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HIAWATHA POLICE DEPARTMENT

Memo

To: Council Members

From: Chief Dennis Marks,

Date: January 29, 2019

Re: Ordinance 62.01 (2)

Last year when we began the process of changing the online format of our code of ordinances, a recommendation from codification came up about ordinance 62.01 (2). This code makes it a violation to operate a motor vehicle on city streets without proper insurance.

Codification provided the following explanation for removal:

Section 62.01. We do not recommend adding 321.20B to this section.

Since according to Section 805.8A of the Code of Iowa, the City does not receive any of the fine money for violations of Section 321.20B, we do not include Section 321.20B in the list of violation of regulations in Section 62.01. A violation of this section should be charged under State Code rather than under the City's code.

805.8A Motor vehicle and transportation scheduled violations.
14. f. Proof of financial responsibility. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B, subsection 1, the scheduled fine is five hundred dollars; otherwise, the scheduled fine for a violation of section 321.20B, subsection 1, is two hundred fifty dollars.

Notwithstanding section 805.12, fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed fifty percent to the victim compensation fund established in section 915.94, twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

I agree with the explanation and this should have been removed. I recently learned that 62.01 (2) was not removed during the update process. I respectfully request that a public hearing be set to repeal Proof of Financial Responsibility 62.01 (2) from the Hiawatha Code of Ordinances.

DRAFT

RESOLUTION NO. 19-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO AMEND HIAWATHA CODE OF ORDINANCES CHAPTER 62 GENERAL TRAFFIC REGULATIONS §62.01 VIOLATION OF REGULATIONS BY DELETING (2) SECTION 321.20B PROOF OF SECURITY AGAINST LIABILITY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, February 20, 2019 @ 5:30 P.M. to consider amending Hiawatha Code of Ordinances Chapter 62 General Traffic Regulations §62.01 Violation of Regulations by deleting (2) Section 321.20B Proof of Security Against Liability.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 6th day of February, 2019.

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Bill Bennett, Mayor

ATTEST:

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Kari Graber, Deputy City Clerk