



AGENDA MEMO

Meeting Type: City Council Regular Session

Meeting Date: April 20, 2023

Staff Contact: Mike Kitsmiller, Police Chief

Department: Police

ITEM TITLE: Resolution approving the Automated Traffic Enforcement (ATE) Camera Policy

SUMMARY:

Operational policy which will accompany the ATE ordinance. Addresses placement of the mobile unit, any revenues will be utilized for public safety or civil rights commission expenses, sets time table for semi-annual council review of the program and ordinance, and the appeals process.

POLICY IMPLICATIONS:


Policy to accompany ATE Ordinance

RECOMMENDATION:

Staff recommends approval of policy.

ATTACHMENTS:

[Policy - ATE Camera Policy](#)

	Automated Traffic Enforcement (ATE) Camera Policy	Revision #	
		Implementation Date	4/20/2023
		Last Reviewed/Update Date	4/20/2023
	Page 1 of 3	Resolution #	

1. Guidelines


- A. Automated Traffic Enforcement cameras (ATEs) may be utilized to enhance enforcement of red light and speeding violations to change driver behavior.
- B. The use of ATE cameras is intended to supplement personnel resources but does not relieve officers from traditional traffic enforcement responsibilities.
- C. Placement of stationary ATE cameras will be data driven and approved by the City Council. All costs associated with placement of stationary ATE cameras will be provided to the City Council.
- D. A mobile speed ATE camera will only be deployed upon receipt complaints from community members or other information that necessitates a public safety need.
- E. The ATE city ordinance, and statistics, will be reviewed every six months by the City Council. A schedule of fines will be included in the city ordinance.
- F. The department will be transparent with the community regarding the use of ATE cameras, statistics, and revenues generated.
- G. Any revenues generated from enforcement will be dedicated to public safety needs. Revenues may also be used for any grant programs administered by the Civil Rights Commission.
- H. A member of the Command Staff will be designated to hear appeals from vehicle owners who receive a citation and will be authorized to rescind citations based upon exemptions designated in the ATE ordinance or other extenuating circumstances as deemed appropriate.

2. Procedure

- A. Statistical data on accidents and speed violations will be collected and analyzed to determine the need for a stationary ATE camera as an alternate enforcement tool. City Council concurrence for any stationary ATE cameras is required.
- B. Mobile speed cameras will be deployed at the discretion of the Chief of Police in response to complaints from community members regarding speeding violations on a particular roadway or based on other information that necessitates a public safety need. Once deployed, the mobile unit will remain in place for 48 hours but may be extended by the Chief of Police in the interest of public safety. Prior notice of a mobile speed ATE camera deployment will be posted on the department's social media pages not less than 12 hours in advance and in print at City Hall and the Police Station.

	Automated Traffic Enforcement (ATE) Camera Policy	Revision #	
		Implementation Date	4/20/2023
		Last Reviewed/Update Date	4/20/2023
	Page 2 of 3	Resolution #	

- C. Statistical data for ATE violations and citations will be included in the monthly City Council report. A review of the ATE program will be conducted by the City Council every six months.
- D. A member of the Command Staff will be designated to hear appeals from vehicle owners who receive an ATE citation and is authorized to rescind a citation, based on exemptions listed in the city ordinance, or other extenuating circumstances as deemed appropriate.
- E. A vehicle owner who has been issued an Automated Traffic Citation may contest the citation as follows:
 1. Within 30 days from the date appearing at the top of a notice of Automated Traffic Citation sent to the Vehicle Owner, the Vehicle Owner may either pay the fee associated with the citation or challenge the citation by submitting a written challenge to the citation. Any such written challenge or request must be on a form specified by and available from the City as indicated on the notice and be sent to the City according to the instructions on that form. Upon receipt of a written challenge, a member of the Marion Police Department Command Staff shall determine whether the citation should be rescinded. Within 10 days after the City receives such a challenge, the City shall notify the Vehicle Owner in writing whether the challenge to the Automated Traffic Citation is successful or not. If the challenge is successful, the citation will be rescinded. If the challenge is not successful, the Vehicle Owner will be advised, in the written decision, a date by which the fine must be paid, and on or before that date, the Vehicle Owner shall either pay the fine or submit a request pursuant to paragraph E. 2 below.
 2. By submitting in a form specified by the City, a request that in lieu of the Automated Traffic Citation, a municipal infraction citation, pursuant to Iowa Code §364.22, be issued and filed with the Clerk of Courts of the Iowa District Court in Linn County. Such a request must be filed prior to the due date of the fine, set by the member of the Marion Police Department Command Staff, following the written challenge detailed above in paragraph E.1. Such a request will result in a court order requiring the Vehicle Owner to file an answer and appearance with the Clerk of Court, as well as setting the matter for trial before a judge or magistrate. If the Court finds the Vehicle Owner guilty of the municipal infraction, mandated court costs will be added to the amount of the fine imposed by this ordinance.
 3. The following shall not be considered violations for purposes of the Automated Traffic Enforcement System and citations issues shall be rescinded by the designated Command Staff member:

	Automated Traffic Enforcement (ATE) Camera Policy	Revision #	
		Implementation Date	4/20/2023
		Last Reviewed/Update Date	4/20/2023
	Page 3 of 3	Resolution #	

- a. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to Cedar Rapids Municipal Code Chapter 61 or Chapter 321 of the Code of Iowa.
 - 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.
 - c. The vehicle in question was an authorized emergency vehicle.
 - d. The Marion Police 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.
 - e. The Marion Police Officer inspecting the recorded image determines that the vehicle in question was lawfully participating in a funeral procession.
 - f. The foregoing list of exemptions shall not be construed as limiting the defenses available to challenge an Automated Traffic Citation or defend a municipal infraction.
- F. ATE Citations will include, at a minimum, a photograph of the vehicle involved in the infraction, a list of fines, the city ordinance authorizing the citation, contact information for the Police Department, and the appeals process.

3. Questions

Any questions concerning this policy or related procedures should be directed to:

Marion Police Department
 6315 Highway 151
 Marion, IA 52302
administration@marionpolice.com
 319-200-7727