CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: **DATE: June 15, 2015**

First reading of proposed Ordinance to amend Title 6, Chapters 4 and 5 of the Municipal Code to align the City Code with the applicable Iowa Code provisions.

FINANCIAL IMPACT:

This proposed Ordinance amendment should have a positive financial impact to the City because the City receives a much greater percentage of the traffic citation fines when police officers issuing traffic tickets cite the City Code instead of the State Code.

BACKGROUND:

This proposed Ordinance would better align the traffic regulations included in the City Code with the applicable State Code provisions as additional minor changes have been made to the State Code in recent years. This proposed Ordinance would also add more traffic regulations to the City Code that are already contained in the State Code related to traffic enforcement. Issuing traffic tickets under the City Code enables West Des Moines to receive a much higher percentage of the fines in cases where the City's police and legal departments handle the enforcement and prosecution of the traffic laws.

The Public Safety City Council subcommittee approved of this proposed new Ordinance at its meeting held on June 5, 2015.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

It is recommended that the City Council approve the first reading of this proposed Ordinance.

Lead Staff Member: **Jason B. Wittgraf, Assistant City Attorney** JBW

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety		
Date Reviewed	June 5, 2015		
Recommendation	Yes	~~No~~	~~Split~~

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 4, "TRAFFIC CONTROL DEVICES", AND CHAPTER 5 "RULES OF THE ROAD"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 6, Chapter 4, Sections 6, 7, and 9 are hereby amended by deleting ~~strike through~~ text and adding <u>underline</u> text.

6-4-6: OFFICIAL TRAFFIC-CONTROL SIGNALS:

A. For the purposes of this Section "stop at the official traffic-control signal" means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

B. Official traffic-control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner:

1. A "steady circular red" light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or a left turn from a one-way street to a one-way street from the left lane of traffic on a one-way street onto the left most lane of traffic on a one-way street. Turns made under this subsection shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

2. A "steady circular yellow" or "steady yellow arrow" light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right of way to all vehicles.

3. A "steady circular green" light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right of way to other vehicular and pedestrian traffic lawfully within the intersection.

4. A "steady green arrow" light shown alone or with another official traffic-control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right of way to other vehicles and pedestrians lawfully within the intersection.

5. A "flashing circular red" light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed.

6. A "flashing yellow" light means vehicular traffic shall proceed through the intersection or past such signal with caution.

7. A "flashing yellow arrow" light shown alone or with another official traffic-control signal means vehicular traffic may cautiously enter the intersection and proceed only in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection and any vehicle on the opposing approach which is approaching so closely as to constitute an immediate hazard during the time the driver is moving within the intersection.

~~7~~ 8. A "don't walk" or "steady upraised hand" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

9. A "flashing upraised hand" or "upraised hand with countdown" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone. The "upraised hand with countdown" light is a pedestrian signal that also provides the time remaining for the pedestrian to complete the crossing.

~~8~~ 10. A "walk" or "walking person" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right of way by drivers of all vehicles.

6-4-7: ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC-CONTROL SIGNALS:

A. Colored lights placed on a vertical official traffic-control signal face shall be arranged from the top to the bottom in the following order when used: circular red, steady and/or flashing left turn red arrow, steady and/or flashing right turn red arrow, circular yellow, circular green, ~~straight through yellow arrow,~~ straight through green arrow, steady left turn yellow arrow, flashing left turn yellow arrow, left turn green arrow, steady right turn yellow arrow, flashing right turn yellow arrow, and right turn green arrow.

B. Colored lights placed on a horizontal official traffic-control signal face shall be arranged from the left to the right in the following order when used: circular red, steady and/or flashing left turn red arrow, steady and/or flashing right turn red arrow, circular yellow, steady left turn yellow arrow, flashing left turn yellow arrow, left turn green arrow, circular green, ~~straight through yellow arrow,~~ straight through green arrow, steady right turn yellow arrow, flashing right turn yellow arrow, and right turn green arrow.

6-4-9: INTERFERENCE WITH DEVICES, SIGNS, OR SIGNALS; UNLAWFUL POSSESSION; TRAFFIC SIGNAL PREEMPTION DEVICES:

Iowa Code (2015) section 321.260 is adopted by reference.

~~A person who wilfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down or removes an official traffic-control device, an authorized warning sign or signal or barricade, whether temporary or permanent, a railroad sign or signal, an inscription, shield or insignia on any of such devices, signs, signals or barricades, or any other part thereof, shall, upon conviction, be guilty of a simple misdemeanor and shall be required to make restitution to the affected jurisdiction.~~

~~It shall be unlawful for any person to have in the person's possession any official traffic-control device except by reason of the person's employment. Any person convicted of unauthorized possession of any official traffic-control device shall, upon conviction, be punished as provided in Iowa Code, for a simple misdemeanor.~~

SECTION 2. Title 6, Chapter 5, Article A, Sections 3, 4, and 5 are hereby amended by deleting ~~strike through~~ text and adding underline text.

6-5A-3: SCHOOL BUSES:

Iowa Code (2015) section 321.372 is adopted by reference.

