

**Title 5- Business Regulations**  
**Chapter 1- Business Licenses Generally**

SECTIONS:

5-1-1 License Required

5-1-2 Application Fees, Bonds, and Insurance Requirements

5-1-3 Application for License

5-1-4 Issuance of License

5-1-5 Record of Licenses

5-1-6 Transferability; Changes In Location

5-1-7 License Suspension or Revocation

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**5-1-1 License Required.** It shall be unlawful for any person to engage in any business for which a license or permit is required by this Chapter or any other provision of this Code without first procuring a license or permit therefor.

**5-1-2: Application Fees, Bonds, and Insurance Requirements.** No license or permit shall be issued to any person under this Code until such person has paid to the City Clerk or other officer specified in this Code the fee required, and until such person shall have filed with the City Clerk the bond therefor and evidence of insurance, if any be required. The fee, bond, and insurance requirements for the issuance of a license or permit issued shall be set by resolution of the City Council and are listed in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances.

**5-1-3 Application for License.** All persons who are required under any ordinance of the City to procure a license for the purpose of engaging in any business shall first make application to the City Clerk on the forms required by the City Clerk for such license, except as otherwise provided.

**5-1-4 Issuance of License.** Except where some other method is prescribed by law or ordinance, all licenses required for engaging in a business shall be issued by the City Clerk in the exercise of the City Clerk's discretion; provided, however, that the Clerk may refuse a license in any case where the applicant is not of good moral character, free from disease, or trustworthy in such applicant's business dealings or for any other reason that satisfies the Clerk that the interests of the public would be best protected by withholding a license from the applicant.

**5-1-5 Record of Licenses.** All licenses required shall be signed by and filed with the City Clerk.

**5-1-6 Transferability; Changes In Location.** Licenses issued under this Title or other ordinances for engaging in a business shall not be transferable and shall cease whenever the licensee ceases to operate thereunder. Nothing in this Section shall prevent a licensee from operating under such licensee's license, at a place other than that described in the license, provided information regarding such change in location is furnished to the City Clerk.

**5-1-7 License Suspension or Revocation.**

- A. **Authority to Suspend or Revoke:** The City Clerk may, upon good cause, suspend or revoke for a period not to exceed one year any license issued under this Chapter.
- B. **License Issuance Prohibited During Period of Suspension or Revocation:** No new license shall be issued to any applicant, the spouse or relative within the first degree of consanguinity as defined by the Iowa Code of any licensee so suspended or revoked during said period of suspension or revocation.
- C. **Issuance of Notice of License Suspension or Revocation:** The City Clerk shall cause to be issued a notice that said license is suspended or revoked and therein set forth the reason(s) therefor. Said notice shall be sent by first class United States mail to the registered business address on file with the City Clerk.

**5-1-8 Hearing.** Unless otherwise provided, any person aggrieved by the action of any city official or the City Clerk in denying or revoking a license shall have the right to a hearing before the City Council on any such action, provided a written request therefor is filed with the City Clerk within 10 days after receipt of the notice of such denial, suspension, or revocation. The City Council may grant the license or confirm any suspension or revocation of the license, or reinstate the license. The action taken by the City Council after a hearing shall be final.

**Title 5-Business Regulations  
Chapter 2- Alcohol Control**

SECTIONS:

**ARTICLE A: LIQUOR, WINE, AND BEER PERMITS AND LICENSES**

- 5-2-1 Application, License, and Permit Requirement
- 5-2-2 General Prohibition
- 5-2-3 Investigation
- 5-2-4 Action by Council
- 5-2-5 Prohibited Sales and Acts of License or Permit Holder

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- 5-2-6 Amateur Fighting and Boxing
- 5-2-7 Consumption in Public Places; Possession of Open Containers; Intoxication
- 5-2-8 Persons Under Legal Age
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- 5-2-10 Dancing Permitted; License
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**ARTICLE C: PENALTIES**

- 5-2-12 Penalties

**ARTICLE A: LIQUOR, WINE, AND BEER PERMITS AND LICENSES**

**5-2-1 Application, License, and Permit Requirement.** No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first applying for and securing a liquor control license, wine permit, or beer permit in accordance with the provisions of **Chapter 123 of the Code of Iowa**.

*(Code of Iowa, Sec. 123.22, 123.31, 123.32, 123.122 & 123.171)*

**5-2-2 General Prohibition.** It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in **Chapter 123 of the Code of Iowa**, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

*(Code of Iowa, Sec. 123.2, 123.39 & 123.50)*

**5-2-3 Investigation.** Upon receipt of an application for a liquor license, wine or beer permit, the Clerk shall forward it to the Police Chief, who shall then conduct an investigation as to the truth of the facts averred in the application. The Fire Chief and Community Development Director shall also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

*(Code of Iowa, Sec. 123.30)*

**5-2-4 Action by Council.** The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

*(Code of Iowa, Sec. 123.32[2])*

**5-2-5 Prohibited Sales and Acts of License or Permit Holder.** A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

- A. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

*(Code of Iowa, Sec. 123.49[1])*

- B. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a Class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

*(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)*

- C. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center, or events center.

*(Code of Iowa, Sec. 123.49[2c])*

- D. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

*(Code of Iowa, Sec. 123.49[2f])*

- E. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

*(Code of Iowa, Sec. 123.49[2i])*

- F. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

*(Code of Iowa, Sec. 123.49[2a])*

- G. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

*(Code of Iowa, Sec. 123.49[2j])*

- H. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

*(Code of Iowa, Sec. 123.49[2d])*

- I. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents, or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

*(Code of Iowa, Sec. 123.49[2e])*

- J. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

*(Code of Iowa, Sec. 123.49[2g])*

- K. Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

*(Code of Iowa, Sec. 123.49[21])*

- L. Permit or allow any person under twenty-one (21) years of age to enter into or remain upon a licensed or permitted establishment past 10 p.m., except as permitted in **Section 5-2-8**.

- M. Allow or permit a public appearance on licensed premises by any person who is nude or who exposes to public view the human male or female genital or genitals, pubic hair, buttocks, or perineum of the human male, or female breasts or breast at or below the aerola thereof with less than a full opaque covering.
- N. Permit signs or other matter advertising any brand of alcoholic liquor, beer, or wine to be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer, or wine at retail. This subsection does not prohibit the use of signs or other matter inside a fence or similar enclosure which wholly or partially surrounds the licensed premises.

*(Code of Iowa, Sec. 123.49[21])*

- O. Permit or allow any person to carry from a licensed or permitted premises any open container of beer or alcoholic beverage, including but not limited to bottles, cans, glasses, mugs, and cups, except when such carryout is related to and necessary for custodial, maintenance, and other bona fide employment purposes.
- P. Permit or allow an amateur fighting or boxing match to occur on said licensed or permitted premises. "Amateur fighting and boxing match" means a boxing, wrestling, mixed martial arts fighting, extreme fighting, ultimate fighting or shoot fighting match, contest, event or exhibition for which the contestants are not paid or awarded a prize for their participation.

## **ARTICLE B: PROHIBITED ACTS GENERALLY.**

### **5-2-6 AMATEUR FIGHTING AND BOXING.**

- A. No person shall participate in an amateur fighting or boxing match in an establishment holding a liquor control license, wine or beer permit, which authorizes on the premises consumption.
- B. No person shall promote, advertise, or organize an amateur fighting or boxing match in an establishment holding a liquor control license, wine or beer permit, which authorizes on the premises consumption.
- C. "Amateur fighting and boxing match" means a boxing, wrestling, mixed martial arts fighting, extreme fighting, ultimate fighting or shoot fighting match, contest, event or exhibition for which the contestants are not paid or awarded a prize for their participation.
- D. Any person who violates this Section shall be deemed guilty of a municipal infraction and subject to a civil penalty as provided in the Schedule of Penalties in Appendix A of this Code of Ordinances.

**5-2-7 Consumption in Public Places; Possession of Open Containers; Intoxication.** A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place. A person shall not simulate intoxication in a public place. A person violating this Subsection is guilty of a simple misdemeanor.

*Code of Iowa, Section 123.46[2] & [3]*

**5-2-8 Persons Under Legal Age.**

- A. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age.
- B. A person or persons under legal age shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this Chapter.
- C. A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this Section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits a simple misdemeanor punishable as provided in **Iowa Code, Section 123.47**.

*(Code of Iowa, Section 123.47)*

**5-2-9 Persons Under the Legal Age in Licensed or Permitted Establishments.**

**A. Prohibitions.**

- 1. It shall be unlawful for any person under the legal age to enter or remain upon any premises between the hours of ten o'clock (10:00) P.M. and closing where more than fifty percent (50%) of the business conducted on such premises is the sale or dispensing of liquor, wine or beer except as set forth in Subsection B of this Section. The phrase "business conducted on such premises" shall be defined as the total business revenue generated on such premises during the previous calendar year.

2. If the establishment otherwise qualifies under the foregoing fifty percent (50%) criteria and has one or more restaurants in the building, no person under the legal age shall remain on the premises thirty (30) minutes after any restaurant on the licensed premises closes.

