicle registration number.
 4. The violation alleged.

5. The time, date and location of the alleged violation.
6. The applicable fine.
7. Information as to the manner in which the Automated Traffic Citation may be challenged.
8. Information that informs the recipient that the basis of the notice is a photograph or video record generated by an automated vehicle speed enforcement system.

D. Fine. The fine for a speed violation detected by an automated speed enforcement system shall be as follows:

Speed Over the Limit	Civil Fine	Fine When In Construction Zone
1 MPH to 5 MPH Over		
6 MPH to 10 MPH Over		
11 MPH to 15 MPH Over	\$100.00	\$200.00
16 MPH to 20 MPH Over	\$150.00	\$300.00
21 MPH to 25 MPH Over	\$200.00	\$400.00
26 MPH or More Over	\$250.00	\$500.00

The fine shall be due and payable, unless contested in accordance with Paragraph F, within 30 days of the date on the Automated Traffic Citation.

E. Exemptions From an Automatic Traffic Enforcement System Violation. The following shall be exempted from an automatic traffic enforcement system violation:

1. The operator or vehicle owner of a vehicle when that owner or operator was issued a uniform traffic citation for a speed violation under Chapter 321 of the *Code of Iowa*.
2. The violation occurred during a time when the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen. Provided; however, that the vehicle plates have not been recovered by the vehicle owner at the time of the alleged violation.

F. Challenging An Automated Traffic Enforcement System Violation.

1. The vehicle owner may submit a written challenge for an automated traffic enforcement system violation within 30 days of the date of appearing at the top of the Automated Traffic Citation sent to the registered owner. A written challenge shall request that the violation be submitted as a municipal infraction under Section 4.1 of this Code. The City shall provide a form for filing a written challenge of the Automated Traffic Citation.

2. A challenge of the Automated Traffic Citation shall be sent to the County Sub-County Court which shall determine within 30 days of receipt if the citation shall be rescinded. If the violation is upheld the City may seek voluntary payment or file the citation as a Municipal Infraction.

G. Failure to Pay. If the vehicle owner fails to pay the Automated Traffic Citation within 30 days of the date of appearing at the top of the Automated Traffic Citation or challenge the citation the City may file the citation as a municipal infraction against the

vehicle owner. The City reserves the right to seek resolution of the citation in any other manner available to the City including the use of the State's Income Offset Program.

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


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

Passed by the Council the 20th day of February, 2024, and approved this 20th day of February, 2024.



Tom Bruck, Mayor

ATTEST:



Teresa M Hoepner, City Clerk

First Reading: January 16, 2024

Second Reading: February 05, 2024

Third Reading: February 20, 2024

I certify that the foregoing was published as Ordinance No. 2024-03 on the 27th day of February, 2024.



Teresa M Hoepner, City Clerk