

## **City Administrator Report to Mayor & City Council**

*June 27, 2014, Edition No. 134*

### **WEEKLY UPDATE:**

1. Blue Zones: This has been a busy week for the City, local industry and our Blue Zones Team. The Blue Zones Iowa Team has been in town reviewing our list of accomplishments to ensure that we have met the requirements to be designated as a Blue Zones Community. The week has gone very well. City Staff has met with to review the community policy portion and provide a site tour for the team. On Thursday we participated in a video shoot that the team is putting together to promote Blue Zones and the many successes here in Muscatine. We'll have access to this video when completed.
2. Flooding: Per P&R - Parts of the Riverfront (Riverview Center) will be closed when flood waters reach 18 feet. Pearl City Station and the restroom building will be closed at around 19 feet. The rest of the Riverfront is as accessible as the water allows. At this time, we do not see that the water is going to get above 18 feet...so we should be fine going into the 4th of July events!
3. Solid Waste: Attached is the Greener Side of Summer 2014 edition from the Solid Waste Division of Public Works. Laura Liegois, Solid Waste Manager Website
4. Projects: The City's website has been updated with details on each projects progress. Facebook will follow.
5. Community Development: As you may know, Steve Boka is retiring effective July 18th. We will be holding a golf outing the afternoon of the 14th for those interested in participating and an open house will be held the afternoon of the 15th in Council Chambers. Steve retires just shy of 37 years with the City of Muscatine. Dave Gobin will be starting around the week prior to Steve's departure to allow for some overlap, exchange of information, and introductions. Dave comes to us with a number of experiences - economic development, commercial airport, project management and private business sector.
6. Branding: Following the conclusion of the IISC student projects, the CIAT has been pushing forward to continue the momentum from the student efforts. If you are interested in participating in any of those 13 projects, please let me know or you are welcome to contact Rich Dwyer directly. I will be participating along with Greg Jenkins, Hannah Wilke, Andrew Anderson,
7. Mitch Zytnowski and Erica Cox on the branding effort.
8. Legislative Priorities: Please see the attached powerpoint presentation on legislative priorities for the next legislative session. This information was provided as part of the initial meeting of the League's Legislative Policy Committee.
9. MDA: Attached please find the ordinance with the initial *DRAFT* revisions

should this discussion move forward. Per the City Attorney - "the recent changes are those highlighted in red. I've added an insurance and indemnification section as well as a section about prohibited activities. These will give the ordinance more "teeth" and provide liability protections for the City. The yellow changes are those that we had proposed last year but, according to the online ordinances, it doesn't appear that they have been implemented." There will be additional tweaks and an opinion forthcoming. I will forward this information upon receipt.

10. Police: The City just received a grant for \$15,000 for the acquisition of a second police dog for the department. We are excited to have the opportunity to enhance our existing program!

# The Greener Side of Summer ...

*Summer 2014 Edition*

*Publication by the City of Muscatine, Solid Waste Division of Public Works*



## **Waste Management... What Does It Mean?**

*By: Laura Liegois— Solid Waste Manager*

This is always a topic of interest when I go to events or parties with people I am meeting for the first time. As always, the conversation starts out with an introduction and eventually leads to careers. I have had more than one person look at me and say, “You are in charge of garbage trucks and a landfill?” My response, “ Yes, I am in charge of all this! It is very interesting to deal with issues in waste management.”

The conversation turns to waste management which most think is just collecting and disposing of waste. My response is that waste management today is not what waste management was 50, 20, or even 10 years ago!

Today’s waste management involves looking at the waste streams coming into facilities and understanding them. Can waste be recycled or reused? Can we get residents and businesses to understand waste reduction at the source to prevent the need for a new program to start? Understanding what is valuable and what is not is the name of the game in waste management. It is also understanding what is hazardous or non-hazardous to protect the environment.

Waste Management is also about educating our residents about the importance of Reduce, Reuse, and Recycle. Recycle the Dress is just one event that has benefited many girls and has utilized reuse concepts in our community.

