

MUSCATINE POLICE DEPARTMENT

MEMORANDUM

TO: Gregg Mandsager, City Administrator

FROM: Brett Talkington, Chief of Police

SUBJECT: City Council Agenda Item for May 5, 2016 – Automated Traffic Enforcement Ordinance Revision

DATE: April 25, 2016

INTRODUCTION:

We are seeking City Council approval of a proposed revision to the Title 7, Chapter 5 of the city code for Automated Traffic Enforcement. The revision was drafted in response to the department and the City's decision to move forward with mobile speed enforcement as part of the overall Automated Traffic Enforcement efforts. The revisions were drafted by the City Attorney for your consideration. The revision is intended to remove any doubt as to whether the city ordinance allows mobile speed enforcement and also to include a speed category in the 6-10 MPH range to be used while conducting speed enforcement in school and construction zones.

BACKGROUND:

In September 2010 the City Council approved the original Automated Traffic Enforcement ordinance. At that time the Police Department was not considering mobile speed enforcement as we wanted to get our experience with the fixed location systems. The fixed base systems were set up on eight (8) approaches at five (5) intersections after speed and red light surveys were conducted as well as consulting crash data and other site information. All of the approaches went live between March 2011 and May 2011.

During the initial planning of the ATE system we made an administrative decision to start enforcement at 11 mph over the speed limit. This was based on the normal buffer often afforded the driving public by department practice during normal enforcement activities. Based on this, there was a decision made not to include a fine structure for violations lower than the 11 mph violation threshold.

During targeted enforcement in school zones or construction zones officers are provided the guidance that enforcement should typically start when violators are observed in the 6-10 mph over the speed limit as opposed to the more lenient threshold.

RECOMMENDATION/RATIONALE:

We are seeking City Council approval of the changes to Title 7, Chapter 5 of the city code as provided. The proposed language revision is:

In Section 7-5-2(A), revise to read: “An electronic system consisting of photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device *or mobile unit as calibrated by Police Department employees or their agents*, to automatically produce photographs, video or digital images...”

In Section 7-5-5[B], add a speed category for speed violations of 6-10 mph over the speed limit and corresponding fine amount of \$70.00.

The language would clarify Section 7-5-2(A) regarding mobile speed enforcement and would add the speed violation category for 6 – 10 mph over the speed limit (\$70) for use in school zones and construction zones.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 VEHICLES AND TRAFFIC,
CHAPTER 5 AUTOMATED TRAFFIC ENFORCEMENT

Be It Enacted by the City Council of the City of Muscatine, Iowa:

SECTION 1. AMENDMENT. TITLE 7 VEHICLES AND TRAFFIC, CHAPTER 5 AUTOMATED TRAFFIC ENFORCEMENT of the City Code of Muscatine Sections 7-5-2(A) and 7-5-5 are amended as follows:

7-5-2 **Definitions.**

A. Automated Traffic Enforcement System. An electronic system consisting of photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device or mobile unit as calibrated by Police Department employees or their agents. to automatically produce photographs, video or digital images of each vehicle that violates a standard traffic control device or speed restriction.

7-5-5 **Penalty and Appeal.**

Speed Over Limit	Civil Fine
1 through 10 5 mph	\$ 0
<u>6 through 10 mph</u>	<u>\$ 70</u>
11 through 20 mph	\$ 75
21 through 25 mph	\$ 100
26 through 30 mph	\$ 250
Over 30 mph	\$ 350

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 City Council on _____, 2016, and APPROVED on _____, 2016.

Diana Broderson, Mayor

Attest:

Gregg Mandsager, City Clerk

First Reading: _____
Second Reading: _____
Third Reading: _____
Publication: _____