**B. Exceptions.** The prohibition of Subsection 1 of this Section shall not apply:

1. To a person under legal age who is an employee of the licensee or permittee, or performing a contracted service for the licensee or permittee on the premises.
2. To a person under legal age who is accompanied on the premises at all times by a parent, guardian or spouse who is not under the age for lawful purchase and/or possession of alcoholic beverages.
3. To a person under legal age on the premises during a period of time when the licensee or permittee, in accordance with a written plan given to and approved by the chief of police, has suspended dispensing alcoholic liquor, wine or beer on the licensed or permitted premises or in a clearly delineated area of the licensed or permitted premises. During such period of time, the licensee or permittee shall not permit any underage person to purchase or possess alcoholic liquor, beer or wine on the premises. Police officers shall be admitted to the premises at any time to monitor compliance with all applicable laws.

**C. Persons Under Legal Age.** No licensee or permittee or a licensee's or permittee's agent or employee shall allow any person under the legal age to enter or remain upon the premises between the hours of ten o'clock (10:00) P.M. and closing where the business conducted includes the sale and dispensing of alcoholic liquor, wine or beer, except as permitted in Subsections A and B of this Section. The licensee or permittee of any business that sells alcoholic liquor, wine or beer for on premises consumption shall be required to post in a conspicuous place a notice stating:

**NOTICE TO PERSONS UNDER THE LEGAL AGE** □□

**YOU ARE SUBJECT TO A FINE FOR BEING ON THESE PREMISES BETWEEN THE HOURS OF 10:00 P.M. AND CLOSING UNLESS YOU ARE EMPLOYED BY THE OWNER OR ARE ACCOMPANIED BY A PARENT, GUARDIAN, OR SPOUSE WHO IS OF LEGAL AGE.**

**D. Penalties.**

1. A person under the legal age who violates the provisions of Subsection A of this Section is guilty of a simple misdemeanor.
2. Violation of the provisions of Subsection C of this Section shall be a municipal infraction and subject to a civil penalty as provided in **Title 1 Chapter 3** of this Code of Ordinances.

### **5-2-10 Dancing Permitted; License.**

- A. Dancing Permitted. No dancing shall be permitted in connection with the operation of a business under any Class "B" beer or wine permit or Class "C" liquor license unless the floor space used for dancing purposes therein contains at least two hundred (200) square feet, all of which shall be of the same general floor level as the place where the wine or beer or liquor is dispensed; said space to be used for dancing shall be in the same room as, or in a room adjacent to and opening directly from, the place where beer or liquor is dispensed and with full view at all times of the major portion thereof from the place where beer or wine or liquor is being dispensed. Said floor space shall not be obstructed or crossed in any part or portion by partitions or other obstructions of any kind except necessary structural posts, pillars, or similar supports and shall be used only for dancing.
- B. Dancing License. No Class "B" beer or wine permit holder or Class "C" liquor licensee shall permit dancing until a license therefore has been obtained from the City Clerk's office. No dancing license shall be issued until a fee has been paid to the City Clerk's office in accordance with **Title 5, Chapter 1** of the City Code, and until the premises to be used for dancing has been inspected and approved by the Police Chief, Fire Chief, and Building Inspector. A dancing license shall not be transferred. However, the City Council may, at its discretion, summarily revoke any license to dance. Clubs which comply with the requirements of state law shall not be required to obtain a dancing license.

**5-2-11 Removal from Licensed or Permitted Premises Prohibited.** It shall be unlawful for any person to carry from a licensed or permitted premises any open container of beer or alcoholic beverage, including but not limited to bottles, cans, glasses, mugs, and cups, except when such carryout is related to and necessary for custodial, maintenance, and other bona fide employment purposes.

## **ARTICLE C: PENALTIES**

### **5-2-12 Penalties.**

- A. Any person who violates any provision of this Chapter or any provision of **Iowa Code, Section 123.49** shall be guilty of a simple misdemeanor.

*(Code of Iowa, Section 123.50)*

- B. Any violation of **Subsection P of Section 5-2-5** shall be subject to a civil penalty as provided in the **Schedule of Penalties** in Appendix A to this Code of Ordinances.

**Title 5 – Business Regulations**  
**Chapter 3 – Cigarette and Tobacco Permits**

SECTIONS:

- 5-3-1 Definitions
- 5-3-2 Permit Required
- 5-3-3 Application
- 5-3-4 Fees
- 5-3-5 Application; Approval of
- 5-3-6 Mayor to Sign Permit; Term
- 5-3-7 Reporting
- 5-3-8 Refunds
- 5-3-9 Persons Underage
- 5-3-10 Permit Revocation

**5-3-1 Definitions.**

- A. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.
- B. "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, partnership, corporation, trustee, agency or receiver, or respective legal representative.
- C. "Retailer" shall mean and include every person in this state who shall sell, distribute, or offer for sale for consumption or possess for the purpose of sale for consumption, cigarettes irrespective of quantity or amount or the number of sales.
- D. "Tobacco products" means cigars; little cigars as defined in **Section 453A.42, Subsection 5 of the Iowa Code**; cheroots; stogies; periques; granulated; plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; or refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not mean cigarettes.

### **5-3-2 Permit Required.**

- A. **Cigarette Permits.** It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

*(Code of Iowa, Sec. 453A.13)*

- B. **Tobacco Permits.** It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

*(Code of Iowa, Sec. 453A.47A)*

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

**5-3-3 Application.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk by the deadline established by the City Council.

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

**5-3-4 Fees.** The fee for a retail cigarette or tobacco permit shall be as provided in **Section 453A.13 of the Code of Iowa.**

**5-3-5 Application; Approval of.** At each regular meeting of the Council, the Clerk shall report to the Council each application for a permit to sell cigarettes and cigarette papers and wrappers then filed in this office. The Council shall then proceed to the consideration of such application and if it finds the same proper and sufficient, shall by motion grant the permit applied for. Thereupon the Clerk shall endorse upon the application the fact and date of the granting of the permit by the Council.

**5-3-6 Mayor to Sign Permit; Term.** Whenever the Council shall grant a permit as authorized in this Chapter, it shall be the duty of the Mayor to sign and issue the same, but such permit shall by its terms expire June thirtieth (30) following its issuance.

**5-3-7 Reporting.** Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

*(Code of Iowa, 453A.13 & 453A.47A)*

**5-3-8 Refunds.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in **Section 453A.13 or 453A.47A of the Code of Iowa.**

*(Code of Iowa, 453A.13 & 453A.47A)*

**5-3-9 Persons Underage.** No person shall sell, give, or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this Section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this Section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

- A. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this Subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
- B. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this Subsection.
- C. For a third violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of thirty (30) days.
- D. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.
- E. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

*(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])*

**5-3-10 Permit Revocation.** Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may also revoke a permit issued pursuant to this Chapter for a violation of **Division I of Chapter 453A of the Code of Iowa** or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic

Beverages Division of the Department of Commerce within thirty (30) days of the revocation or suspension.

*(Code of Iowa, Sec. 453A.22)*

**Title 5 – Business Regulations  
Chapter 4 – Amusements**

SECTIONS:

5-4-1 Definitions

5-4-2 License Required

5-4-3 Duration of License

5-4-4 Fire Inspections

**5-4-1 Definitions:** "Theater" as used in this Section means any place of public amusement in which plays, moving pictures or other exhibitions are presented, except that it does not include places in which lectures on scientific, historical, or literary subjects are given.

**5-4-2 License Required.** No person shall keep, conduct, carry on, or operate any roller skating rink, shooting gallery, theatre, arcade, or any machine or apparatus for amusement or trial of skill or strength, including but not limited to, pin ball machines and video games, and other electronic mechanical amusement devices not otherwise provided for in this Section, for a fee, charge, or profit, unless he or she shall first procure a license and pay a fee therefore in accordance with **Title 5, Chapter 1 of the City Code.**

**5-4-3 Duration of License.** The licenses required under this Chapter shall expire on the expiration of the day, week, or month for which issued, and in the case of annual licenses, such license shall expire on the thirty-first (31st) day of December after its issuance.

**5-4-4 Fire and Building Inspections.** No license shall be issued for a roller skating rink (indoor), shooting gallery, theatre, or any other building which requires an amusement permit before such building has been inspected by the Fire Department and Building Inspector and has been certified that such building is in compliance with the fire and building codes.

## **Title 5 – Business Regulations**

### **Chapter 5 – Billiards; Bowling**

#### SECTIONS:

- 5-5-1 License Required
- 5-5-2 Application
- 5-5-3 Display of License
- 5-5-4 Gambling
- 5-5-5 Exemption
- 5-5-6 Fire and Building Inspections

**5-5-1 License Required.** It shall be unlawful for any person, without having obtained a license for that purpose in accordance with **Title 5, Chapter 1 of the City Code** to own, operate, or maintain any room in which such person owns, operates, or maintains any pocket billiard, billiard, or similar table or any bowling alley for hire or profit, or for the privilege of using which the public or patrons of such room are required to pay, either directly or indirectly, with money or with any other thing of value. All pocket billiard, billiard, or similar tables located or kept in any place of amusement or place of public resort shall be deemed to be so located and kept for the purpose of permitting persons to play thereon for hire and profit within the meaning of this Chapter.

**5-5-2 Application.** Every person applying for a license under the terms of this Chapter shall make and deliver to the Clerk a written application, setting out the place in which he or she desires to maintain or operate pocket billiard, billiard, or similar tables or bowling alleys, the number of tables or alleys to be maintained, and who is the real and true owner of the tables or alleys to be operated.

