

1st Reading: _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING ARTICLE XIX. PHOTO MONITORING SYSTEMS FOR ENFORCEMENT OF TRAFFIC CONTROL SIGNALS, SECTIONS 40-400 THROUGH 40-405 OF THE REVISED CODE OF ORDINANCES OF SAID CITY.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Sections 40-400 through 40-405 of the Revised Ordinances of Sioux Falls, SD, are hereby repealed.

~~ARTICLE XIX. PHOTO MONITORING SYSTEMS FOR ENFORCEMENT OF TRAFFIC CONTROL SIGNALS*~~

~~Sec. 40-400. Establishment.~~

~~The city hereby authorizes and establishes administrative procedures for enforcement of traffic control signals with photo monitoring systems.~~

~~Sec. 40-401. Violation.~~

~~The owner or lessee of any vehicle found, as evidenced by information obtained from a photo monitoring system operated by the city, to have failed to comply with a traffic control signal shall be liable for a monetary penalty imposed pursuant to this article.~~

~~Sec. 40-402. Proof of violation.~~

~~Proof of violation of this article shall be evidenced by information from a photo monitoring system authorized by this article. A certificate, sworn to by a city official authorized to issue administration citations, based upon inspection of photographs shall be prima facie evidence of the facts contained therein. Any photograph evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for the violation.~~

~~Sec. 40-403. Ownership as prima facie evidence.~~

~~In the prosecution of an offense under this article, prima facie evidence that the vehicle described in the administrative citation was operated in violation of this article, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall~~

~~constitute in evidence a rebuttable presumption that such owner, lessee, or renter was the person who committed the violation. The presumption shall be rebutted if the owner, lessee, or renter:~~

~~(1) Provides proof to the city that he or she was not the owner or lessee of the vehicle at the time of the alleged violation, or~~

~~(2) Submits a copy of police report showing the vehicle had been reported as stolen.~~

~~Sec. 40-404. Civil penalty.~~

~~Imposition of a penalty pursuant to this section is a civil penalty. It shall not be deemed a conviction as an operator and shall not be made part of the owner's record of traffic offenses. Notwithstanding any other provision of this Code, the penalty for each violation shall be \$86.00.~~

~~Sec. 40-405. Administrative enforcement.~~

~~This article shall be enforced through the procedures established by the administrative code enforcement provisions of this Code.~~

Date adopted: _____.

Mayor

ATTEST:

City Clerk