F4abc

# CITY ADMINISTRATOR'S OFFICE MEMO

cityadmin@hiawatha-iowa.com
319-393-1515 ext.523

**To:** Mayor and City Council

**From:** City Administrator, Kim Downs, Police Chief Dennis Marks & City Engineer John Bender

**Date:** September 10, 2018

**RE: Amending Ordinance Chapter 62 General Traffic Regulations**

---

In August the city received an email and had a later discussion with our local IDOT Transportation Engineer, Charles Bernard who had been contacted several times over the past years from local residents asking if the City of Hiawatha would consider a No Jake Braking Ordinance. The IDOT would like us to consider this action due to phone calls they have received. If we do this it would be more of a kind gesture for our residents that live along I-380, then anything else realizing it would be difficult to enforce.

The City of Coralville had implemented a No Jake Braking Ordinance about 10-years ago. In corresponding with City of Coralville's assistant city engineer Scott Larsen and Lieutenant Deb Summers regarding the steps they took in implementing a No Jake Braking ordinance. Their ordinance reads....

62.06 **UNLAWFUL USE OF CERTAIN BRAKING DEVICES**. Except for emergency braking, it is unlawful for the driver of any vehicle to operate or permit the operation of the engine of a motor vehicle so as to assist in braking or slowing the vehicle through the use of any engine brake or engine retarding device upon any public right-of-way.

In their implementation it was understood by the City of Coralville at the time of enforcement it would be nearly impossible and their Police resources are better used elsewhere. The IDOT with that understanding installed individual signs (24X30) set to the side of the road. Mr. Bernard from the IDOT believes it would be beneficial for truck drivers to see and would provide consistency along I-380 and I-80.

It is at this time the Police Chief and I would ask council to set a public hearing date for October 3rd to consider amending City of Hiawatha's Chapter 62 General Traffic Regulations adding a section titled Unlawful Use of Certain Braking Devices.

Thank you for your consideration.

Kim

DRAFT

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 62 GENERAL TRAFFIC REGULATIONS ADDING A SECTION-UNLAWFUL USE OF CERTAIN BRAKING DEVICES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 62 of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended and adopted by adding the following:

## CHAPTER 62

# GENERAL TRAFFIC REGULATIONS


62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Unlawful Use of Certain Braking Devices
62.07 Funeral Processions
62.08 Tampering with Vehicle
62.09 Open Containers in Motor Vehicles
62.10 Obstructing View at Intersections
62.11 Reckless Driving
62.12 Careless Driving
62.13 Administrative Fee for Towing


**62.01 VIOLATION OF REGULATIONS.** Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a fire department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the Code of Iowa are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.20B — Proof of security against liability.
3. Section 321.32 – Registration card, carried and exhibited.
4. Section 321.34 – Plates or validation sticker furnished; retained by owner; special plates.
5. Section 321.37 – Display of plates.
6. Section 321.38 – Plates, method of attaching, imitations prohibited.
7. Section 321.41 – Change of address or name or fuel type.
8. Section 321.54 – Registration required of certain nonresident carriers.
9. Section 321.55 – Registration required for certain vehicles owned or operated by nonresidents.

10. Section 321.79 – Intent to injure.
11. Section 321.91 — Penalty for abandonment.
12. Section 321.97 – Fraudulent applications.
13. Section 321.98 – Operation without registration.
14. Section 321.99 – Fraudulent use of registration.
15. Section 321.100 – False evidence of registration.
16. Section 321.174 – Operators licensed.
17. Section 321.174A – Operation of motor vehicles with expired license.
18. Section 321.180 – Instruction permits.
19. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
20. Section 321.189 – Drivers license; content; motorcycle rider education fund.
21. Section 321.193 – Restricted licenses.
22. Section 321.194 – Special minor's license.
23. Section 321.216 – Unlawful use of license.
24. Section 321.216B – Use of motor vehicle license or nonoperator's identification card by underage person to obtain alcohol.
25. Section 321.216C — Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.
26. Section 321.218 – Driving without valid license.
27. Section 321.219 – Permitting unauthorized minor to drive.
28. Section 321.220 – Permitting unauthorized person to drive.
29. Section 321.221 – Employing unlicensed chauffeur.
30. Section 321.222 – Renting motor vehicle to another.
31. Section 321.223 – License inspected.
32. Section 321.224 – Record kept.
33. Section 321.232 – Radar jamming devices; penalty.
34. Section 321.234A – All-terrain vehicles.
35. Section 321.235A – Electric personal assistive mobility devices.
36. Section 321.240 – Altering center of gravity of vehicle.
37. Section 321.247 – Golf cart operation on City streets.
38. Section 321.259 – Unauthorized signs, signals or markings.
39. Section 321.262 – Damage to vehicle.
40. Section 321.263 – Information and aid.
41. Section 321.264 – Striking unattended vehicle.
42. Section 321.265 – Striking fixtures upon a highway.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.278 – Drag racing prohibited.
45. Section 321.281 – Prohibiting certain actions against bicyclists by the operator of a motor vehicle.
46. Section 321.288 – Control of vehicle; reduced speed.
47. Section 321.295 – Limitation on bridge or elevated structures.
48. Section 321.297 – Driving on right-hand side of roadways;