A career is what you make of it and waste management is certainly never a dull career!



On Saturday, June 7, 2014, 35 people from the age of 2 years old and up joined in to help clean up areas of Muscatine. This event was part of the spring Earth Day events for 2014.

Volunteers ranged from Monsanto to local residents who wanted to help make our community beautiful. For several families with smaller children, it was an opportunity to teach their children that littering is wrong and also to give back to their community.

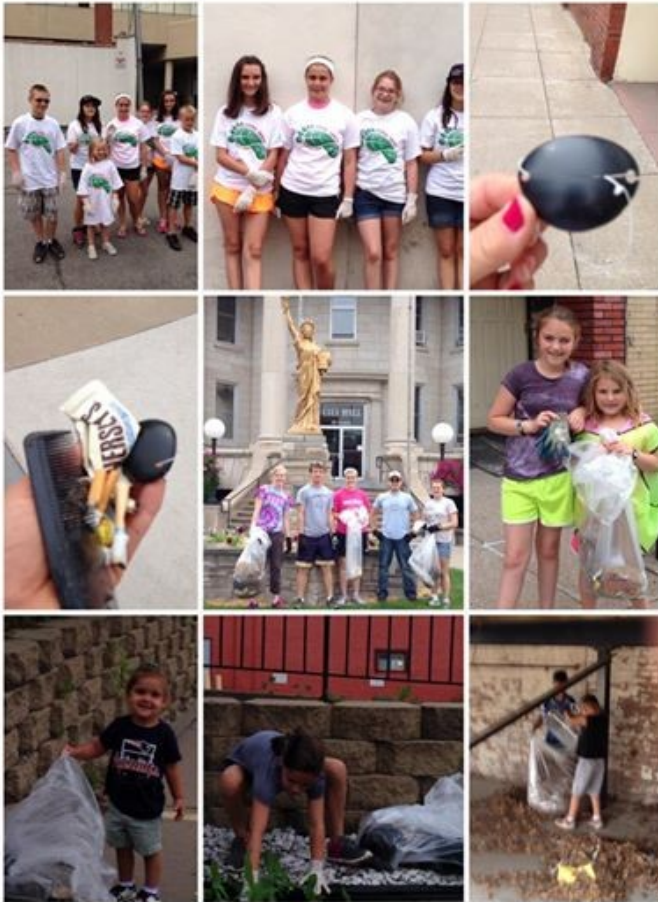
Thank you to all of our volunteers that helped make this event happen:

Janey Martin (Jack, June, Naomi, Jon, and Elle)  
Heather Runyon  
Zachary Clark  
Sarah Chess  
Devin Erikson  
Pearl Chess  
Susan, Kyle, Karena, and Kate Jensen  
Monsanto Team



*Members of the Monsanto's Team at the June 7, 2014 clean up. Turn to page two for more photos of the event.*

## More Keep Muscatine Beautiful Photos



*Residents, young and old, came out to clean up Muscatine on Saturday, June 7, 2014. Great work volunteers!*

## Kid's Corner .... Summer Recycling Activity



Are you looking for ways to keep your kids busy for the summer? Before recycling aluminum cans, give them a new life-span. Paint five cans different colors, add different size white polka dots and number them 1-5. Find a 5-inch Styrofoam ball or any small ball and you are set for some bowling fun.

Check out more fun recycled craft ideas at <http://www.favecrafts.com/Easy-Kids-Crafts>

## Can You Guess Where This Photograph Was Taken? (See Page 4)



## RECYCLE CFL's



The Muscatine Recycling and Transfer Station accepts CFL's for recycling at no cost to residents.

Please protect the environment and safety of others and recycle CFL's.



## Handling Important Documents.... Shredding Is Happening Right Here in Muscatine

Document shredding has a new local home here in Muscatine. CROSSROADS INC. has added a secure document shredding division of its operations. The main goal of this part of their operation is to assist local businesses and residents with important document destruction needs.