**5-5-3 Display of License.** Every person holding a license shall display such license in a conspicuous place in the room in which the tables or alleys thereby licensed are maintained and operated.

**5-5-4 Gambling.** Any person who shall gamble, or permit gambling upon any game played on any pocket billiard, billiard, or similar table, or bowling alley, except as provided in **Chapter 99B of the Code of Iowa**, shall be guilty of a misdemeanor, and the Council, upon hearing, may revoke any license issued under this Chapter to such person or suspend the same for any period not less than ten (10) days.

**5-5-5 Exemption.** This Chapter shall not apply to any pocket billiard, billiard, or similar table or bowling alley privately maintained in a private family or in social, political, philanthropic, benevolent, educational, or in a secret club or association, when such club or association maintains or operates such table and alley for the use of its members exclusively, and when such club or association maintains and operates such tables and alleys as an incident only to the general purposes of such club or association, and where such club or association has not been organized for the purpose of maintaining, operating, or running a pocket billiard, billiard, or bowling club.

**5-5-6 Fire and Building Inspections.** No license shall be issued for any pocket billiard, billiard, or similar table or bowling alley, or any other building which requires a license or permit under this Chapter before such building has been inspected by the Fire Department and Building Inspector and has been certified that such building is in compliance with applicable fire and building codes.

**Title 5 – Business Regulations**  
**Chapter 6 – Outdoor Commercial Entertainment Establishment Permit**

SECTIONS:

5-6-1 Outdoor Commercial Entertainment Establishment Permit

5-6-2 Hours Restriction

5-6-3 Duration of License

5-6-4 Renewal Application

**5-6-1 Outdoor Commercial Entertainment Establishment Permit.** No person, association, firm or corporation shall operate an outdoor commercial entertainment establishment for profit which engages in the playing or rendition of music or singing using amplification of sound or amplification of the human voice without first applying for and acquiring a valid permit issued by the city clerk for such establishment pursuant to **Title 5, Chapter 1**.

**5-6-2 Hours Restriction.** The permit shall allow such operation only between the hours of 10:00 o'clock a.m. and 1:30 o'clock a.m. on the following morning.

**5-6-3 Duration of License.** Application for an outdoor commercial entertainment establishment permit shall be filed with the City Clerk pursuant to **Title 5, Chapter 1**. A permit may be applied for and issued through December 31<sup>st</sup> of the year of issuance.

**5-6-4 Renewal Application.** An application for a renewal of a permit shall be filed not later than two weeks prior to the date of expiration of the permit.

## **Title 5 Business Regulations Chapter 7-Bill Posting**

### SECTIONS:

- 5-7-1 Definitions
- 5-7-2 Permit Required
- 5-7-3 Requirements
- 5-7-4 Merchants Requirements
- 5-7-5 Billposters, Restrictions
- 5-7-6 Consent Required
- 5-7-7 Use of Nails or Tacks
- 5-7-8 Removal

**5-7-1 Definitions.** "Bill posters," within the meaning of this Chapter, includes all persons who engage in the business or occupation of posting by tacking, posting, painting or otherwise, or the distribution upon the streets of any advertising matter, bills, posters, pictures or any other thing, matter or device whatsoever, advertising the business of any person, whether that of merchant, manufacturer, publisher or person engaged in any business or industrial pursuit or of any shows, theaters, circuses or other exhibitions. Nothing herein contained shall be construed to apply to the painting of store, office or other signs by sign painters or to the posting of legal notices by public officers or attorneys in the manner and in the places prescribed by law.

**5-7-2 Permit Required.** No person shall post or distribute any advertising bills, posters, or written, printed, or illustrated matter, without having first obtained a permit therefor from the City in accordance with [Title 5 Chapter 1](#).

**5-7-3 Requirements.** City of Muscatine resident businessmen may distribute their own advertising matter without a permit as required in [Section 5-7-1](#), provided that such distribution shall be made in such a manner as not to create a nuisance or litter and such advertising or billposting shall not be permitted on public streets or property. Such businessmen shall conform in all respects with the provisions of this Chapter except as to the requirement as to the permit.

**5-7-4 Merchants Requirements.** Merchants may hand bills and advertisements to persons willing to accept the same, at the entrances, or within their own storerooms, but shall refrain from scattering the same along the public sidewalks, gutters, streets, alleys, and property.

**5-7-5 Billposters, Restrictions.** No licensed billposter or distributor shall scatter any bills, posters, or written, printed, or illustrated matter or deliver such upon the streets or alleys of the City, hand the same to persons passing along the streets, or throw the same into yards of private buildings or the halls of public buildings or elsewhere, except to persons willing to accept the same.

**5-7-6 Consent Required.** No person shall post, paste, or attach, or cause to be posted, pasted, or attached, any bill, placard, poster, announcement, or advertisement on any house, window, sidewalk, street, building, wall, fence, or tree, or to telephone, or electric light or power pole or water hydrant without first obtaining the written consent of the owner or, if City property, of the Council. No such poster or

advertisement shall be attached to any building, structure, tree, or any other object in conflict with the City's Sign Ordinance.

**5-7-7 Use of Nails or Tacks.** No person shall use tacks or nails to fasten any such bill, placard, poster, announcement, or advertisement on any wall or surface along any street, sidewalk, or alley line where such nails or tacks may loosen and fall or may reach such street, alley, or sidewalk.

**5-7-8 Removal.** All bills, placards, posters, announcements, or advertisements as permitted in this Chapter shall be removed immediately upon the request of the owner of private property and, if on public property, as directed by the City.

**Title 5 – Business Regulations  
Chapter 8 – Circuses; Carnivals**

SECTIONS:

5-8-1 Definitions

5-8-2 License Required; Circus

5-8-3 Circus License; Fee

5-8-4 License Required; Carnival

5-8-5 Carnival License; Fee

5-8-6 Right of Entry for Inspection

5-8-7 Public Property

5-8-8 Amusement Rides; State Reports and Permits Required

**5-8-1 Definitions.** The following terms shall have the following meanings as used in this Chapter:

- A. "Amusement ride" means any mechanized device or combination of devices which carries passengers along, around or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills or excitement.

*(Code of Iowa, Section 88A.1)*

- B. "Carnival" means and includes amusement activities; merry-go-rounds, ferris wheels and similar types of amusement rides; booths for the conduct of games of skill; food dispensing facilities; and sideshows; which are temporarily conducted out-of-doors and not within a theater, auditorium, gymnasium or other permanent building.

- C. "Circus" means and includes an event with a variety of shows, including, but not limited to, animal acts, feats of physical skill and daring and performances by entertainers such as jugglers or clowns, which is temporarily conducted out-of-doors and not within a theater, auditorium, gymnasium or other permanent building.

**5-8-2 License Required; Circus.** No person shall keep, conduct, carry on, or operate any circus or like exhibition unless he shall first procure a license therefor.

**5-8-3 Circus License; Application and Fee.** For every circus or like exhibition, there shall be an application submitted and approved in accordance with **Title 5, Chapter 1**.

**5-8-4 License Required; Carnival.** No person shall keep, conduct, carry on, or operate any carnival, unless he shall first procure a license therefor.

**5-8-5 Carnival License; Fee.** For every carnival there shall be an application submitted in accordance with **Title 5, Chapter 1**.

**5-8-6 Right of Entry for Inspection.** If the proposed event involves the erection of a tent for the use of the public, the operator or sponsor of the event shall so state on the application submitted to the City Clerk on the forms provided, and the applicant must give consent to members of the Fire, Police, and Health Departments and the Building Inspector of the City, to enter and inspect the premises and tents, exhibits, side shows, performances, stands, or racks, without a warrant during business hours

to inspect for violations of Iowa Law and City Ordinances. No such tent may be used until inspected and approved by inspectors of the department of Community Development and the Fire Department.

**5-8-7 Public Property.** No circus or carnival shall be conducted on any public street, park, or other public property before first having obtained approval of the City Council.

**5-8-8 Amusement Rides; State Reports and Permits Required.** If the proposed event involves amusement rides, the operator or sponsor shall attach to the application copies of current inspection reports or permits as required by **Chapter 88A of the Iowa Code**.

## **Title 5 – Business Regulations**

### **Chapter 9 – Pawnbrokers**

#### SECTIONS:

- 5-9-1 License Required
- 5-9-2 License Fees and Bond Requirements
- 5-9-3 License; Expiration Date
- 5-9-4 Transfer of License
- 5-9-5 Dealing with Minors
- 5-9-6 Record of Transaction
- 5-9-7 Police Order to Hold Property
- 5-9-8 Memorandum Required
- 5-9-9 Sales by Pawnbrokers

**5-9-1 License Required.** No person shall carry on business as a pawnbroker, who shall not have first procured a license therefore in accordance with **Title 5, Chapter 1 of the City Code** and complied with the requirements of this Chapter.

**5-9-2 License Fees and Bond Requirements.** The license fee and bond requirements for the issuance of a license issued under this Chapter shall be set by resolution of the City Council and are listed in the Schedule of Permit and Licensing Requirements in Appendix B of this Code of Ordinances. Any person aggrieved by the acts of any pawnbroker may sue upon such bond and recover such damages as he shows himself entitled to.

