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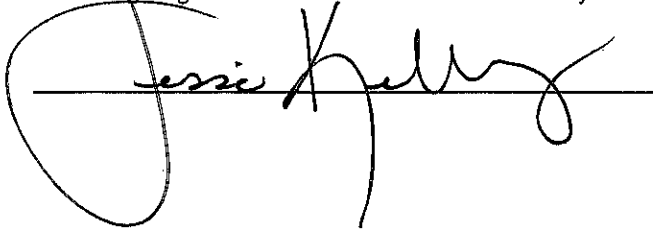
STATE OF IOWA  
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the dates listed below.

CITY OF BUFFALO  
TANNA LEONARD  
PO BOX 557  
BUFFALO, IA 52728

ORDER NUMBER 82463

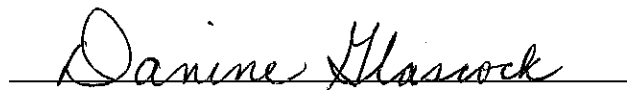
The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

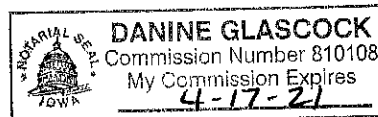


Section: Notices & Legals  
Category: 2635 Legal Ordinance  
PUBLISHED ON: 11/12/2020

TOTAL AD COST: 120.74  
FILED ON: 11/12/2020

Subscribed and sworn to before me by said affiant this 12 day of Nov 2020





Notary Public in and for Scott County, Iowa

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CITY OF BUFFALO, IOWA  
Ordinance 518  
AN ORDINANCE ADDING TITLE II  
DIVISION 1 CHAPTER 8 OF THE  
BUFFALO MUNICIPAL CODE  
AUTOMATED TRAFFIC  
ENFORCEMENT AND THE MEANS  
FOR CHALLENGING AN AUTOMATED  
TRAFFIC CITATION

BE IT ORDAINED BY THE CITY  
COUNCIL OF THE CITY OF BUFFALO,  
IOWA,

That Title II Division 1 Chapter 8,  
specifically added to the Buffalo Municipal  
Code as follows:

2.1-8.01 Having been presented with  
information and opinions concerning  
Automated

Traffic Enforcement ("ATE"), the Buffalo  
City Council finds as follows: The use of  
ATE advances public interests of traffic  
safety and safety of emergency respon-  
ders, as well as the interests of Buffalo  
taxpayers in cost effective enforcement of  
traffic laws;

The use of ATE devices which capture an  
image of only the rear license plate  
strikes a

desirable balance between the above  
stated public interests and privacy  
interests of the motoring public;

The National Law Enforcement Telecom-  
munications System ("Nlets") is a cost  
effective means for determining owner-  
ship of vehicles detected as traveling in  
violation of traffic laws within the city limits  
of Buffalo; and The technology underlying  
ATE is self-calibrating and reliable, and its  
accuracy is readily verifiable.

2.1-8.02 - AUTOMATED TRAFFIC EN-  
FORCEMENT.

(a) **General.** In accordance with its police  
powers, the City may deploy, erect or  
cause to have erected an automated  
traffic enforcement system for capturing  
images of motor vehicles that violate  
traffic laws by failing to obey red light  
traffic signals at intersections designated  
by the city manager or designee or failing  
to obey speed regulations within the city.  
The system may be managed by a private  
contractor that owns and operates the  
requisite equipment. The police depart-  
ment shall retain supervisory control over  
the system. The contractor shall provide  
photographic and/or video images of any  
potential violations to the police depart-  
ment to review and, in the event the  
police department determines a vehicle  
was operated in violation of the city's  
traffic control ordinances, the police  
department shall direct that a notice of  
Automated Traffic Citation be issued to  
the vehicle owner in accordance with this  
§2.1-8.

(b) **Definitions.**

1. **Automated Traffic Citation** shall  
mean a notice of violation generated in  
connection with the automated traffic  
enforcement system.

2. **Automated Traffic Enforcement  
Contractor** shall mean the company or  
entity, if any, with which the City of  
Buffalo contracts to provide equipment  
and/or services in connection with the  
Automated Traffic Enforcement System.

3. **Automated Traffic Enforcement  
System** shall mean an electronic system  
consisting of a photographic, video, or  
electronic camera and a vehicle sensor  
installed to work in conjunction with an  
official traffic controller or police depart-  
ment employee to automatically produce  
photographs, video or digital images of  
each vehicle violating a standard traffic  
control device or speed restriction.

4. **Vehicle Owner** shall mean the person  
or entity identified by the Iowa Depart-  
ment of Transportation, or identified by  
any other state vehicle registration office,  
as the registered owner of a vehicle  
detected violating a traffic law by failing to  
obey red light traffic signals at intersec-  
tions designated by the city manager or  
official designee or failing to obey speed  
regulations within the City. Notwithstand-  
ing the foregoing, in the event the Iowa  
Department of Transportation or any  
other state vehicle registration office  
identifies a person or entity as the lessee  
of the vehicle, that lessee shall be the  
vehicle owner for purposes of this §2.1-8.  
In the event a state registration office  
does not specify whether a person or  
entity listed on the registration for the  
vehicle is the owner or the lessee of the  
vehicle, any person or entity listed on that  
vehicle registration may be deemed the  
vehicle owner and held jointly and  
severally responsible for a violation of this  
section.

