

ORDINANCE NO. 390

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PRAIRIE CITY, IOWA, BY AMENDING PROVISIONS PERTAINING TO WATER SERVICE CHARGES

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

SECTION 1. SECTION MODIFIED. Section 92.02 of the Code of Ordinances of the City of Prairie City, Iowa, is repealed and the following adopted in lieu thereof:

RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:
(Code of Iowa, Sec. 384.84)

Gallons Used Per Month	Rate
First 1,500	\$17.24 (minimum bill)
Next 8,500	\$10.12 per 1,000 gallons
Next 30,000	\$8.36 per 1,000 gallons
All over 40,000	\$3.45 per 1,000 gallons

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 July 1, 2022, after its final passage, approval, and publication as provided by law.

Passed by the Council the 11th day of May, 2022, and approved this 11th day of May, 2022.

Eric Imerman, Mayor

ATTEST:

Jodie Wyman, City Clerk

First Reading: 4/13/2022

Second Reading: 5/11/22

Third Reading: _____

I certify that the foregoing was published as Ordinance No. 390 on the _____, day of _____, 2022.

Jodie Wyman, City Clerk

RESOLUTION NO. 5-11-22-5

RESOLUTION WAIVING THE THIRD READINGS OF ORDINANCE NO. 390

WHEREAS, IOWA CODE 380.3 requires two considerations before final passage, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council, and

WHEREAS, The Council of the City of Prairie City, Iowa, has the ability to suspend the two considerations to approve Ordinance 390,

THEREFORE, BE IT RESOLVED that the Council of the City of Prairie City, Iowa is suspending the requirement of Iowa Code 380.3 by approving a resolution waiving the third readings of Ordinance 390.

This resolution has been approved and adopted this 11th day of May, 2022.

Eric Imerman, Mayor

ATTEST:

Jodie Wyman, City Clerk

ORDINANCE NO. 391

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PRAIRIE CITY, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

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

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of Prairie City, Iowa, is repealed and the following adopted in lieu thereof:

RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

Gallons Used Per Month	Rate
First 1,500	\$26.73 (minimum bill)
Next 8,500	\$15.53 per 1,000 gallons
Next 30,000	\$12.89 per 1,000 gallons
All over 40,000	\$5.33 per 1,000 gallons

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 July 1, 2022, after its final passage, approval, and publication as provided by law.

Passed by the Council the 11th day of May, 2022, and approved this 11th day of May, 2022.

Eric Imerman, Mayor

ATTEST:

Jodie Wyman, City Clerk

First Reading: 4/13/2022

Second Reading: 5/11/22

Third Reading: _____

I certify that the foregoing was published as Ordinance No. 391 on the ____, day of ____, 2022.

Jodie Wyman, City Clerk

RESOLUTION NO. 5-11-22-6

RESOLUTION WAIVING THE THIRD READINGS OF ORDINANCE NO. 391

WHEREAS, IOWA CODE 380.3 requires two considerations before final passage, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council, and

WHEREAS, The Council of the City of Prairie City, Iowa, has the ability to suspend the two considerations to approve Ordinance 391,

THEREFORE BE IT RESOLVED that the Council of the City of Prairie City, Iowa is suspending the requirement of Iowa Code 380.3 by approving a resolution waiving the third reading of Ordinance 391.

This resolution has been approved and adopted this 11th day of May, 2022.

Eric Imerman, Mayor

ATTEST:

Jodie Wyman, City Clerk

ORDINANCE NO. 389

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PRAIRIE CITY, IOWA TO UPDATE SIDEWALKS

WHEREAS, the City of Prairie City, Iowa has property regulations, which provide guidance on the standards for, among other things, the sidewalks; and

WHEREAS, these regulations recognize that certain uses have characteristics that require additional controls in order to protect public health, safety, and welfare, and the City of Prairie City also provides for staff to inspect complaints; and

WHEREAS, the City of Prairie City's requirements are designed, among other things, to enhance public safety, improve the appearance of the community, and conserve the value of properties within the City and its extra-territorial jurisdiction; and

WHEREAS, the language of the Code of Ordinances is intended to provide predictable, uniform standards—which are subject to updating by the City Council from time to time.

NOW THEREFORE BE IT RESOLVED by the City Council of Prairie City, Iowa, that it hereby amends City Code Chapter 136 to update the sidewalk regulations. The Council further authorizes City staff to take all action necessary to effectuate these changes, as follows:

SECTION 1. SECTION MODIFIED. Section 1, Chapter 136 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.01 Purpose. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, *reconstruction or construction* of sidewalks upon the abutting property owner and to minimize the liability of the City.

SECTION 2. SECTION MODIFIED. Section 2, Chapter 170 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening *to create a skid resistant surface*.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.