~~The following school bus safety regulations shall apply within the City:~~

~~A. Signals: The driver of any school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils at any point within the City, turn on the flashing stop-warning signal lights at a distance of not less than one hundred feet (100'), nor more than three hundred feet (300') from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils, the driver of the bus shall bring the bus to a stop and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop-warning lights, retract the stop arm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least three hundred feet (300') of clear vision in each direction.~~

~~B. Lights On: The driver of a school bus shall, while carrying passengers, have its headlights turned on.~~

~~C. Discharging Pupils: All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the street or highway, they shall be required to pass in front of the bus, look in both directions and proceed to cross the street or highway only on signal from the bus driver.~~

~~D. Passing Prohibited: The driver of any vehicle overtaking a school bus shall not pass a school~~

~~bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet (15') of the school bus when it is stopped and stop arm is extended and shall remain stopped until the stop arm is retracted and school bus resumes motion or until signalled by the driver to proceed.~~

~~E. Stop When Meeting: The driver of any vehicle when meeting a school bus on which the amber warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty (20) miles per hour, and shall bring said vehicle to a complete stop when signal arm is extended and said vehicle shall remain stopped until the stoparm is retracted after which driver may proceed with due caution.~~

~~F. Multi-Lane Roads: The driver of a vehicle upon a highway or street providing two (2) or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus has stopped.~~

~~G. Application: This Section shall apply to the business, residential and suburban districts of the City.~~

6-5A-4: FUNERAL ~~OR OTHER~~ PROCESSIONS:

Iowa Code (2015) section 321.324A is adopted by reference.

~~The following regulations shall apply to funeral or other processions within the City:~~

~~A. Identified: A funeral or other procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Police Chief.~~

~~B. Manner of Driving: Each driver in a funeral or other procession shall drive as near to the right hand side of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.~~

~~C. Interrupting Procession: No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or peace officers.~~

6-5A-5: ~~SQUEALING TIRES~~ CARELESS DRIVING:

Iowa Code (2015) section 321.277 is adopted by reference.

~~No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid of acceleration or too high of speed on turning of such vehicle.~~

SECTION 3. Title 6, Chapter 5, Article C, Sections 4, 5, and 6 are hereby amended by deleting ~~strike through~~ text and adding underline text.

6-5C-4: FAILURE TO RECOGNIZE SIGNAL:

Iowa Code section 321.300 has been repealed.

~~Any driver of a vehicle that is overtaken by a faster moving vehicle who fails to heed the signal of the overtaking vehicle when it is given under such circumstances that the driver of the overtaken vehicle could, by the exercise of ordinary care and observation and precaution, hear such signal and who fails to yield that part of the traveled way as herein provided, shall be guilty of a misdemeanor punishable as provided in Iowa Code, section 321.482.~~

6-5C-5: BURDEN OF PROOF:

Iowa Code section 321.301 has been repealed.

~~Upon proof that a signal was given as contemplated by Section 6-5C-4 of this Chapter, the burden shall rest upon the accused to prove that the accused did not hear said signal.~~

6-5C-6: OVERTAKING AND PASSING ~~ON THE RIGHT~~:

Iowa Code (2015) section 321.302 is adopted by reference.

~~A. The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.~~

~~B. The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.~~

SECTION 4: Title 6, Chapter 5, Article E, Section 6 is hereby amended by deleting ~~strike through~~ text and adding underline text, and Section 7 is hereby created by adding underline text.

6-5E-6: OPERATION ON APPROACH OF EMERGENCY VEHICLES:

Iowa Code (2015) section 321.324 is adopted by reference.

~~A. Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light, or an authorized emergency vehicle of the Fire Department displaying a blue light or flashing white light of E.M.S. Department, or when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such~~

~~position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. For the purposes of this Section, "red light", "blue light" or "white light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red, blue or white light.~~

~~B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.~~

6-5E-7: APPROACHING CERTAIN STATIONARY VEHICLES:

Iowa Code (2015) section 321.323A is adopted by reference.

SECTION 5: Title 6, Chapter 5, Article F, Section 1 is hereby amended by deleting ~~strike through~~ text and adding underline text.

6-5F-1: OBEDIENCE TO SIGNAL INDICATING APPROACH OF RAILROAD TRAIN OR RAILROAD TRACK EQUIPMENT:

When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail and shall not proceed until the driver can do so safely.

The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment.

SECTION 6: Title 6, Chapter 5, Article G, Section 10 is hereby amended by deleting ~~strike through~~ text and adding underline text.

6-5G-10: GENERAL TRAFFIC REGULATIONS:

A. Proof of security against liability - driving without liability coverage. Iowa Code (2011) section 321.20B is adopted by reference.

B. Operation without registration. Iowa Code (2011) section 321.98 is adopted by reference.

C. Fraudulent use of registration. Iowa Code (2011) section 321.99 is adopted by reference.

D. Operation without proper driver's license. Iowa Code (2011) section 321.174 is adopted by reference.

E. Child restraint devices. Iowa Code (2011) section 321.446 is adopted by reference.

F. Safety belts and safety harnesses - use required. Iowa Code section 321.445 is adopted by

reference.

G. Operation of motor vehicle with expired license. Iowa Code (2015) section 321.174A is adopted by reference.

H. Permitting unauthorized minor to drive. Iowa Code (2015) section 321.219 is adopted by reference.

I. Permitting unauthorized person to drive. Iowa Code (2015) section 321.220 is adopted by reference.

J. Display of plates. Iowa Code (2015) section 321.37 is adopted by reference.

K. Injuring or tampering with vehicle. Iowa Code (2015) section 321.78 is adopted by reference.

SECTION 7. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 8. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, 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 provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk