

CHAPTER 70 TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Vehicle Unattended

70.04 Presumption in Reference To Illegal Parking
70.05 Impounding Vehicles

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.

- A. Officer's Discretion - Notice of Violation. In the discretion of a law enforcement officer, if conditions warrant, the officer may issue a "Notice of Violation" in regard to violations of any provisions of Chapter 69 of the Wahpeton City Code, "Parking Regulations", except Section 69.08 (Persons with Disabilities Parking).
- B. Civil Penalty. The penalty for a "Notice of Violation" under this section is the amount of two hundred dollars (\$200.00). Payment of the civil penalty shall be accomplished by mailing payment to the city of Wahpeton, 1201 Dakota Drive, Milford, IA 51351-7240. If a "Notice of Violation" is issued and the civil penalty is not paid within thirty (30) days of the date of violation, or if the driver denies the violation, the issuing officer shall cancel the "Notice of Violation" and shall issue a citation to be processed through the court system in the normal procedure.
- C. Records. The city of Wahpeton shall develop a form of "Notice of Violation" to be issued pursuant to this section, shall maintain complete and adequate records as to "Notices of Violation" issued, civil penalties paid, and of "Notices of Violation" which are unpaid or denied.
- D. Fine. If a "Notice of Violation" is not paid or contested and a court citation is issued, upon conviction, the fine shall be two hundred dollars (\$200.00) plus applicable surcharges and court costs."

(Ord. 179 – Supp. March 2020)

70.03 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 citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.04 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.

70.05 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 Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, 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])