

ORDINANCE NO. 1165

**AN ORDINANCE AMENDING FAIRFIELD MUNICIPAL CODE
CHAPTER 9.88 AND CHAPTER 10.04.020 CONCERNING PENALTIES
RELATED TO TRAFFIC ENFORCEMENT PER MUNICIPAL CODE
CHAPTER 10.04 TO PROVIDE FOR DIFFERING AND ALTERNATIVE
ENFORCEMENT ACTION AND PROCEDURES AND PENALTIES
CONCERNING SUCH ALTERNATIVE ENFORCEMENT ACTION.**

**BE IT ENACTED BY THE CITY COUNCIL OF FAIRFIELD, IOWA,
that:**

**Section 1. Chapter 9 Section 88.010 and Chapter 10.04.020 are AMENDED by addition of
the following:**

“9.88.010; 10.04.020 – Alternative enforcement action (Applicable to both sections)

As an alternative enforcement action for violations of this chapter concerning enforcement of traffic laws and Law Regulating Vehicles, an officer may issue to a violator a civil “notice of violation.” The penalty for a civil “notice of violation” under this section shall be the same amount permitted by chapter 9.88.010 and Chapter 10.04.020 of this Code and shall not include court costs or surcharge. No record, or information concerning the issuance of a civil “notice of violation,” shall be sent, reported, or forwarded to the state department of transportation, or similar department of any other state, for the purpose of adding to the driving record of the violator.”

No civil “notice of violation” shall be issued for violations of driving under suspension, reckless driving, drag racing, or that are alcohol related per ICA 321J or accident-related. A civil “notice of violation” shall not be issued to any person who has an unpaid penalty from a previous “notice of violation,” or who has already received two such alternative enforcement actions for moving violations within the previous 12 months.

Each penalty for a civil “notice of violation” issued under this section shall be paid at the city Police Department offices at the Jefferson County Law Center. If such penalty is not paid within 30 days of the date of issuance, or if the driver denies committing such violation, the issuing officer may cancel the civil “notice of violation” and issue a traffic citation to be processed through the court system in the same manner as if the violator had been originally issued a traffic citation for the violation under the Municipal or State Code, rather than the alternative enforcement action.

If the recipient of the “notice of violation” does not either pay the fine by the due date stated in the notice, or request the issuance of a city traffic citation, within 30 days of issuance of the notice of violation, it shall be deemed an admission of liability, and the city may use alternative collection methods against the driver, including, but not limited to, the State of Iowa Offset Program to collect unpaid Citations.

The Police Department shall maintain a record of each civil "notice of violation" issued, civil penalty paid, and of each "notice of violation" which is unpaid or denied.

Section 2. Severability Clause.

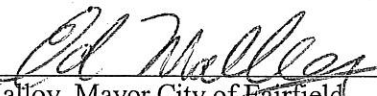
If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 3. Effective Date.

This Ordinance shall, after its final passage, approval and publication as provided or unconstitutional.

PASSED and APPROVED by the Council on the 9th day of April, 2018.

CITY OF FAIRFIELD, IOWA



Ed Malloy, Mayor City of Fairfield

ATTEST:



Rebekah Loper, City Clerk

The foregoing Ordinance No. 1165 having come before the City Council of Fairfield, Iowa on the 9th day of April 2018, having been moved by Councilperson Anderson and seconded by Councilperson Hamilton is adopted by the following vote:

| | AYES | NAYS | ABSTAIN | ABSENT |
|-----------|----------|-------|---------|--------|
| Hamilton | <u>X</u> | _____ | _____ | _____ |
| Gandy | <u>X</u> | _____ | _____ | _____ |
| Rasmussen | <u>X</u> | _____ | _____ | _____ |
| Thompson | <u>X</u> | _____ | _____ | _____ |
| Halley | <u>X</u> | _____ | _____ | _____ |
| Flournoy | <u>X</u> | _____ | _____ | _____ |
| Anderson | <u>X</u> | _____ | _____ | _____ |