**5-9-3 License; Expiration Date.** The license required by Section 5-9-1 of this Code, obtained from the City, shall expire on December thirty-first (31st) after its issuance.

**5-9-4 Transfer of License.** No license as required by Section 5-9-1 of this Code shall be assignable or transferable.

**5-9-5 Dealing with Minors.** No pawnbroker shall purchase or receive in pawn any article or property from a minor without the written consent of his parents or guardian.

**5-9-6 Record of Transaction; Duty to Report; Inspection.**

- A. Record of Transaction. Every pawnbroker, second-hand dealer or junk dealer shall keep and maintain an accurate account of each and every purchase, pawn, or exchange. The record of each transaction shall be entered and maintained using the software required by the Police Department and shall include the date and time of the transaction, a description of the customer selling, pawning, or exchanging tangible personal property, which description shall include the person's name, address, date of birth (month/day/year), sex, social security number. The record shall also include a complete, detailed, and accurate description of each article pawned, purchased, or taken in.
- B. Transmission. The record of transaction shall be transmitted to the Chief of Police or his designee by not later than noon of the next day following the transaction.

- C. Inspection of Record. The record of transaction as well as each item of tangible personal property pawned, pledged, or purchased shall, at all reasonable times, be open to inspection upon demand by any member of the criminal investigation department (CID) of the Police Department. Each licensee shall keep, file and maintain copies of the records of transaction for at least one year from the date of the transaction.

**5-9-7 Police Order to Hold Property.** The Police are authorized to seize property, without warrant, or to require the dealer to hold property which they have probable cause to believe is stolen property. A receipt will be given to the pawnbroker for all property seized.

**5-9-8 Memorandum Required.** Every pawnbroker shall, at the time of each loan or purchase, deliver to the person pawning any article of goods a memorandum or note signed by him, containing the substance of the entry required to be made in his notebook. No charge shall be made for such entry, memorandum, or note.

**5-9-9 Sales by Pawnbrokers.** No pawnbroker shall sell any pawn or pledge until the same shall have remained two (2) months in his possession after the payment of the amount loaned becomes due.

**Title 5 – Business Regulations**  
**Chapter 10 – Peddlers, Solicitor, and Transient Merchants**

SECTIONS:

- 5-10-1 Definitions
- 5-10-2 License Required
- 5-10-3 Application for License
- 5-10-4 License Fees
- 5-10-5 Bonds Required
- 5-10-6 Insurance Required
- 5-10-7 Hardship Exception
- 5-10-8 License Issued
- 5-10-9 Display of License
- 5-10-10 License Not Transferable
- 5-10-11 Time Restriction
- 5-10-12 Suspension or Revocation of License
- 5-10-13 Penalty
- 5-10-14 Rebates
- 5-10-15 License Exemptions
- 5-10-16 Prohibited Activities

**5-10-1 Definitions.** For use in this chapter the following terms are defined:

- A. "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.
- B. "Solicitor" means any person who solicits or attempts to solicit from house to house, business to business, or from street to 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.
- C. "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.

**5-10-2 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.

**5-10-3 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 Permit and Licensing Requirements](#) in Appendix B 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.

**5-10-4 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 Permit and Licensing Requirements](#) in Appendix B of this Code of Ordinances.

**5-10-5 Bonds Required.** Before a license under this Chapter is issued to a peddler, solicitor, or transient merchant, an applicant shall provide to the Clerk evidence that the applicant has obtained a bond as set out in the [Schedule of Permit and Licensing Requirements](#) in Appendix B to this Code of Ordinances.

**5-10-6 Insurance Required.**

- A. Before a license under this Chapter is issued to a peddler, solicitor, or transient merchant operating on City-owned property, 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 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 and 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.

**5-10-7 Hardship Exception.** In the event that an applicant is unable to obtain the insurance or bond required under this Chapter, said applicant may request a waiver of such requirement by submitting a written request for exception to the Finance Director. Such request must be made in conjunction with the initial application, or no later than seven (7) days following a denial, if said denial resulted due to the applicant's failure to comply with 5-10-5 or 5-10-6.

The application for hardship exception shall indicate the reasons the applicant is unable to obtain the bond or insurance, as the case may be, and include with it supporting documentation.

**5-10-8 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.

**5-10-9 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.

**5-10-10 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.

**5-10-11 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.

**5-10-12 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 immediately serve notice to the licensee 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. 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 Renovation: 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 year from the date of the revocation or denial. There shall be no refund of any fees for any revocation.

**5-10-13 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.

**5-10-14 Rebates.** No licensee shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires.

**5-10-15 License Exemptions.** The following are excluded from the application of this Chapter.

- A. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
- B. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
- C. Local Residents and Farmers. Local residents and farmers who offer for sale their own products on their own property.
- D. Students. Students representing area schools or school districts conducting projects sponsored by organizations recognized by the school.
- E. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
- F. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
- G. 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.

**5-10-16 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 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. Standing in a street, including any roadway medians, curbs, traffic islands, shoulders or crosswalks, for the purpose of soliciting contributions, donations, distributing materials or selling merchandise.
- D. Acting in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
- E. Failing to provide proof of license, or registration, and identification when requested.
- F. Using the license or registration of another person.
- G. Conducting his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant.
- H. 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.
- I. Remaining on the property of another when requested to leave.
- J. Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

**Title 5 – Business Regulations  
Chapter 11– Residential Sales**

SECTIONS:

5-11-1 Purpose

5-11-2 Definitions

5-11-3 Signs

5-11-4 Residential Sales Regulations

5-11-5 Enforcement

**5-11-1 Purpose.** The purpose of this Chapter is to regulate the signage and actual sale of personal property from residentially zoned property to prevent undue commercialization of residential neighborhoods.

**5-11-2 Definitions.** For the purposes of this Chapter, the following terms set forth have the following meanings:

- A. "Residential Sale" shall mean the sale from a lot or parcel of items of personal property either belonging to the owner or permitted by the owner to be sold on said parcel or lot. "Residential Sale" shall include the commonly referred terms "yard sale", "porch sale", "garage sale", "rummage sale", "bazaar", etc. "Residential Sale" shall not be defined as any sale of new property, property sold from any zone other than residential, and special events which would require approval of the City.
- B. "Residential Zone" shall be any lot or parcel which is located in an "R" District as shown on the official Zoning Map for the City.
- C. "Substantiated Complaint" shall be a complaint received by the City alleging a violation of this Chapter which shall require the complaining party to assist the City in a prosecution; up to and including testimony in a court of law.
- D. "Sign" shall mean any temporary sign advertising a residential sale.

**5-11-3 Signs.** The following regulations shall govern the number, type, location, and duration for all signs associated with residential sales:

- A. A resident shall be limited to not more than one non-illuminated sign, which shall be wholly maintained on private property, not to exceed four (4) square feet in area, to advertise the sale. Other signs are prohibited.
- B. Residential sale signs shall not be erected until twenty-four (24) hours prior to the sale and shall be removed within twenty four (24) hours of the expiration of the same.
- C. Signs shall not be placed within any public right-of-way. Signs which are noticed by any City employee placed in violation of this Section shall be removed immediately by that employee and disposed of.

**5-11-4 Residential Sales Regulations.** Persons conducting residential sales shall comply with the following regulations governing these sales:

- A. A residential sale shall be limited to a term not exceeding seventy-two (72) hours in length.
- B. Not more than three (3) residential sales may be conducted from any lot or parcel during the calendar year.

**5-11-5 Enforcement.** It shall be the policy of the City to enforce the regulations under this Chapter by "substantial complaint", except as provided in **Section 5-11-3**. See Appendix A for the Schedule of Penalties for violations of Section 5-11-3 of this Chapter.

**Title 5 – Business Regulations**  
**Chapter 12 – Sales on City Property**

SECTIONS:

5-12-1 Selling on City Property

5-12-2 Selling of Merchandise

5-12-3 Soliciting for Worthy Cause

**5-12-1 Selling on City Property.** No individual, company, corporation, or organization shall sell any product or service upon any city property without receiving the proper approval of the City Council and meeting the requirements of Title 5, Chapter 10 of this Code.

**5-12-2 Selling of Merchandise.** Local merchants and organizations composed of local merchants may sell merchandise on City owned property in conjunction with special promotional events subject to the approval by the City Council. Requests to close or use streets and sidewalks shall be reviewed by the Police Chief and Fire Chief before such approval is granted.

**5-12-3 Soliciting for Worthy Cause.** Local civic, service, educational, health, welfare, and similarly related organizations may sell merchandise or solicit on City owned property upon approval by the City Council.

**Title 5 – Business Regulations**  
**Chapter 13 – Massage Establishments and Technicians**

SECTIONS:

- 5-13-1 Definitions
- 5-13-2 Compliance with Chapter Required
- 5-13-3 Exemptions
- 5-13-4 Licenses for Massage Business
- 5-13-5 Denial, Suspension, or Revocation of License
- 5-13-6 Massage Technician License
- 5-13-7 Denial, Suspension, or Revocation of Massage Technician Licenses
- 5-13-8 Health Standards
- 5-13-9 Unlawful Acts

**5-13-1 Definitions.**

- A. "Massage or massage service" means any method of treating the external parts of the body, consisting of rubbing, stroking, kneading, tapping, or vibrating; such treatments being performed by the hand or any other body parts, or by any mechanical or electrical instrument.
- B. "Massage establishment" means any establishment having a fixed place of business where any person, firm, association, or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in Section (A) and Section (C) of this Chapter. Any establishment engaged in or carrying on, or permitting any combination of massage and bath house shall be deemed a massage establishment.
- C. "Public bath house" means any place, including a private club or organization, wherein any person, firm, association, corporation, or partnership engages in, conducts or carries on or permits to be engaged in, conducted, or carried on, the business of giving or furnishing Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, sale, Japanese, sauna, fomentation, or electric baths or baths of any kind whatever, excluding ordinary tub baths where an attendant is not used or required.
- D. "Massage technician" means any person, including a trainee, who engages in the business of performing massage services on or for other persons by use of any or all of the treatments, techniques, or methods of treatment referred to in the definition of massage or massage service.
- E. "Massage patron" means any person who receives or pays to receive a massage or massage services from a massage technician for value.
- F. "Applicant" means any person applying for a license to operate or conduct a massage business and in addition thereto shall include all partners in a partnership and all stockholders of a corporation where the controlling interest of the corporation is held by five (5) or less persons of legal entities.

G. "Accredited school" means any school which furnishes a certified statement of courses offered, including anatomy and physiology, and is accredited by the American Massage and Therapy Association, which provides for not less than 1,000 hours of instruction and which shall furnish a certificate or diploma of successful completion of such course of study or learning.

H. "Licensee" means the operator of a massage establishment.

**5-13-2 Compliance with Chapter Required.** No person, firm, or corporation shall operate, own, conduct, carry on, or permit to be operated, owned, conducted, or carried on any massage establishment of any type or kind including, but not limited to massage parlor, massage service business, or any massage business or service offered in conjunction with or as part of any health club, health spa, resort, health resort, gymnasium, athletic club, or other business, without compliance with the provisions of this Chapter. No person shall perform the services, duties, or work of a massage technician except in compliance with the provisions of this Chapter.

**5-13-3 Exemptions.** The following persons and institutions are excluded from the operation of this Chapter:

- A. Persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 148C, 148D, 149, 150, 150A, 151, 152, 152A, 152B, 152C, 153, 157, or 158 of the Iowa Code, when performing massage therapy or massage services as part of the profession or trade for which licensed.
- B. Persons performing massage therapy or massage services under the direct supervision of a person licensed as described in Paragraph (A) hereinabove.
- C. Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician.
- D. Nurses' aides, technicians, and attendants at any hospital or health care facility, licensed pursuant to Chapters 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in Paragraph (A) hereinabove.
- E. An athletic coach or trainer in any accredited public or private school, junior college, college, or university, or employed by a professional or semi-professional athletic team or organization in the course of his employment as such coach or trainer.
- F. Non-profit corporations or associations.

**5-13-4 Licenses for Massage Business.**

- A. No person, firm, or corporation shall operate, own, conduct, carry on, or permit to be operated, owned, conducted, or carried on any massage business in the City unless the premises at which such business is located meet the minimum standards set forth in this Chapter and unless a license to operate a massage establishment is obtained from the City in compliance with the provisions of this Chapter and Title 5, Chapter 1 of the City Code.

- B. Application Procedures. Any person, firm, or corporation seeking a license to operate a massage establishment shall make an application for a massage establishment license and shall refer the application to the Building Inspection Department, the Fire Department, and the Public Health Department, which shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the City Clerk concerning compliance with the codes that they administer. The Clerk shall also refer the application to the Police Department.
- C. Application Contents. The application shall contain the following:
1. The full name, address, and social security number of the applicant.
  2. The full name of the business and the address of the premises for which the application is being made.
  3. The criminal record of the applicant, if any.
  4. Written proof that the applicant is at least 18 years of age.
  5. The type of business entity, such as sole proprietorship, partnership, or corporation and, in the case of a corporation, the names and addresses of all officers and directors of the corporation.
  6. Applicants must furnish a diploma or certificate of graduation from an accredited school or other institution of learning wherein the method, profession, and work of massage is taught, provided; however, that if the applicant will have no physical contact with his customer or clients, he need not possess such diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession, and work of massage is taught.
  7. All information required herein of any applicant shall also be provided for every person who, directly or indirectly, has any right to participate in the management or control of the business to be conducted at the premises of the proposed massage establishment.
  8. The name and address of the owner of the building where such massage business will be located.
  9. Certified copies of any lease or rental agreement governing the applicant's rights in said building.
  10. The signature of the applicant or applicants or, if the application is in the name of a corporation, the signature of each officer of the corporation.
- D. License Fees. The fee 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 Permit and Licensing Requirements in Appendix B of this Code of Ordinances.

- E. Issuance of License. The Building, Fire, Health, and Police departments shall make written reports of their investigations and shall submit such reports to the City Clerk within forty-five (45) days of the date of the application. The City Clerk shall issue a license if all requirements for a massage establishment described in this Chapter are met and shall issue a license to all persons who apply to perform massage services unless he finds:
1. That the operator as proposed by the applicant, if permitted, would not have complied with all applicable laws, including, but not limited to, the Building, City Zoning, Housing, and Fire Codes of the City of Muscatine or regulations adopted by the Health Department.
  2. That the applicant has not fully complied with all of the requirements of this Subchapter, or that the applicant is not of good moral character, or that the applicant has falsified his or her application.

In the event that the City Clerk determines that the applicant has not fully complied with all the requirements of this Chapter, then the City Clerk shall, after consultation with the Legal Department, advise the City Council of the basis for questioning the applicant's qualifications, and the procedures for notice and hearing as set forth in **Section 5-13- 5(B)** of this Chapter shall apply before the license shall be issued.

- F. Separate License for each Place of Business. Each massage business shall have a separate license for each place of business, which shall be valid only for the business conducted at that location.
- G. License to be Displayed. Each massage business shall display its license conspicuously in the lobby or waiting room area where such license may be readily observed by all persons entering such premise.
- H. Sale or Transfer. No massage establishment license shall be sold or transferred. The purchase or purchases of any massage business or of the majority of the stock of any corporation operating a massage business shall obtain a new license before operating such business at the location for which the license has been issued.

#### **5-13-5 Denial, Suspension, or Revocation of License.**

- A. Grounds. The massage establishment license of any such applicant or licensee may be denied, suspended, or revoked for violation of the provisions of this Chapter; for failure to comply with applicable fire regulations, building regulations, or health ordinances; for permitting massage technicians, who are either employed by the licensee or who are allowed by the licensee to perform the services or work of a massage technician upon the premises of the licensee, to violate the provisions of this Chapter; or if it is found that the applicant has falsified an application.
- B. In the event the City Clerk is appraised of information indicating that grounds for denial, suspension, or revocation of a massage establishment may exist, he or she shall cause an investigation of such grounds to be made by the appropriate city department or departments, and after consultation with the

Legal Department, shall advise the City Council in writing of the results of the investigation. If the City Council determines that the report reveals the probable existence of grounds for suspension or revocation, it shall direct written notice by ordinary mail to the licensee named on the application at the massage establishment address informing such person of the intention to hold a public hearing on the question of whether such license should be denied, suspended, or revoked, the grounds therefore, and the date and time of said hearing. Upon said hearing, if the City Council shall determine that such cause does exist,

1. If the determination is the first such for that licensee, it may withhold action on an application for one month from the date of hearing or suspend an existing license for up to one month, and thereupon such licensee shall cease massage business at that location or at any other location for the period of suspension.
2. If the determination is the second such for that licensee or if the City Council finds against the applicant or licensee on two or more grounds at such hearing, it may deny an application or revoke an existing license at that location, and in either event, no massage establishment license shall be issued nor shall such business be conducted at that location for a period of one year, nor shall the licensee be permitted to conduct such business in the City for that period.

#### **5-13-6 Massage Technician License.**

- A. License Required. No person shall perform the services, duties, or work of a massage technician without first receiving a massage technician license from the City Clerk. Such license shall not be required for the owner of a licensed massage establishment who performs the services, duties, or work of a massage technician in his or her own establishment, provided such person provides the information required in **Subsections (C) 5 and (C) 7** hereof on the application for massage establishment license and states that such owner will be a massage technician at such establishment.
- B. Application Procedures. Any person seeking a massage technician license shall apply to the City Clerk. The City Clerk shall cause an investigation of such applicant by the Police Department to determine if such person has a criminal record.
- C. Application Contents. The application shall contain the following information:
  1. The full name, address, age, and social security number of the applicant.
  2. The criminal record of the applicant, if any.
  3. Written proof that the applicant is at least eighteen (18) years of age.
  4. The name of a licensed massage establishment where the applicant will be employed.