6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. ***"Defective Sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:***
 - a. ***Vertical separations equal to three-fourths (3/4) inch or more.***
 - b. ***Horizontal separations equal to one-half (1/2) inch or more.***
 - c. ***Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.***
 - d. ***Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.***
 - e. ***Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.***
 - f. ***A single square of sidewalk cracked in such a manner that no unbroken portion is greater than one square.***
 - g. ***A sidewalk with any part thereof missing to the full depth.***
 - h. ***A change from the design or construction grade equal to or greater than three-fourths (3/4) inch per foot.***
8. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
9. ***"Spalling" means breaking up into flakes, chips or fragments.***
10. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

SECTION 3. SECTION MODIFIED. Section 3, Chapter 136 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twenty-four (24) hours ***after the cessation of the storm or other cause or accumulation, the City Administrator may, without notice to the property owner, cause the same to be removed. The City may use its own forces to remove the snow, ice or accumulations or the City may hire an independent contractor to remove the snow, ice and accumulations. The cost of the removal shall be assessed against the property.***

If not paid within thirty (30) days, the Clerk is to certify the cost and assessments to the County Treasurer and it shall then be collected with and in the same manner as general taxes.

SECTION 4. SECTION MODIFIED. Section 4, Chapter 136 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.04 RESPONSIBILITY FOR MAINTENANCE. *It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street. The owner of any lot or parcel who fails to maintain said sidewalk may be liable to any person injured as a result of such failure to maintain the sidewalk and shall further save, defend, indemnify and hold harmless the City from and against any claim arising out of the failure to maintain said sidewalk.*

SECTION 5. SECTION MODIFIED. Section 5, Chapter 136 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.05 CITY MAY ORDER REPAIRS. *It is the duty of the abutting property owner at any time, or upon receipt of forty-five (45) days' notice from the City, to repair, replace or reconstruct or cause to be repaired, replaced or reconstructed, all broken and defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street abutting said owner's property. If, upon the expiration of forty-five (45) days as provided in said notice, the required work has not been done or is not in the process of completion, the Council may require the sidewalk to be repaired, replaced or reconstructed. There shall be returned to the Council an itemized and verified statement of expenditures of material and of the labor used in doing such work, and the legal description of the lot, part of the lot or parcel of ground abutting the sidewalk on which such work was performed. The cost thereof shall be assessed to the property fronting thereon.*

SECTION 6. SECTION MODIFIED. Section 7, Chapter 136 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.07 PERMITS FOR CONSTRUCTION AND REMOVAL. *No person shall make any sidewalk improvements, whether ordered by the Council or not, unless such person obtains a permit from the City. The person obtaining the permit shall agree in writing that said person will, in making the sidewalk improvements, comply with the Ordinances of the City and with the specifications for sidewalks approved by the Council and on file in City Hall, and that the work shall be done under the direction and supervision of the Water/Wastewater Superintendent and subject to the approval of that officer. All such permits, together with the written agreement above referred to, shall be filed and preserved in City Hall. All permits for Council ordered sidewalk improvements shall be issued in compliance with the resolution of the Council ordering the improvement. All permits for sidewalk improvements not ordered by resolution of the Council shall be issued in compliance with this chapter. The Water/Wastewater Superintendent may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when the weather conditions will adversely affect the sidewalk improvements.*

SECTION 7. SECTION MODIFIED. Section 8, Chapter 136 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks. The minimum cement content shall be six (6) sacks per cubic yard and the concrete strength shall be 4000 psi at twenty-eight (28) days.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. **Joint Filler. A one-half (1/2) inch non-extruding type expansion joint shall be provided between all sidewalks and adjoining backs of curbs and between intersecting sidewalks and between sidewalks and driveways.**
5. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
6. **Valve Boxes and Manholes. All water valve boxes and manholes shall be adjusted flush with the sidewalk.**
7. Length, Width and Depth. Length, width and depth requirements are as follows:
 - a. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, **and each section shall normally be scored at four (4) foot intervals, but in no case more than six (6) foot intervals.**
 - b. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length and width.
 - c. Driveway areas shall be not less than six (6) inches in thickness.
8. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one (1) foot from the property line, unless the Council establishes a different distance due to special circumstances.
9. Grade. Curb tops shall be on level with the centerline of the street which shall be established grade.
10. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half (1/2) inch above the curb for each foot between the curb and the sidewalk.
11. Slope. All sidewalks shall slope one-quarter (1/4) inch per foot toward the curb.
12. Finish. All sidewalks shall be finished with a "broom" **finish to provide a non-skid surface.**
13. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be

constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

SECTION 8. SECTION MODIFIED. Section 19, Chapter 136 of the Code of Ordinances of the City of Prairie City, Iowa, is amended to state:

