

**10.12.080 Automated speed enforcement.** 1. General. The City of Sioux City, acting pursuant to the police powers authorized it by the state of Iowa for governing safe traffic flow, authorizes the chief of police to deploy or cause to have deployed an automated traffic speed enforcement system for making photographs, video, or digital images of vehicles that fail to obey speed limits on roadways within the city limits of Sioux City. The system shall 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 speed enforcement ordinance and are to receive a notice of violation for the offense.

2. Definitions. As used in this section the following terms mean:

a. "Automated traffic speed enforcement system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to measure vehicle speed and to automatically produce photographs, video, or digital images of each vehicle violating the applicable speed limit.

b. "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.

3. Violation defined.

a. A violation occurs when a vehicle traveling on a public roadway exceeds the applicable speed limit.

b. The vehicle owner or nominated party shall be liable for a civil penalty as imposed in subsection (4)(a) of this section. Notice of the violation shall be by issuance of an automated speed enforcement citation sent by ordinary mail to the vehicle owner.

c. The violation may be rebutted by showing that a stolen vehicle report was made on the vehicle encompassing the period in question.

d. The 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.

4. Penalty and Appeal.

a. Violation of subsection (3)(a) of this section shall be considered a civil violation for which a civil penalty equal to the current scheduled fine including all surcharges and costs as set by the Iowa Code 321.285 for excessive speed over the posted limit, payable as directed on the citation.

b. A recipient of an automated speed enforcement citation may dispute the citation by requesting a review by the chief of police or his designee. Such request must be made in writing within fifteen (15) days after the receipt of the violation and delivered to the Sioux City police department. The failure to give notice of request for review within this time period shall constitute a waiver of the right to contest the automated speed enforcement citation. A hearing shall be held within ten (10) business days of the request for review.

c. The chief of police or his designee shall act as hearing officer. At the conclusion of the hearing or within three business days thereafter, the hearing officer shall render a written decision as to whether the owner of the vehicle is guilty of an automated speed enforcement infraction. An appeal from this decision may be had by filing a written notice with the hearing officer.

d. If further appeal is sought, a municipal infraction citation will be issued by the police department. Such a request will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Woodbury County Courthouse, Law Enforcement Center.

e. If a recipient of an automated speed enforcement citation does not pay the fine by the stated due date or request a trial before a judge or magistrate, a \$35.00 late fee shall be assessed, and the civil penalties imposed under the provisions of this ordinance shall be collectible, together with any interest and penalties thereon, by either a private agency on behalf of the City, the City or by civil suit.

5. Impoundment for delinquent automated speed enforcement citation.

a. If any vehicle has accumulated a delinquent automated speed enforcement citation as defined in this code, such vehicle may be towed and impounded or may be impounded by use of a "denver boot" or a similar device as hereinafter provided.

b. Towing and impoundment shall occur only after a automated speed enforcement citation is delinquent in excess of 150 days. No vehicle shall be towed and impounded unless such vehicle is on a public street or in a public parking lot or ramp. The vehicle owner will be responsible for any booting, towing and storage charges.

c. Impoundment by use of the "denver boot" is subject to the following conditions:

(1) Impoundment by use of the "denver boot" shall not exceed twenty-four hours except a peace officer may extend or reduce such time period for safety or traffic reasons. No vehicle shall be impounded within the traveled portion

of any street or any portion of the street or sidewalk when the impoundment at such place would create a hazard to the public or traffic. Upon expiration of the twenty-four hour time period, the vehicle shall be towed and impounded.

(2) It shall be unlawful for any person to move a motor vehicle to which a "denver boot" has been attached. It shall be unlawful for any person other than an authorized city employee or its agent to remove or attempt to remove a "denver boot".

(3) An additional administrative fee of \$100.00 shall be assessed to the person in possession of the vehicle upon removal of the "denver boot".

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