Today's world of important information being discarded and ending up in the wrong hands makes having operations like C R O S S - R O A D S INC. important in our commu-



nity. All documents that are handled in their program are placed in a locked container, taken back to their facility, shredded. The area where the shredding takes place is a locked area with cameras to videotape that the material brought in is shredded. Once shredded, the material is baled and sent to a pulp and paper mill to be made into new paper products.

CROSSROADS INC. applied and received two Solid Waste Alternatives Program (SWAP) grants from the Iowa Department of Natural Resources to assist with purchasing the equipment for shredding, bailing, and even the transportation of the locked bins from businesses to their facility. The SWAP grant is funded by a surcharge from tipping fees paid by Iowa landfills to the Iowa Department of Natural Resources. The SWAP grant is open for waste reduction and recycling opportunities in the State of Iowa.



CROSSROADS INC. is still new to the area of secure document shredding and are interested in servicing the Muscatine area. For more information, please contact CROSSROADS, INC. at [563-263-3545](tel:563-263-3545).

*The Muscatine County Landfill participates in the SWAP program funding with the landfill tipping fee surcharge that is directed by the Iowa Department of Natural Resources for this program. For more information on SWAP grants, please visit [www.iowadnr.gov](http://www.iowadnr.gov) for more information.*



## 4th of July Holiday Hours and Services for Solid Waste 2014

**Muscatine Recycling Center  
and Transfer Station: CLOSED**

**Compost Site: CLOSED**

### **Refuse Collection for the City of Muscatine and Fruitland:**

Monday, June 30 - Monday Route  
Tuesday, July 1 - Tuesday Route  
Wednesday, July 2 - Wednesday Route  
Thursday, July 3 - Thursday Route  
Friday, July 4 - No Collection  
Monday, July 7 - Friday and Monday  
Routes

### **Curbside Recycling for the City of Muscatine and Fruitland Week B Route:**

Monday, June 30 - Monday Route  
Tuesday, July 1 - Tuesday Route  
Wednesday, July 2 - Wednesday Routes  
Thursday, July 3 - Thursday Routes  
Friday, July 4 - No Collection  
Saturday, July 5 - Friday Route

*Please remember that curbside recycling is a day  
behind after a holiday.*

## Calendar of Events:



**Friday, September 5, 2014 -  
5th Annual Community Block  
Party at Muscatine Commu-  
nity Y—5:30 –7:30 PM**

## Recycle and Repurpose



Are you looking for a unique look for your patio or even in your house? Think about repurposing an item that was once considered waste. The table above is made out of two old pallets. The ideas are endless on what you can do with something that might be waste to someone else.

If you are not crafty or handy, there are numerous resources out there to create a unique item for you.

Check out the following websites for more ideas:

<http://gypsiescraftsandtreats.blogspot.com>

<http://www.myrepurposedlife.com/>

## Answer to Photograph on Page Two:

*The photograph on page two is from the Muscatine County Landfill, side slope of Ravine Five. This photo was taken in April 2014, the patch like material is a compost blanket that was placed during the late fall of 2013 for seeding.*



**Where do I find  
Information about  
Solid Waste Services  
For Muscatine?**

**Visit [www.muscatineiowa.gov](http://www.muscatineiowa.gov)**

# *Legislative Policy Committee 2014*

June 25, 2014

Des Moines, IA



**Legislative Policy Committee  
June 25, 2014**

**2014 AGENDA**

**10:00 a.m. – 10:10 a.m. Welcome and Introductions**

**10:10 a.m. – 10:30 a.m. League Legislative Update**

**10:30 a.m. – 11:00 a.m. Pensions**

- Gretchen Tegeler – Central Iowa Tax Payer's Association

**11:00 a.m. – 11:30 a.m. Environmental Issues**

- Ralph Rosenberg – Iowa Environmental Council

**11:30 a.m. – 11:35 a.m. Small City Finance Update**

**11:35 a.m. – 12:00 p.m. Grab Lunch and Open Discussion**

**12:00 p.m. – 12:20 Working Lunch - Land Use Issues (Eminent Domain, Special Assessments, Cell Tower Siting, Residential Occupancy Restriction)**