136.19 SIDEWALK REQUIREMENTS. *Sidewalks are necessary to provide a safe surface for pedestrian traffic to move about within the City. Therefore, the following sidewalk requirements are established within the City:*

- 1. Installation of new sidewalks shall be required with the issuance of building permits for the construction of a single-family home, a multi-family home, an apartment, a business or commercial structure, or a garage and the installation of sidewalk shall be required with the issuance of a building permit for an addition to a single-family home, including a deck or porch, a multi-family home, an apartment, a business or commercial structure or a garage. Construction adding usable space shall be considered an addition. An extension may be granted by the City Administrator who shall report the same to Council. These extensions may be granted for special circumstances only (such as waiting for appropriate weather to do final grading of property) for a period not to exceed twelve (12) months. Where an extension is granted, the property owner shall be required to provide proof of intent to install sidewalk or a bond in the appropriate amount to cover the cost of sidewalk construction. Property owner's failing to install sidewalk as required by this section shall be subject to, among other things, Section 136.06 of this Code of Ordinances.*
- 2. On a periodic basis, sidewalks within the City shall be inspected by the City and notice shall be sent to property owners whose sidewalks are in need of repair pursuant to Section 136.05 above.*
- 3. The property owner shall pay for surveying when required.*
- 4. Those businesses with concrete/blacktop aprons shall mark sidewalk location on the apron in a manner approved by the City.*

SECTION 9. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. 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 11. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed First Reading by the City Council of Prairie City, Iowa, 13th day of April, 2022.

Passed Second Reading by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

PASSED AND ENACTED by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

Eric Imerman, Mayor

Attest:

Jodie Wyman, City Clerk

CERTIFICATE

I, Jodie Wyman, City Clerk of the City of Prairie City, Iowa, hereby certify that the foregoing Ordinance No. 389 was published in a Prairie City newspaper published at least once weekly and having general circulation in the City of Prairie City, Iowa on the ____ day of _____ 2022.

Jodie Wyman, City Clerk

RESOLUTION NO. 5-11-22-9

RESOLUTION WAIVING THE SECOND AND THIRD READINGS OF ORDINANCE NO. 389

WHEREAS, IOWA CODE 380.3 requires two considerations before final passage, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council, and

WHEREAS, The Council of the City of Prairie City, Iowa, has the ability to suspend the two considerations to approve Ordinance 389,

THEREFORE BE IT RESOLVED that the Council of the City of Prairie City, Iowa is suspending the requirement of Iowa Code 380.3 by approving a resolution waiving the second and third readings of Ordinance 388

This resolution has been approved and adopted this 11th Day of May, 2022.

Eric Imerman,
Mayor

ATTEST:

Jodie Wyman,
City Administrator/City Clerk



CITY OF PRAIRIE CITY
203 E. JEFFERSON
P.O. BOX 607
PRAIRIE CITY, IA 50228
PHONE (515) 994-2649
FAX (515) 994-2376

MEMO

April 22, 2022

To: Mayor and Council

From: Jodie Wyman

Re: Public Hearing for Automated Traffic Enforcement

It has been brought to my attention that some inaccurate information has been shared on social media. The Public Hearing regarding Automated Traffic Enforcement is only to discuss the changes within the Ordinance. That change is removing the fees within the Ordinance and replacing them with the verbiage "see fee schedule". This is the only allowable discussion during the Public Hearing.

There is no change on the use of Automated Traffic Enforcement, placement of the cameras or officers utilizing cameras, nor the Council's decision for the use of the funds collected from Automated Traffic Enforcement. These comments are allowable during Public Comments but will not be allowed during the Public Hearing.

Please let me know if you have any questions.

Respectfully,

Jodie Wyman
City Administrator/City Clerk

NOTICE

TO THE CITIZENS OF PRAIRIE CITY, JASPER COUNTY, IOWA:

Notice is hereby given that on the 11th day of May, 2022, at six thirty in the evening, a public hearing will be held before the City Council of Prairie City, Iowa, in the Council Chambers of City Hall of Prairie City, Iowa, with reference to amending the Prairie City Code of Ordinances as it pertains to fees for Automated Traffic Enforcement.

If you are unable to attend, written notice may be sent to Prairie City, City Hall, at 203 E Jefferson St, Prairie City, IA 50228 no later than 4:30 PM on May 6th, 2022, or you can contact City Hall for the Zoom Link.

This Notice is given in accordance with the requirements of Sections 364.7 and 362.3 of the 2019 Code of Iowa and amendments thereto.

