

CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
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61.01 INSTALLATION. The City Manager shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The City Manager shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

61.02 CROSSWALKS. The City Manager is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

(Code of Iowa, Sec. 372.13[4] & 321.255)

61.03 TRAFFIC LANES. The City Manager is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code of Iowa, Sec. 372.13[4] & 321.255)

61.04 STANDARDS. Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

(Code of Iowa, Sec. 321.255)

61.05 AUTOMATED RED LIGHT ENFORCEMENT.

1. General. The City, in accordance with the police powers authorized it by the State of Iowa for governing safe traffic flow, may erect or cause to be erected an automated traffic enforcement system for making photographic, video or digital images of vehicles that fail to obey red light traffic signals at intersections designated by the Clive City Council. The system may be managed by a private contractor that owns and operates the requisite equipment with supervisory control vested in the Clive Police Department. Photographs, video or digital images shall be provided by the contractor to the

Clive Police Department for review. The Clive Police Department shall determine which vehicle owners are in violation of the City's red light ordinance and shall receive a notice of violation for such offense.

2. Definitions. The following definitions shall be used in this section:

A. "Automated traffic enforcement system" shall mean an electronic system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with a traffic control device and to automatically produce photographs, video or digital images of each vehicle that violates a standard traffic control device.

B. "Vehicle owner" shall mean 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. Offense.

A. A vehicle owner shall be liable for a fine, as imposed herein, if the vehicle owner's vehicle crosses a marked stop line of the intersection plane at a given location when the traffic signal for the vehicle's direction is emitting a steady red light or red arrow.

B. The violation described in subsection (3)(A) may be rebutted by a showing that the vehicle was not in the vehicle owner's possession by establishing that a stolen vehicle report was made in regard to the vehicle for a period encompassing the date of the violation.

C. Upon receipt of the notice of violation, the vehicle owner may identify to the City the person who was driving the vehicle at the time of the violation described in subsection (3)(A) and request that the City send the notice of violation of such driver and that such driver assume liability for the fine. The identification of another person as the driver of the vehicle at the time of the violation does not relieve the vehicle owner of liability for the fine, and the vehicle owner is responsible for the fine if the driver of the vehicle does not assume responsibility for the fine.

(Ord. 858 – Jun. 06 Supp.)

D. The citation or notice regarding the violation described in subsection (3)(A) 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 driving record of the vehicle owner.

4. Penalty and Appeal.

A. Any violation of subsection (3)(A) shall be considered a notice of violation for which a civil fine of seventy-five dollars (\$75.00) shall be imposed, payable to the City Clerk.

B. A recipient of an automated red light citation may dispute the citation by requesting the issuance of a municipal infraction citation by the Clive Police Department. Such a request will result in a required court appearance by such recipient and in the scheduling of a trial before a judge or magistrate at the Polk County Courthouse or Dallas County Courthouse, as applicable. The issuance of a municipal infraction citation will cause the imposition of court costs to be added to the amount of the civil fine, together with a Clive Police Department service fee, as provided in the City's schedule of fees approved by the City Council from time to time. *(Ord. 858 – Jun. 06 Supp.)*

C. If a recipient of an automated red light citation does not (a) pay the fine imposed or (b) dispute the citation by requesting the issuance of a municipal infraction citation, a municipal infraction may be issued to the recipient by certified mail from the Clive Police Department. The issuance of a municipal infraction will result in a mandatory court appearance by such recipient as well as the imposition of State mandated court costs and a Clive Police Department service fee. *(Ord. 858 – Jun. 06 Supp.)*

(Ord. 851 – Jun. 06 Supp.)

61.06 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the Code of Iowa.

(Code of Iowa, Sec. 321.256)

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