**12:20 p.m. – 12:50 p.m. Economic Development Policies**

- Craig Patterson , Professional Developers of Iowa

**12:50 p.m. - 1:20 p.m. Transportation**

- Dave Scott, Good Roads Association

**1:20 p.m. - 1:30 p.m. Property Tax Reform Update**

- Erin Mullenix

**1:30 p.m. – 2:00 p.m. Develop priority options for consideration at next meeting**







# **LEAGUE LEGISLATIVE UPDATE**

# Overview of Policy Committee

- **Thank You!**
- **Expertise**
- **Ask Questions**
- **Broad Priorities**



# NOVEMBER ELECTIONS

# National Elections: Nov. 4, 2014

- **United States Senate (Currently 53 D, 2 I & 45 R)**
  - Bruce Braley (D) versus Joni Ernst (R)
- **United States House of Representatives (Currently 233 R & 199 D)**
  - 1<sup>st</sup> District: Rob Blum (R) versus Pat Murphy (D)
  - 2<sup>nd</sup> District: Dave Loebsack (D) [Incumbent] versus Marinette Miller-Meeks (R)
  - 3<sup>rd</sup> District: Staci Appel (D) versus David Young (R)
  - 4<sup>th</sup> District: Steve King (R) [Incumbent] versus Jim Mowrer (D)



# State Elections: Nov. 4, 2014

- **Governor**
- **Secretary of State**
  - Matt Schultz (R) [Running for US House]
- **Attorney General**
- **State Treasurer**
- **Iowa Senate (Currently 26 D & 24 R)**
  - Dennis Black (R) [Retirement]
  - Nancy Boettger (R) [Retirement]
  - Sandy Greiner (R) [Retirement]
  - Jack Hatch (D) [Running for Governor]
  - \*Joni Ernst (R) [Running for US Senate]
- **Iowa House (Currently 53 R & 47 D)**



# **2014 LEGISLATIVE SESSION**

# 2014 Session Atmosphere

- **Goal of a Short Session**
  - Passage of SF295 and other compromises in 2013
  - Election Year
- **Differing Budget Ideologies**
  - Commercial and Industrial Backfill
  - ~~• One-Time Spending Bill~~
- **Oversight Committee on Employee Settlements**
- **Limited Impact to Cities**

## **2014 Priorities: Infrastructure**

**Increase existing funding and develop new funding resources for city infrastructure needs, which include maintaining Iowa's roads and bridges and water and wastewater compliance.**



# Road and Bridge Infrastructure

- ~~• **HSB514** - Gas tax The bill increases the rate of the excise taxes on motor fuel and most diesel fuel by a total of 10 cents over three years~~
- ~~• **Additional Bills Related to Excise Taxes**~~
- ~~• **Additional Amendments**~~
  - ~~• DOT and Standings~~
- ~~• **DOT Funding Options**~~

# Water and Wastewater Infrastructure

- ~~• Water Quality Grant Protection Fund and Nutrient Reduction Strategy Point-Source Cost Share Program~~
  - ~~• Would have created a Water Quality Protection Grant Fund (\$23 million) at Iowa Finance Authority to award grants of not more than \$500,000 to municipalities or industries for water infrastructure~~
- ~~• Iowa Nutrient Research Center Additional Funding~~
- ~~• Winter Weather~~

# Emerald Ash Borer

- **SF2212 Yard Waste**
- ~~**SF2159 Woodland Health  
Advisory Committee**~~

# 2014 Priorities: Pensions

**Ensure long-term sustainability and fairness of the Municipal Fire and Police Retirement System of Iowa (MFPRSI). Enact changes to MFPRSI that result in a more balanced system and control costs to cities.**



