

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

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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 805.8 of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8 of the Code of Iowa.

(Code of Iowa, Sec. 805. & 805.8)

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances in Chapter 69 may be charged upon a simple notice of a fine payable by cash, check or money order and mailed to the Perry Police Department or placed in the designated drop box at the Perry Police Department. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) for all violations except Snow Removal and Snow Route parking violations (Sections 69.13 and 69.14), which shall be in the amount of twenty-five dollars (\$25.00) or fifty dollars (\$50.00) for a second or subsequent violation occurring within twenty-four (24) months. Violations of Persons with Disabilities Parking (Section 69.07) shall be one hundred dollars (\$100.00).

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

1. Fine for Nonpayment. If such fines for violations under Chapter 69 are not paid within thirty (30) days, they shall be increased by five dollars (\$5.00) except for violations under Section 69.07, Persons with Disabilities Parking shall remain as one hundred dollars (\$100.00).

Failure to pay the simple fine shall be grounds for the filing of a complaint in District Court.

2. **Contesting Simple Fine.** Persons wishing to contest the simple fine may do so by appearing in person in the office of the Perry Police Department no more than ten (10) calendar days after the date of issuance of the simple fine, between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday excepting holidays.

3. **Contesting Simple Fine Procedure.** Persons wishing to contest the simple fine will do so in writing on forms provided by the Police Department during the above stated times. At the time of filing of the contest, a date and time of court appearance will be established and notice thereof provided to the person contesting the citation. The person contesting the simple fine will be required to post an unsecured appearance bond in the amount specified pursuant to Section 805.6(1) of the Code of Iowa providing for the setting of unsecured appearance bonds of a scheduled fine. The department shall then file a complaint with the office of the Clerk of Dallas County District Court.

(Ord. 878 – Mar. 09 Supp.)

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 Forty-eight Hour Period.** When any vehicle is left parked for a continuous period of forty-eight (48) hours or more. If the owner is found, 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])