5. The name and address of the accredited school attended, the date attended, and a copy of the diploma or certificate of graduation awarded indicating the applicant has completed not less than 1,000 hours of instruction.
  6. A statement that the contents of the application are true.
  7. A certificate issued by a licensed physician stating that the applicant is free from communicable diseases and venereal diseases, such as syphilis and gonorrhea, executed within one week preceding the date of the application.
- D. Issuance of the License. The Police Department shall make a written report of its investigation to the City Clerk within thirty (30) days of the date of the application. The City Clerk shall, upon presentation of the certificate described in **Subsection (C)7** hereinabove, issue a temporary massage technician permit to the applicant if the application is otherwise proper and pending receipt of the written police report. Upon receipt of the police report and the certificate, the City Clerk shall approve the application if the applicant has fully complied with all the requirements of this Chapter, and the City Clerk shall thereupon issue a permanent massage technician license to the applicant. The permanent license shall expire one year from the date of issuance. In the event that the City Clerk determines that the applicant for a new or renewal license has not fully complied with all of the requirements of this Subchapter, or that the applicant is not of good moral character, or that the applicant has falsified his or her application, then the City Clerk shall, after consultation with the Legal Department, advise the City Council of the basis for questioning the applicant's qualification, and the procedures for notice and hearing as set forth in **Section 5-13-7[B]** of this Code shall apply before the permanent license is issued.
- E. License Valid Only for Establishment Listed on the Application. The massage technician license, when issued, shall be valid only for the massage establishment listed on the application. A massage technician changing place of employment shall have his or her license amended by the permit clerk to show that the establishment proposing such employment holds a valid massage establishment license before commencing work for the new employer.
- F. License to be Kept at Place of Employment. All massage technicians having licenses issued pursuant to this Chapter shall keep said licenses at their place of employment as massage technicians
- G. License Fees. The fee for the issuance of a license issued under this chapter shall be set by resolution of the City Council and are listed in the **Schedule of Permit and Licensing Requirements** in Appendix B of this Code of Ordinances.

#### **5-13-7 Denial, Suspension, or Revocation of Massage Technician Licenses.**

- A. Grounds for Denial, Suspension, or Revocation. A massage technician license may be denied, suspended, or revoked for any violation of this Chapter, including but not limited to the failure to comply with new or renewal procedures, a finding of criminal offenses, or falsification of new or renewal applications.

- B. Denial, Suspension, or Revocation Proceedings. The City Clerk shall, upon receipt of information alleging that grounds exist to deny, suspend, or revoke the massage technician license of any applicant or licensee under this Subchapter and after consultation with the Legal Department, report the circumstances to the City Council, which in such case shall cause a notice to be sent by ordinary mail to the applicant or licensee, which notice shall state that a denial, suspension, or revocation hearing has been set before the City Council; the grounds for the proposed denial, suspension, or revocation; the date and time of the hearing; and the place where the hearing will be conducted. Upon such hearing, if the City Council shall determine that one or more of such grounds do exist, it may deny an application or suspend or revoke an existing license. In the event such license is revoked, no massage technician license shall be issued to that licensee for a period of one year.

**5-13-8 Health Standards.**

- A. No massage establishment shall be established, maintained, or operated in the City that does not conform or comply with the following standards:
1. Each room or enclosure where massage services are performed on patrons shall be provided with a minimum of eight foot (8') candles as measured four feet (4') above the floor.
  2. The premises shall have adequate equipment for disinfecting and cleaning non-disposable instruments and materials used in administering massage services. Such materials and instruments shall be cleaned after each use.
  3. Hot and cold running water shall be provided at all times.
  4. Closed cabinets shall be provided and used for the storage of all equipment, supplies, and clean linens. All used disposable materials and soiled linens and towels shall be kept in covered containers or cabinets, which containers or cabinets shall be kept separate from clean storage cabinets.
  5. Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.
  6. All massage tables, bathtubs, shower stalls, sauna baths, steam or bath areas, and all floors shall have surfaces which may be readily cleaned.
  7. Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean containers or cabinets.
  8. Adequate bathing, dressing, locker, and toilet facilities shall be provided for all patrons served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet, and massage room facilities shall be provided.
  9. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be

thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

10. Each massage technician shall wash his or her hands in hot running water using soap or disinfectant before and after administering a massage to each patron.
  11. The premises shall be equipped with a service sink for custodial services, which sink shall be located in a janitorial room or custodial room separate from massage service rooms.
  12. No person shall consume food or beverages in massage work areas.
  13. Animals, except for seeing eye dogs, shall not be permitted in massage establishments.
  14. All massage establishments shall continuously comply with all applicable building, fire, or health ordinances and regulations.
- B. No massage technician shall administer a massage:
1. If said massage technician believes, knows, or should know that he or she is not free of any contagious or communicable disease or infection.
  2. To any massage patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; provided, however, that a physician duly licensed to practice in the State of Iowa may certify that such person may be safely massaged prescribing the condition therefore.
  3. To any person who is not free of communicable disease or infection or whom the massage technician believes or has reason to believe is not free of communicable disease or infection.

#### **5-13-9 Unlawful Acts.**

- A. It shall be unlawful for any person in a massage establishment to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital part of any other person.
- B. It shall be unlawful for any massage technician, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.
- C. It shall be unlawful for massages to be administered to massage patrons of different sexes in the same room or enclosure at the same time.
- D. It shall be unlawful for any person owning, operating, or managing a massage establishment knowingly to cause, allow, or permit in or about such massage establishments any agent, employee, or any other person under his control to perform such acts prohibited in **Subsections (A), (B), and (C) of this Section.**

- E. For the purposes of this Section, the following words shall have the meaning assigned below: "Sexual or genital parts" shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.
- F. Every person owning, operating, or managing a massage establishment shall post a copy of this Section in a conspicuous place in the massage establishment so that it may be readily seen by persons entering the premises.

## Title 5 – Business Regulations Chapter 14 – Taxicabs

### SECTIONS:

- 5-14-1 Definition
- 5-14-2 Exemption
- 5-14-3 License and Fee Required
- 5-14-4 Term of License
- 5-14-5 Insurance Policy
- 5-14-6 General Liability Exception
- 5-14-7 Soliciting Passengers
- 5-14-8 Filing; Posting; Rate Schedule

**5-14-1 Definition.** Whenever the word "taxicab" is used in this Chapter, it shall mean any vehicle used for the transportation of people for hire from one place to another within the City.

**5-14-2 Exemptions.** This Chapter shall not apply to any transportation company operating upon designated routes or between fixed terminals under an ordinance duly passed by the City. Taxis that are operated principally in other cities that use the streets of the City only temporarily and on isolated occasions need not have a license under this Chapter.

**5-14-3 License and Fee Required.** No person shall engage in the business of maintaining or operating any taxicabs without first procuring from the Council a license. The fee 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 Permit and Licensing Requirements](#) in Appendix B of this Code of Ordinances. Every driver of a licensed taxi shall also possess a valid Iowa commercial driver's license, as defined by [Section 321.1\(11\) of the Code of Iowa](#).

**5-14-4 Term of License.** Taxi licenses shall be valid for one year after the date of issue.

**5-14-5 Insurance Policy.** Any person operating any taxicab shall post and deposit with the Clerk an insurance policy issued by an authorized company to do business in the state, and such insurance policy shall be as set by resolution of the City Council and listed in the [Schedule of Permit and Licensing Requirements](#) in Appendix B of this Code of Ordinances. The insurance policy shall be for each vehicle operated within the City and shall insure to the benefit of any person who shall suffer bodily injury or property damage or to his estate should he be killed by reason of negligence or misconduct on the part of the driver or operator of such vehicle.

**5-14-6 General Liability Exception.** The general liability requirement as set out in the [Schedule of Permit and Licensing Requirements](#) in Appendix B of this Code of Ordinances is waived for taxi owners who do not have a fixed place of business.

**5-14-7 Soliciting Passengers.** It shall be unlawful for any person operating any taxicab to accost, stop, or approach and solicit any person to become a passenger in any such taxicab upon any street, alley, or other public place within the City.

**5-14-8 Filing; Posting; Rate Schedule.** Any person operating a taxicab shall file, with the application for a license, a schedule of rates to be charged for the use of such

taxicab. A copy of this schedule of rates shall be posted in a conspicuous place in each taxicab. Any changes to the rate structure during the term of the license shall be submitted to the City Clerk's Office and filed with the license.

**Title 5 – Business Regulations**  
**Chapter 15 – Salvage, Junk Dealers and Refuse Haulers**

SECTIONS:

5-15-1 Purpose

5-15-2 Scope

5-15-3 License Required

5-15-4 Screening

5-15-5 Collection Vehicles License

5-15-6 Disposal

5-15-7 Violation

**5-15-1 Purpose.** The purpose of this Chapter is to protect the public health, safety, and welfare by regulating junk dealers, refuse and garbage haulers, and salvage dealers and to assure compliance with all applicable Ordinances of the City of Muscatine.

**5-15-2 Scope.** The scope of this Chapter shall encompass all land within the Corporate Limits of the City of Muscatine and any future land annexed thereto. The regulations of this Chapter shall apply to all person(s) who actively pursue a livelihood by collecting, salvaging, distributing, or processing any junk, refuse, or garbage as defined in [Title 10, Chapter 1 and Title 10, Chapter 23](#) of this Code and applies to all salvage, refuse, or junk dealers, whether new or existing.