ORDINANCE NO. 393

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PRAIRIE CITY, IOWA TO UPDATE THE FEES OF AUTOMATED TRAFFIC ENFORCEMENT

WHEREAS, the City of Prairie City, Iowa has property regulations, which provide guidance on the standards for, among other things, the fees of Automated Traffic Enforcement; and

WHEREAS, these regulations recognize that certain uses have characteristics that require additional controls in order to protect public health, safety, and welfare, and the City of Prairie City also provides for staff to inspect complaints; and

WHEREAS, the City of Prairie City's requirements are designed, among other things, to enhance public safety, improve the appearance of the community, and conserve the value of properties within the City and its extra-territorial jurisdiction; and

WHEREAS, the language of the Code of Ordinances is intended to provide predictable, uniform standards—which are subject to updating by the City Council from time to time.

NOW THEREFORE BE IT RESOLVED by the City Council of Prairie City, Iowa that it hereby amends City Code Chapter 70 to update the fees of Automated Traffic Enforcement. The Council further authorizes City staff to take all action necessary to effectuate these changes, as follows:

SECTION 1. SECTION MODIFIED. Section 70.07, Chapter 70 of the Code of Ordinances of the City of Prairie City, Iowa, is amended by:

70.07 AUTOMATED TRAFFIC ENFORCEMENT.

2. *Vehicle Owner's Civil Liability for Certain Traffic Offenses:*

A. The vehicle owner shall be liable for a fine, as provided in the City's Fee Schedule, if such vehicle travels at a speed above the established limit. The fine for any violation committed in a designated "road work zone," as defined by the City's Code of Ordinances Subsection 63.04(6), shall be doubled.

SECTION 4. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed First Reading by the City Council of Prairie City, Iowa, ____ day of _____, 2022.

Passed Second Reading by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

PASSED AND ENACTED by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

Eric Imerman, Mayor

Attest:

Jodie Wyman, City Clerk

CERTIFICATE

I, Jodie Wyman, City Clerk of the City of Prairie City, Iowa, hereby certify that the foregoing Ordinance No.393 was published in a Prairie City newspaper published at least once weekly and having general circulation in the City of Prairie City, Iowa on the _____ day of _____ 2022.

Jodie Wyman, City Clerk

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate
70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles
70.07 Automated Traffic Enforcement

70.01 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)

70.02 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)

70.03 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. The simple notice of a fine shall be in the amount of thirty-five dollars (\$35.00) for snow route parking violations and fifteen dollars (\$15.00) for all other violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice for a fine for improper use of a persons with disabilities parking permit is two hundred dollars (\$200.00).

(Ord. 301 – May 12 Supp.)

(Code of Iowa, Sec. 321.236[1b] & 321L.4[2])

70.04 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.

70.05 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.

70.06 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 chapter shall be required to pay the reasonable cost of towing and storage.

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

70.07 AUTOMATED TRAFFIC ENFORCEMENT. The City of Prairie City, 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 speed regulations at locations in the City designated by the City Administrator or designee. The system may be managed by a private contractor that 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 City's Police Department by the contractor for review. The City's Police Department will determine which vehicle owners are in violation of the Prairie City Traffic Code and are to receive a notice of violation for the offense.

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 provided in the table below, if such vehicle travels at a speed above the established limit. The fine for any violation committed in a designated "road work zone," as defined by the City's Code of Ordinances Subsection 63.04(6), shall be doubled, as identified below. Fines are payable to the City of Prairie City.

Speed Over the Limit in Miles Per Hour (MPH)	Civil Fine	If in a Road Work Zone
1 through 14 MPH	\$100	\$200
15 through 19 MPH	\$200	\$400
20 MPH and over	\$400	\$800

B. The violation may be exempted from liability as outlined in this section, and other defenses may be considered in connection with the appeals process.

C. 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. 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 City Police Department determines a violation of the Prairie City 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; 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.

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 by a designated Officer of the City Police Department ("Reviewing Officer"). 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 Reviewing Officer 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 Reviewing Officer shall include in its written decision a date by which the fine must be paid. The vehicle owner shall either pay the fine or may submit a request pursuant to the paragraph B of this subsection.

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 Jasper County. 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 70.01 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.

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.

(Ord. 380 – Mar. 21 Supp.)

RESOLUTION NO. 5-11-22-7

RESOLUTION WAIVING THE SECOND AND THIRD READINGS OF ORDINANCE NO.
393

WHEREAS, IOWA CODE 380.3 requires two considerations before final passage, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council, and

WHEREAS, The Council of the City of Prairie City, Iowa, has the ability to suspend the two considerations to approve Ordinance 393,

THEREFORE BE IT RESOLVED that the Council of the City of Prairie City, Iowa is suspending the requirement of Iowa Code 380.3 by approving a resolution waiving the second and third readings of Ordinance 393.

This resolution has been approved and adopted this 11th day of May, 2022.

Eric Imerman, Mayor

ATTEST:

Jodie Wyman, City Clerk