# Pension Bills

- ~~HF2047~~ — increases responsibilities of MFPRS Board of Trustees; Creates new appeals process for injured employees
- ~~SSB3159~~ — Multiple Provisions and 3.79%
- ~~PORS Bill~~ on increasing from 1.5 to 2.5 times for maximum payout
- ~~SF2089~~ — Would provide a benefit not being paid for during the working life of the IPERS employee (thus increasing the rates for employers and employees). Would allow someone who was in special service for at least 22 years and then went to work in position covered by regular IPERS to have that time calculated as if they were still in special service, without paying the higher rates associated with that type of retirement.
- ~~Several bills~~ to add groups to the IPERS protected class.
- ~~HSB576~~ — IPERS bill

## **2014 Priorities: Economic Development and City Finances**

**Support essential and diversified funding options, including property tax backfill for local revenue losses and diversified revenue options; support progressive economic development policies and maintain funding for key economic development programs.**

# City Finances

## Property Tax

- **HF2473 - Backfill from SF295**
  - Mechanics with Counties and Department of Revenue
- **HF2466 - Addition of Section 42 to Multi-Residential**

## ~~Diversified Funding Options~~

- ~~• SF2331 – Single City Election and Formula for Local Option Sales Tax (LOST)~~

# Economic Development Programs

- **High Quality Jobs and Work Force Housing**
  - HSB542 & SSB3129 – Changes Wage Thresholds and Expands from 1% of Eligible Area
- **Redevelopment Tax Credit**
  - SSB3050 & HSB540 – Allows Refundability for Non-profits and Public Buildings

# Economic Development Policies

- HF2192 - Rural Water Territory
- ~~Broadband Expansion~~
- ~~Local Option Sales Tax (Single City Election)~~
- ~~City Self-Funded Debt~~
- ~~Tax Increment Financing~~
  - ~~Public buildings prohibition~~
  - ~~Annual appropriation restriction~~
  - ~~Phase-out of TIFs beyond 20 years~~
  - ~~Restriction to 20 years for all future~~

# **2014 Priorities: Local Decision Making**

**Ensure legislation enhances a city's ability to make decisions at the local level to operate efficiently and to deliver city services more effectively.**

# Local Decision Making

- **Clarification of city election process**
  - HF2065 - Allows Absentee Ballot for City Elections
- **Unmanned Aerial Vehicles**
  - HF427 – Study and Traffic Enforcement Prohibition
- ~~**Cell Tower Siting**~~
  - ~~HF2472 Broadband Expansion~~
- ~~**Residential occupancy zoning**~~
  - ~~SSB3069 – Restricts Use of Zoning for Rental Property~~
- ~~**ATVs on Secondary Roads**~~

# Other Important Legislation

- **Iowa Public Information Board (IPIB) Appropriation – Additional FTE**
- **SF2310 – Host Liability for Underage Possession**
- **HF2109 – E-Cigs**
- **HF2408 – Underground Excavation**



Gretchen Tegler, Central Iowa Taxpayers Association

# PENSION SYSTEMS



Ralph Rosenberg, Iowa Environmental Council

# ENVIRONMENTAL ISSUES



League Staff

# SMALL CITY FINANCE WORKGROUP UPDATE



## 2014 Small City Finance Recommendations

- Support of additional resources for road and bridge improvements
- Update winter water main break survey for more accurate information
- Abandoned school and derelict buildings
- Protection of TIF as an economic and community development tool.
- Funding of township fire service with a focus on equipment costs
- Subject capital improvement levy to reverse referendum with disclosure of the projects being funded.
- Protect special assessments.
- Ambulance/EMS costs are difficult to fully cover, need additional tools to fund services, particularly in rural areas
- Changes to the Iowa Law Enforcement Academy structure

League Staff

# LAND USE ISSUES



# Land Use Issues

- **Eminent Domain**
- **Special Assessments**
- **Cell Tower Siting**
- **Residential Occupancy Restriction**