exceptions.
49. Section 321.298 – Meeting and turning to right.
50. Section 321.299 – Overtaking a vehicle.
51. Section 321.302 – Overtaking on the right.
52. Section 321.303 – Limitations on overtaking on the left.
53. Section 321.304 – Prohibited passing.
54. Section 321.306 – Improper use of lanes.
55. Section 321.307 – Following too closely.
56. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
57. Section 321.309 – Towing; convoys; drawbars.
58. Section 321.310 – Towing four-wheel trailers.
59. Section 321.312 – Turning on curve or crest of grade.
60. Section 321.313 – Starting parked vehicle.
61. Section 321.314 – When signal required.
62. Section 321.315 – Signal continuous.
63. Section 321.316 – Stopping.
64. Section 321.317 – Signals by hand and arm or signal device.
65. Section 321.319 – Entering intersections from different highways.
66. Section 321.320 – Left turns; yielding.
67. Section 321.321 – Entering through highways.
68. Section 321.322 – Vehicles entering stop or yield intersection.
69. Section 321.323 – Moving vehicle backward on highway.
70. Section 321.323A – Approaching certain stationary vehicles.
71. Section 321.324 – Operation on approach of emergency vehicles.
72. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
73. Section 321.330 – Use of crosswalks.
74. Section 321.332 – White canes restricted to blind persons.
75. Section 321.333 – Duty of drivers.
76. Section 321.340 – Driving through safety zone.
77. Section 321.341 – Obedience to signal of train.
78. Section 321.342 – Stop at certain railroad crossings; posting warning.
79. Section 321.343 – Certain vehicles must stop.
80. Section 321.344 – Heavy equipment at crossing.
81. Section 321.344B — Immediate safety threat – penalty.
82. Section 321.354 – Stopping on traveled way.
83. Section 321.359 – Moving other vehicle.
84. Section 321.362 – Unattended motor vehicle.
85. Section 321.363 – Obstruction to driver's view.
86. Section 321.364 – Preventing contamination of food by hazardous material.
87. Section 321.365 – Coasting prohibited.
88. Section 321.367 – Following fire apparatus.
89. Section 321.368 – Crossing fire hose.

90. Section 321.369 – Putting debris on highway.
91. Section 321.370 – Removing injurious material.
92. Section 321.371 – Clearing up wrecks.
93. Section 321.372 – School buses.
94. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
95. Section 321.381A — Operation of low-speed vehicles.
96. Section 321.382 – Upgrade pulls; minimum speed.
97. Section 321.383 – Exceptions; slow vehicles identified.
98. Section 321.384 – When lighted lamps required.
99. Section 321.385 – Head lamps on motor vehicles.
100. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
101. Section 321.387 – Rear lamps.
102. Section 321.388 – Illuminating plates.
103. Section 321.389 – Reflector requirement.
104. Section 321.390 – Reflector requirements.
105. Section 321.392 – Clearance and identification lights.
106. Section 321.393 – Color and mounting.
107. Section 321.394 – Lamp or flag on projecting load.
108. Section 321.395 – Lamps on parked vehicles.
109. Section 321.398 – Lamps on other vehicles and equipment.
110. Section 321.402 – Spot lamps.
111. Section 321.403 – Auxiliary driving lamps.
112. Section 321.404 – Signal lamps and signal devices.
113. Section 321.404A – Light-restricting devices prohibited.
114. Section 321.405 – Self-illumination.
115. Section 321.408 – Back-up lamps.
116. Section 321.409 – Mandatory lighting equipment.
117. Section 321.415 – Required usage of lighting devices.
118. Section 321.417 – Single-beam road-lighting equipment.
119. Section 321.418 – Alternate road-lighting equipment.
120. Section 321.419 – Number of driving lamps required or permitted.
121. Section 321.420 – Number of lamps lighted.
122. Section 321.421 – Special restrictions on lamps.
123. Section 321.422 – Red light in front.
124. Section 321.423 – Flashing lights.
125. Section 321.430 – Brake, hitch and control requirements.
126. Section 321.431 – Performance ability.
127. Section 321.432 – Horns and warning devices.
128. Section 321.433 – Sirens, whistles and bells prohibited.
129. Section 321.434 – Bicycle sirens or whistles.
130. Section 321.436 – Mufflers, prevention of noise.
131. Section 321.437 – Mirrors.
132. Section 321.438 – Windshields and windows.
133. Section 321.439 – Windshield wipers.

134. Section 321.440 – Restrictions as to tire equipment.
135. Section 321.441 – Metal tires prohibited.
136. Section 321.442 – Projections on wheels.
137. Section 321.444 – Safety glass.
138. Section 321.445 – Safety belts and safety harnesses; use required.
139. Section 321.446 – Child restraint devices.
140. Section 321.449 – Motor carrier safety regulations.
141. Section 321.450 – Hazardous materials transportation.
142. Section 321.454 – Width of vehicles.
143. Section 321.455 – Projecting loads on passenger vehicles.
144. Section 321.456 – Height of vehicles; permits.
145. Section 321.457 – Maximum length.
146. Section 321.458 – Loading beyond front.
147. Section 321.460 – Spilling loads on highways.
148. Section 321.461 – Trailers and towed vehicles.
149. Section 321.462 – Drawbars and safety chains.
150. Section 321.463 – Maximum gross weight.
151. Section 321.465 – Weighing vehicles and removal of excess.
152. Section 321.466 – Increased loading capacity - reregistration.
***(Ord. 697 – Aug. 11 Supp.)***

**62.02 PLAY STREETS DESIGNATED.** The Council shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.
*(Code of Iowa, Sec. 321.255)*

**62.03 VEHICLES ON SIDEWALKS.** The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

**62.04 CLINGING TO VEHICLE.** No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

**62.05 QUIET ZONES.** Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

-62.06 **UNLAWFUL USE OF CERTAIN BRAKING DEVICES**. Except for emergency braking, Iit is unlawful for the driver of any vehicle to operate or permit the operation of the engine of a motor vehicle so as to assist in braking or slowing the vehicle through the use of any engine brake or engine retarding device upon any public right-of-way.

62.07 FUNERAL PROCESSIONS. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless. (Code of Iowa, Sec. 321.324A)

~~62.07~~62.08 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

~~62.08~~62.09 OPEN CONTAINERS IN MOTOR VEHICLES. 1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. (Code of Iowa, Sec. 321.284) 2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage. (Code of Iowa, Sec. 321.284A)

As used in this section "passenger area" means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in

operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. (Ord. 484 – Oct. 99 Supp.)

~~62.09~~62.10 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

~~62.10~~62.11 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property. (Code of Iowa, Sec. 321.277)

~~62.11~~62.12 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways: (Code of Iowa, Sec. 321.277A) 1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping. 2. Simulating a temporary race. 3. Causing any wheel or wheels to unnecessarily lose contact with

the ground. 4. Causing the vehicle to unnecessarily turn abruptly or sway. (Ord. 434 - Dec. 97 Supp.)

~~62.12~~62.13 ADMINISTRATIVE FEE FOR TOWING. In addition to any penalty provided by law, the City may impose an administrative fee for each instance of towing pursuant to this section. The fee imposed shall be in an amount set by the City Council and must be paid prior to the vehicle being released from the City's custody.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged 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. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 3rd day of October, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

*I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the ___ day of October, 2018, and was published as Ordinance No. _____ on the _____ day of October, 2018.*

_____
Kelly Kornegor, City Clerk