**5-15-3 License Required.** All junk, salvage, or refuse dealers shall apply for an annual license to operate their business. Application forms must be signed by the appropriate City Officials indicating that the salvage or junk yard complies with all applicable Ordinances and regulations for the City of Muscatine. The completed application shall then be returned to the City Clerk and an annual license fee as set by resolution of council and listed in the [Schedule of Permit and Licensing Requirements](#) in Appendix B to this Code of Ordinances shall be paid. Upon receipt of the completed application and fee, the City Clerk shall issue the annual license. All annual licenses shall be renewed prior to January 1st of each calendar year or such license will become null and void.

**5-15-4 Screening.** All owners of salvage or junk yards shall screen all parts of their salvage or junk yards which are visible from any public thoroughfare by plantings, fencing, or other opaque materials to a height not exceeding eight feet (8'), except natural plantings may exceed eight feet (8').

**5-15-5 Collection Vehicles License.** All trucks used for the business of hauling salvage, junk, refuse, or garbage shall be licensed annually by the City of Muscatine and shall pay a fee for each vehicle in the amount set by resolution of City Council and listed in the [Schedule of Permit and Licensing Requirements](#) in Appendix B to this Code of Ordinances. Annual licenses shall be renewed prior to January 1st of each calendar year, and shall be retained at all times in the vehicle for which it is issued.

Prior to the issuance of a license for each vehicle, the owner must certify the following and provide proof of the same if requested by the City, and the City may inspect the vehicle if it deems necessary:

- A. Vehicle is owned or leased by applicant.
- B. Vehicle is properly identified with paint or decal indicating the name of the company or individual owning or operating such truck.
- C. Vehicle has been properly inspected in accordance with the laws of Iowa to assure such vehicle is safe.
- D. Vehicle is properly equipped with a safe and watertight compactor or dump box which is fully enclosed and adequate and safe to transfer any salvage, refuse, garbage, or junk without spilling such upon the public streets or endanger the general safety of the public.

**5-15-6 Disposal.** All salvage, refuse, garbage, or junk must be disposed of at a local landfill in accordance with [Title 10, Chapter 4 of the City Code](#).

**5-15-7 Violation.** Any owner of a salvage or junk yard or refuse or garbage collector who shall fail to license their businesses or vehicles, renew their license, or operate in violation of any other City, State, or Federal Law are guilty of a simple misdemeanor and shall be subject to a fine as provided in [Section 1-2-14 of this Code of Ordinances](#).

**Title 5 – Business Regulations**  
**Chapter 16 - Ambulance Service License**

SECTIONS:

- 5-16-1 Definitions
- 5-16-2 License and Fee Required
- 5-16-3 Exemptions
- 5-16-4 Application for License
- 5-16-5 Criteria for License
- 5-16-6 Standards for Ambulance Service
- 5-16-7 Liability Insurance
- 5-16-8 Revocation of License
- 5-16-9 Fees for Assistance

**5-16-1 Definitions.** The following definitions are used in this Chapter:

- A. "Ambulance" refers to any motor vehicle that is specifically designed, modified, constructed, equipped, staffed, and used regularly to transport patients.
- B. "Ambulance Service" means any service program that utilizes ambulances to provide emergency medical services and emergency or non-emergency ground transport of patients to or from a health care facility or between health care facilities.
- C. "EMS" means pre-hospital emergency medical services.
- D. "Medical Direction" means direction, advice or orders provided by a Medical Director or a supervising physician or physician designee as defined in **641 Iowa Administrative Code 132.1**.
- E. "Patient" or "Patients" means any living individual(s) who is (are) injured, sick or otherwise incapacitated and in need of emergency medical services or ground transport to or from health care facilities in an ambulance.
- F. "Person" means an individual, partnership, association, corporation (governmental or private), limited liability company or any other legal entity including any receiver, trustee, assignee or similar representative.

**5-16-2 License and Fee Required.** No person shall operate an ambulance service within the limits of the City unless such a person holds a current and valid license for such ambulance service pursuant to this Chapter. Every ambulance service retained by any person to provide prospective or standby service at designated events or gatherings within the limits of the City shall comply fully with every requirement of this Chapter. No ambulance service license shall be transferable. In the event of a change of ownership, the new owner shall be required to obtain a license pursuant to this Chapter and to comply in all respects with all applicable statutes, ordinances, rules, and regulations relating to the operation of an ambulance service in the City at that time. Each license issued under this chapter shall be valid for a period of one year unless earlier suspended, revoked or terminated.

**5-16-3 Exemptions.** This Chapter does not apply to the following. Vehicles being used in an emergency when a lack of transporting resources, such as when no ambulance is available or in a disaster situation, would cause an unnecessary delay in patient care; Vehicles owned or controlled by the United States government or the government of the State of Iowa; Vehicles operated only on private property or within the confines of institutional grounds; Vehicles responding at the request of a licensed ambulance service pursuant to a mutual aid agreement approved by the City; Medical aircraft requested by a licensed ambulance or an ambulance service that has a valid mutual aid agreement with a licensed ambulance service; Persons or vehicles providing ambulance service for patient transports originating outside the limits of the City, or nonstop patient transports through the City; First responders who provide EMS care but are not engaged in the transport of patients; Persons not regularly engaged in the business of ambulance or medical transportation services who provide incidental emergency assistance to family members and acquaintances, including transportation to a medical facility in a private vehicle; Persons or vehicles of the City of Muscatine Fire Department; Persons or vehicles of the Muscatine County Sheriff's Office, Muscatine Police Department, or other law enforcement agencies transporting persons in custody to or from health care facilities.

**5-16-4 Application for License.** Applications for licenses shall be made upon forms as prepared and administered by the City Clerk. The applications shall include: Name and address of the applicant and the owner of the ambulance service and ambulances; The trade or other name, if any, under which the applicant does business and proposes to do business; The training and experience of the applicant in the transportation and care of patients; A description of each ambulance, including the make, model, year of manufacture, motor and chassis number, current state license number, the length of time the ambulance has been in use; the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance; The location and descriptions of the place or places from which the applicant intends to operate; Description of system of providing medical direction; An accompanying license fee in the amount set by resolution of the City Council and set out in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances.

**5-16-5 Criteria for License.** In order to be eligible to receive a license to operate an ambulance service within the limits of the City, an applicant shall meet the following criteria from the time of application through the end of any approved licensure period:

- A. Hold and maintain a valid certificate of ambulance service authorization issued by the Iowa Department of Public Health pursuant to **641 IAC 132** to operate at the paramedic/critical care transport level (PM/CCT);
- B. Have available for operation within the City at all times an adequate number of ambulances and qualified personnel to provide twenty-four (24) hour per day, seven (7) day per week ambulance service, including a minimum of two (2) advanced life support ambulances properly staffed. The Council shall determine what constitutes an adequate number of ambulances and qualified personnel;
- C. Must have the capability to operate an ambulance dispatch center, which shall meet or exceed the current level of service provided by Muscatine Joint Communications (MUSCOM). This requirement includes the proper use and maintenance of an Emergency Medical Dispatch (EMD) protocol. The dispatch

center shall provide the Muscatine Fire Department with proper EMS information for their integration as first responders. The dispatch center shall be capable of communicating on the radio systems of all emergency responders presently served by MUSCOM, as well as all applicable State and regional medical and fire frequencies. A joint dispatch arrangement with another organization that meets the requirements of this section is permitted;

- D. Must have and maintain its own multiple-patient response capability to simultaneously immobilize and treat a minimum of three (3) patients in addition to the capacity of those ambulances staffed and in service within the system; Must be able to provide EMS services to outlying areas of Muscatine County and nearby portions of Illinois at a level at least as great as what is currently provided.

**5-16-6 Standards for Ambulance Service.** Once licensed, every ambulance service shall conform to the standards, requirements, and regulations provided for in this Chapter, **Chapter 147A, Code of Iowa, 641 Administrative Code Chapter 132** and any other statute, ordinance, rule, or regulation relating to the operation of ambulance services or ambulances; Notify the Council, in writing, of its intent to discontinue operations at least 30 days prior to the effective date of the intended discontinuance of ambulance service.

**5-16-7 Liability Insurance.** No ambulance service license shall be issued or valid, nor shall any ambulance be operated in the City, unless there is at all times in force and effect insurance coverage issued by an insurance company licensed to do business in the State of Iowa for the ambulance service and for each and every ambulance owned and/or operated by or for the applicant or licensee, and also naming the City and its officers and employees as additional insureds. The minimum limits of liability of the insurance policy will be in the amounts set by resolution of Council and listed in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances; Certificates evidencing said insurance policies shall be submitted prior to the issuance of any license.

**5-16-8 Revocation.** Any violation of this Chapter or of regulations promulgated hereunder shall be sufficient grounds for revoking any license or permit issued pursuant to this Chapter. A revoked ambulance service shall not operate within the City.

**5-16-9 Fees for Assistance.** Any non-licensed ambulance operating within the limits of the City may be subject to a fee for service, if such ambulance requests and is given assistance by a City Department, if that assistance involves the treatment, lifting, moving or other activities related to patient care and handling.

