IN THE COURT OF APPEALS OF IOWA

No. 8-481 / 97-1855
Filed November 30, 1998

CITY OF AMES, IOWA,
Appellee,

vs.

HOWAIDA EL-KHABIRY,
Appellant.

Appeal from the Iowa District Court for Story County, Thomas R. Hronek, District Associate Judge (trial), and Steven P. Van Marel, District Associate Judge (appeal).

The defendant appeals from judgment entered for a city ordinance violation, improper passing on the left. **AFFIRMED.**

Dario Zaffarano of White & Zaffarano Law Offices, Ames, for appellant.

Judy K. Parks, City Attorney's Office, Ames, for appellee.

Considered by Streit, P.J., and Mahan, J., and Habhab, S.J.*

*Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1997).

STREIT, P.J.

Howaida El-Khabiry appeals the trial court's judgment and conviction entered against her for violation of the Ames Municipal Code section 26.30. We affirm by memorandum opinion pursuant to Supreme Court Rule 9.

Paula Imerman was driving northbound on Hayes Avenue in Ames, Iowa. Hayes Avenue is a two-lane residential street with parking on both sides. She slowed and put on her left-turn signal, intending to turn left into her driveway. As she began the turn, the defendant began to pass Imerman on the left. Imerman saw the defendant's vehicle in her mirror and stopped her car just over the centerline. The defendant, however, continued to execute the pass and struck Imerman's vehicle.

The defendant was charged with violating Ames ordinance section 26.30, which provides, in part:

> (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction on other than four (4) lane roadways, shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
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> . . .
>
> (3) No vehicle shall be driven on the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free from oncoming traffic for sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.

El-Khabiry argues the plain language of the ordinance does not apply to this case and, for that reason, the associate court erred in finding she violated the ordinance.

Ames Municipal Code sections 26.30(1) and 26.30(3) closely resemble the second paragraph of Iowa Code section 321.299 and section 321.303, respectively. There is no case interpreting the Municipal Code section or the similar state law provisions.

In enacting a statute, it is presumed that a just and reasonable result is intended. Iowa Code § 4.4(3) (1997). When construing statutes, this court's goal is to ascertain and give effect to the intention of the legislature, and the court seeks a reasonable interpretation that will best effect the purpose of the statute. *Robbennolt v. Snap-On Tools Corp.*, 555 N.W.2d 229, 235 (Iowa 1996).

El-Khabiry argues the plain language of the ordinance does not apply to this situation. Portions of the ordinance do not. However, one rule of statutory construction is that we give effect to all of the language in the statute *Employers Mut. Cas. Co. v. City of Marion*, 577 N.W.2d 657, 660 (Iowa 1998), and portions of the ordinance do apply to this situation.

The ordinance states the overtaking and passing of vehicles on the left is to be completed without interfering with the safe operation of any vehicle overtaken. El-Khabiry argues this language imposes a duty on her not to interfere with the safe operation of Imerman's vehicle only in situations involving oncoming traffic. El-

Khabiry's limited construction fails to see the object to be accomplished and the evil to be remedied by this ordinance. *See Carlon Co. v. Board of Review of City of Clinton*, 572 N.W.2d 146, 154 (Iowa 1997). We must provide a reasonable or liberal construction that best effects the statute's purpose rather than one that will defeat it. *Id.* at 154. We think the statute is broader than El-Khabiry urges and a reasonable interpretation is that the overtaking and passing of vehicles be completed without interfering with the safe operation of any vehicle overtaken regardless of the surrounding circumstances.

Here, Imerman slowed her vehicle, came to a stop, and activated her left-turn signal. To comply with the ordinance, El-Khabiry should have waited to see what Imerman was going to do before proceeding with passing on the left. When El-Khabiry executed her pass without waiting, she interfered with the safe operation of Imerman's vehicle. The trial court's finding El-Khabiry violated Municipal Code section 26.30 is affirmed.

AFFIRMED.