(c) **Vehicle Owner Subject to Civil Fine  
for Automated Traffic Citations.**

1. If a vehicle is detected traveling at a  
speed above the posted limit, the Vehicle  
Owner shall be subject to a civil fine as

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Section 2.1-8.02(c) shall be subject to a civil fine as scheduled below in subsection 2.1-8.02(d).

2. Exemptions from this §2.1-8 are set forth in subsection 2.1-8.02(g), and shall not be considered violations for purposes of the Automated Traffic Enforcement System.

3. In no event will an Automated Traffic Citation be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the Vehicle Owner's driving record.

#### (d) Notice of Automated Traffic Citation; Fines.

1. Upon a Buffalo Police Officer's determination that the Automated Traffic Enforcement System has detected a violation described in sections 2.1-8.02(c)(1), a notice of an Automated Traffic Citation will be mailed to the Vehicle Owner for each such violation recorded by the Automated Traffic Enforcement System. The Automated Traffic Enforcement Contractor shall mail the notice within 30 days after receiving information about the Vehicle Owner. The notice shall include the name and address of the Vehicle Owner; the vehicle make, if available and readily discernable; the vehicle registration number; the violation alleged; the time, date and location of the alleged violation; the applicable fine; information as to the manner in which the Automated Traffic Citation may be challenged; and that the basis of the notice is a photographic or video record generated by an Automated Traffic Enforcement System.

2. Any violation of subsection 2.1-8.02(c)(1), above shall be subject to a civil fine as scheduled in the table below, and the fine for any violation committed in a designated construction zone (as provided by the Code of Iowa), shall be doubled, as scheduled below, subject in any event to the limit on fines sought in municipal infractions.

1 through 5 miles per hour ("MPH") No Fine
6 through 10 MPH No Fine
11 through 20 MPH \$75
21 through 25 MPH \$100
25 through 30 MPH \$125
Over 30 MPH \$200
Speed over the limit If in Construction Zone - Doubled

(e) **Challenging an Automated Traffic Citation.** 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 or requesting that a municipal infraction be filed pursuant to Iowa Code §364.22. 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 Buffalo Police Officer shall determine whether the citation should be rescinded. Within 30 days after the City receives such a challenge, the City shall notify the Vehicle Owner whether the challenge to the Automated Traffic Citation is successful, in which case, the citation shall be rescinded. Otherwise, the citation shall stand. Thereafter, the City may seek voluntary payment and/or file the citation as a municipal infraction against the Vehicle Owner, all as set forth in subsection (f) hereof.

(f) **Failure to Timely Pay or Challenge Automated Traffic Citation.** If the recipient of an Automated Traffic Citation does not either pay the fine by the due date stated on the original citation or successfully challenge the citation as provided herein, the City may file a municipal infraction against the Vehicle Owner in accordance with Buffalo Municipal Code §1-1.0107(2) and §364.22 of the Code of Iowa, seeking judgment for the applicable civil fine provided in subsections 2.1-8.02(c) and (d) plus state mandated filing fee and court costs. If judgment is entered for the City in the municipal infraction proceeding, the City may, subject to applicable law, pursue enforcement of the judgment together with interest as permitted by law. Collection of that judgment may include referral to the State of Iowa Income Offset program administered by the Department of Administrative Services, State Accounting Enterprise. Notwithstanding the City's right to file a municipal infraction, the City may first seek voluntary payment of the fine by sending a written request for payment to the Vehicle Owner and/or referring the matter to a private service agent to conduct collection in accordance

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with all applicable law.

(g) **Exemptions from Section 2.1-8.02.**  
The following shall not be considered violations for purposes of the Automated Traffic Enforcement System.

1. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to Buffalo Municipal Code 2.1-8 or Chapter 321 of the Code of Iowa).
2. 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.
3. The vehicle in question was an authorized emergency vehicle.
4. The Buffalo 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.
5. The Buffalo Police Officer inspecting the recorded image determines that the vehicle in question was lawfully participating in a funeral procession. The foregoing list of exemptions from Section 2.1-8.02 shall not be construed as limiting the defenses available to challenge an Automated Traffic Citation or defend a municipal infraction."

**Section 6.** This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**Full force and effect.** This ordinance shall be in full force and effect from the date of passage and publication as required by law.

**Repealer.** This ordinance shall be construed to repeal any prior ordinance inconsistent herewith.

**Severability of provisions.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision as such holding shall not affect the validity of the remaining portion hereof.

Passed by the City Council of the City of Buffalo, Iowa, this 02nd day of November, 2020.

Approved and signed by the Mayor of Buffalo, Iowa, this 02nd day of November, 2020.

/s/Sally Rodriguez, Mayor  
Attest:/s/Tanna Leonard, City Clerk

Date of 1st reading: September 14, 2020

Date of 2nd reading: October 05, 2020

Date of 3rd reading: November 02, 2020

Date of Publication: November 12, 2020