Craig Patterson, Professional Developers of Iowa

# ECONOMIC DEVELOPMENT POLICIES



Dave Scott, Good Roads Association

# ROAD AND BRIDGE INFRASTRUCTURE





Erin Mullenix, Research and Fiscal Analyst

# PROPERTY TAX UPDATE



# City Property Tax Impacts

- **Fiscal Conditions:**
  - Valuations and trends
  - New League Fiscal Conditions Report
- **Tracking Impacts Over Time**
  - League Property Tax Tracking Project
  - IDR/ISAC Working Group Update
  - Rollbacks
  - Multi-residential/telecommunications phase-ins
  - State backfill
- **Questions Remaining Unanswered**
  - Data not yet available
    - Backfill amounts
    - 2014 residential rollback order (2015 will be more interesting with ag-land trends)
    - Multi-residential valuations/impacts
    - Telecommunication exemption impacts

# 2014 LEGISLATIVE PRIORITIES DISCUSSION



# **Legislative Priority Themes 2008-2013**

- **Transportation Infrastructure**
- **Alternative Revenues**
- **Water and Waste Infrastructure**
- **Pension Systems**
- **Economic Development**

# 2014 Legislative Priority Survey Ranking

Below are the results of the Legislative Priorities Survey. The table at left are the results as ranked by the League Board and Policy Committee (30 responses). The table at right the most frequently noted categories from the all-membership survey.



Ranking based upon Survey Mean	Most Frequent Responses (All-Members)
Property Tax & Backfill Security (including Multi-Family Reform)	Roads/Bridges/RUTF/Gas Tax or Alternatives
Roads/Bridges/RUTF/Gas Tax or Alternatives	Property Tax & Backfill Security (including Multi-Family Reform)
Tax Increment Finance (TIF)	Water/Stormwater/Wastewater Issues
Pension Systems (including MFPRSI & IPERS)	Tax Increment Finance (TIF)
Water/Stormwater/Wastewater Issues	Eliminate Government Mandates
Alternate City Revenues	Pension Systems (including MFPRSI & IPERS)
Home Rule	Economic Development
Economic Development	Home Rule
Abandoned Buildings/Nuisance Properties	Local Option Sales Tax
Local Option Sales Tax	Alternate City Revenues
Eliminate Government Mandates	Abandoned Buildings/Nuisance Properties

## 2014 Small City Finance Recommendations

- Support of additional resources for road and bridge improvements
- Update winter water main break survey for more accurate information
- Abandoned school and derelict buildings
- Protection of TIF as an economic and community development tool.
- Funding of township fire service with a focus on equipment costs
- Subject capital improvement levy to reverse referendum with disclosure of the projects being funded.
- Protect special assessments.
- Ambulance/EMS costs are difficult to fully cover, need additional tools to fund services, particularly in rural areas
- Changes to the Iowa Law Enforcement Academy structure



**THANK YOU!!!**

## Title 5 – Business Regulations

### Chapter 14 – Peddlers, Solicitor, and Transient Merchants

- 5-14-1 Definitions
- 5-14-2 License Required
- 5-14-3 Application for License
- 5-14-4 License Fees
- 5-14-5 Insurance Required
- 5-14-6 License Issued
- 5-14-7 Display of License
- 5-14-8 License Not Transferable
- 5-14-9 Time Restriction
- 5-14-10 Suspension or Revocation of License
- 5-14-11 Penalty
- 5-14-12 Rebates
- 5-14-13 License Exemptions
- 5-14-14 Prohibited Activities

**5-14-1 Definitions.** For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house, business to business, or upon any public street for the purpose of obtaining or attempting to obtain orders for: (1) the sale of goods, wares and merchandise, personal property of any nature whatsoever, for future delivery whether or not such individual has, carries or exposes for sale a sample of the subject of such sale; (2) or for services to be performed in the future whether or not such individual is collecting advance payment on such sales or not; or (3) a request, whether vocalized or not, for a donation or contribution other than in response to an inquiry from another person.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

**5-14-2 License Required.** Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

**5-14-3 Application For License.** An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee in an amount fixed by resolution of the Council and set out in the Schedule of Permits and Fees in



the appendix to this code of ordinances shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

**5-14-4 License Fees.** The fee required for the issuance of a license issued under this chapter shall be set by resolution of the City Council and is listed in the Schedule of Permits and Fees in the Appendix of this Code of Ordinances.

**5-14-5 Insurance Required.**

A. Before a license under this chapter is issued to a peddler, solicitor, or transient merchant, an applicant shall provide to the Clerk a certificate of insurance naming the City as an additional named insured. Said certificate of insurance shall be in a minimum amount of \$2,000,000.00 providing coverage against any and all property damage, injuries, including injury resulting in death, or wrongful fraudulent or illegal conduct by reason of, or related to, the licensee's use of public streets, sidewalks, right of ways or other public places to engage in activity pursuant to this ordinance. Said insurance shall be maintained throughout the duration of the license period one (1) year thereafter and failure to do so shall be a violation of this ordinance. All certificates of insurance issued pursuant to this chapter shall contain a clause that 10 days' prior written notice of cancellation or change shall be given to the City Clerk of the City of Muscatine.

B. An applicant shall also submit an executed agreement to indemnify and hold harmless the City of Muscatine and its officers, employees, agents and assigns from any and all claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of merchandise by said applicant or the granting of a license to do so.

C. Failure to comply with the requirements of this section shall be cause for denial or revocation of the license.

**5-14-6 License Issued.** If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

**5-14-7 Display Of License.** Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

**5-14-8 License Not Transferable.** Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

**5-14-9 Time Restriction.** All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 8:00 p.m.

**5-14-10 Suspension or Revocation of License.**

A. Grounds; Notice:

1. The City Clerk may suspend any license issued under this Chapter, pending the outcome of an administrative hearing, for any of the following reasons:

a. The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

b. The licensee has violated this Chapter or any other Chapter of this Code or has otherwise conducted his/her business in an unlawful manner.

c. The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

d. The City Clerk has received and investigated multiple written complaints during the licensed period from residents of the City who are dissatisfied with the manner in which the licensee is conducting business.

2. The City Clerk shall have immediately serve notice to the licensee served with notice either in person or by regular mail to the licensee's local address of the license suspension, the specific reason(s) for such action, and date and time of hearing with the City Clerk to review the particulars of the suspension.

B. Hearing: A hearing shall be conducted by the City Clerk not more than five (5) business days after he/she has suspended a license. The licensee and any complainants may be present to determine the truth of the alleged violation of this Chapter. Should the licensee or his/her authorized representative fail to appear without good cause, the City Clerk may proceed with the hearing and make his/her findings to a conclusion.

C. Revocation: After the City Clerk has reviewed the facts, he/she shall revoke a license if he/she finds by the preponderance of the evidence that a violation of this chapter has occurred. The revocation shall be effective immediately.

D. Appeal: If the City Clerk revokes or refuses to issue a license, the licensee or the applicant shall have a right to a hearing before the municipal appeal code hearing officer as provided in Section 4-4-9 of this Code. The municipal appeal code hearing officer may reverse, modify, or affirm the decision of the City Clerk.

E. Effect of Revocation: Revocation or denial of any license shall bar the licensee or applicant from being eligible for any license under this Chapter for a period of one (1) year from the date of the revocation or denial. There shall be no refund of any fees for any revocation.

5-14-11 Penalty. Anyone violating any of the provisions of this Ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding one hundred dollars (\$100.00). Each day that a violation continues to exist shall constitute a separate offense.

**5-14-12 Rebates.** No licensee shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires.

**5-14-13 License Exemptions.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing area schools or school districts conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
7. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the Code of Iowa. All such organizations seeking to act as a peddler, solicitor and/or transient merchant are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 5-10-14 of this chapter.

**5-14-14 Prohibited Activities.** No peddler, solicitor, transient merchant, or other person engaged in other similar activities shall conduct business in any of the following manner:

- A. Calling attention to his or her business, the items to be sold or the donations being solicited by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- B. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- C. Acting in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
- D. Failing to provide proof of license, or registration, and identification when requested.
- E. Using the license or registration of another person.
- F. Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.
- G. Remaining on the property of another when requested to leave.
- H. Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.