**Title 6 – Police and Public Safety**  
**Chapter 1- Police Department**

SECTIONS:

- 6-1-1 Department Established
- 6-1-2 Organization
- 6-1-3 Chain of Command
- 6-1-4 Sergeant at Arms
- 6-1-5 Peace Officer Qualifications
- 6-1-6 Peace Officers Appointed
- 6-1-7 Required Training
- 6-1-8 Duties of Chief of Police
- 6-1-9 Uniforms
- 6-1-10 Obedience to Superior Officials
- 6-1-11 Rules
- 6-1-12 Taking Weapons

**6-1-1 Department Established.** The Police Department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

**6-1-2 Organization.** The Department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

**6-1-3 Chain of Command.** The chain of command in the Police Department shall be as prescribed in the rules and regulations of the Department.

**6-1-4 Sergeant at Arms.** The Chief of Police, or his or her designated representative, shall serve as Sergeant at Arms of the Council, and as such, shall attend its meetings, keep the Council Chambers in order, and promptly serve or have served all notices or orders required of him or her by the Mayor or Council.

**6-1-5 Peace Officer Qualifications.** In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

*(Code of Iowa, Sec. 80B.11)*

**6-1-6 Peace Officers Appointed.** The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Police Chief shall select, subject to the approval of the Council, the other members of the Department.

*(Code of Iowa, Sec. 372.4)*

**6-1-7 Required Training.** All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

*(Code of Iowa, Sec. 80B.11 [2]) (IAC, 501-3 and 501-8)*

**6-1-8 Duties of Chief of Police.** The Police Chief has the following powers and duties subject to the approval of the Council.

*(Code of Iowa, Sec. 372.13 [4])*

- A. General. Perform all duties required of the Police Chief by law or ordinance.
- B. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
- C. Writs. Execute and return all writs and other processes directed to the Police Chief.
- D. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

*(Code of Iowa, Sec. 321.266)*

- E. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
- F. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
- G. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
- H. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
- I. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
- J. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

**6-1-9 Uniforms.** Each member of the Police Department shall be required to properly wear suitable uniforms as directed by the Police Chief; the same to be according to the design, color, and material as prescribed by the Police Chief.

**6-1-10 Obedience to Superior Officers.** All members of the Police Department shall observe and obey the orders of their superior officers.

**6-1-11 Rules.** The Police Chief shall have authority to adopt such departmental rules as he or she deems necessary for the orderly administration and operation of the Police Department.

**6-1-12 Taking Weapons.** Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

*(Code of Iowa, Sec. 804.18)*

**Title 6 – Police and Public Safety  
Chapter 2 – Alarm Regulations**

SECTIONS:

**I. General Provision**

- 6-2-1 Purpose
- 6-2-2 Definitions
- 6-2-3 Automatic Protection Devices
- 6-2-4 Alarm System Restrictions

**II. Licensing Requirements and Procedures**

- 6-2-5 Alarm Business -- License Required
- 6-2-6 Alarm Agent -- License Required
- 6-2-7 Alarm System -- Permit Required
- 6-2-8 Central Station System -- License Required
- 6-2-9 Modified Central Station -- License Required
- 6-2-10 Telephone Answering Service -- License Required
- 6-2-11 License and Permit Applications and Fees
- 6-2-12 License and Permit Renewal, Modifications
- 6-2-13 Issuance of License, Permit, or Renewal
- 6-2-14 Revocation and Suspension of Licenses and Permits
- 6-2-15 Notice of Decision
- 6-2-16 Appeal Notice
- 6-2-17 Appeal Procedure
- 6-2-18 Business License Tax
- 6-2-19 Posting of Licenses and Permits
- 6-2-20 Transfer of License or Permit Prohibited
- 6-2-21 Failure to Pay Ad Valorem Taxes
- 6-2-22 Service Available
- 6-2-23 Responsibility for Alarm Response

**III. Enforcement and Administration**

- 6-2-24 Generally
- 6-2-25 Testing of Equipment
- 6-2-26 False Fire Alarms
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- 6-2-28 Change of Location
- 6-2-29 Regulation of Charges
- 6-2-30 Liability of the City Limited
- 6-2-31 Conflict of Interest Prohibited
- 6-2-32 Violations and Penalties

**I. GENERAL PROVISIONS**

**6-2-1 Purpose.** It is the purpose of this Ordinance to protect the Muscatine Police and Fire departments and property owners from the erroneous and mistaken use of security and fire alarms which results in increased false response calls by the Police and Fire departments and is creating a hazard to the members of the departments and to the general public.

**6-2-2 Definitions.** For the purpose of this Chapter, the following words and phrases shall be construed to have the meaning set forth in this Section unless it is apparent from the context that a different meaning is intended.

- A. "Alarm agent" means any person engaged in or employed by an alarm business, either directly or indirectly, whose duties include any of the following activities: selling, maintaining, leasing, servicing, inspecting, repairing, altering, replacing, moving, or installing an alarm system on any building, place, or premises.
- B. "Alarm business" means the business of selling, leasing, maintaining, inspecting, servicing, repairing, replacing, altering, moving, or installing an alarm system.
- C. "Alarm system" means an assembly of equipment or devices arranged to send a signal to a remote receiving station to make known the occurrence of a robbery or an attempted robbery or an unauthorized intrusion requiring urgent attention and to which the police are expected to respond and includes both automatic and manually operated systems. Alarm systems shall include automatic holdup alarm systems, burglar alarm systems, holdup alarm systems, manual holdup alarm systems. This term also includes an assembly of equipment or devices, or a single device, which monitors temperature, humidity, or other conditions, arranged to send a signal to a remote receiving station to make known the occurrence of a fire or fire-related condition requiring urgent attention and to which the Fire Department is expected to respond and includes both automatic and manually operated systems. Fire alarms are included in this definition of alarm systems.
- D. "Alarm user" means the person, firm, partnership, corporation, company, association, or other organization of any kind which has an alarm system to protect its premises, regardless of whether it owns or leases the alarm system. Each premises having a separate connection to the Police or Fire Department, or to a central station system, a modified central station, or a telephone answering service shall be considered a separate alarm system user for purposes of calculating false alarms subject to the following: in the event a building or group of buildings is connected to or part of a single integrated alarm system, the entire building or group of buildings shall be considered to have a single alarm system for purposes of calculating false alarms; but if the building or group of buildings is not so connected, then each individual alarm system shall be treated as a separate premises. However, any building or group of buildings which contains multiple leaseholds or condominium agreements shall be considered to be a single alarm system as to the common areas of the buildings or group of buildings which are not covered by leasehold or condominium ownership for other than common usage. All other premises not specifically mentioned shall, as to each separate ownership, lease, or other interest owning, maintaining, or using an alarm system, be considered to have a separate alarm system for purposes of calculating false alarms.
- E. "Automatic protection device" means an instrument which automatically sends a pre-recorded voice alarm actuated by a physical force or condition characteristic of a fire, other casualty, or unauthorized intrusion, over regular telephone lines.
- F. "Burglar alarm system" means a method of detecting and signaling the presence, entry, or attempted entry of an intruder into a protected premises.
- G. "Central station system" means a system or group of systems, usually operated for customers by a person, in which the signals and messages of automatic protection devices and alarm systems are transmitted to, recorded in, and supervised from a central location which has trained operators and guards on duty at all times who shall take appropriate action upon receipt of a signal or message including the relaying of messages to the Police Department.

- H. "City" means the City of Muscatine, Iowa, or such officers or employees as may be designated by this Chapter to have specific duties in relation to this Chapter.
- I. "Direct line" means a private line circuit ring down telephone line leading directly to the communications center of the Police Department that is for use only to report emergency messages and signals on a person-to-person basis.
- J. "False fire alarm" means the activation of a fire alarm system through technical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. False fire alarm does not include the activation of an alarm system which is caused by storms, tornadoes, or other violent weather conditions. False fire alarm does not include alarm system activations or failures caused by water, gas, electrical, telephone or other transmission devices not under the control of an alarm user or his or her employees or agents, the willful act of any person other than the alarm user or his or her agent or employee, and does not include alarm activations or failures due to conditions clearly beyond the control of the alarm user or his or her agents or employees.
- K. "False police alarm" means the activation of an alarm system through technical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. False police alarm does not include the activation of an alarm system which is caused by storms, tornadoes, or other violent weather conditions. False police alarm also does not include the activation or failure of an alarm system caused by transmission lines not under the control of an alarm user or alarm agent, the willful act of any person other than the alarm user or his or her employees or agents or the alarm agent, and does not include activations or failures due to conditions clearly beyond the control of the alarm agent or alarm user. False police alarm does include the activation or use of an alarm system for purposes other than warning or notification of an unauthorized intrusion, or robbery or attempted robbery, or other emergency situations.
- L. "Fire Chief" means the Chief of the Fire Department of the City, or the Chief's authorized representative.
- M. "Fire Department" means the Fire Department of the City.
- N. "Holdup alarm system" means a method of signaling a robbery or attempted robbery or unauthorized intrusion of a premise in which the signal transmission is initiated by the direct action of a person.
- O. "Indicator" means the instrumentation on a monitor panel at the receiving terminal of a signal line which produces both visual and audible alarm signals when activated by a signaling device at an identifiable location or origin.
- P. "Key" (to a telephone line) means to use a telephone line for transmitting a message, either by direct connection or by a mechanism not so connected, that utilizes the microphone of a standard telephone to do so.
- Q. "Modified central station" means a central station operated for the customers of an alarm business by a person which provides at all times the service of monitoring and relaying messages for customers to the Police or Fire Department communications center in connection with automatic protection devices and alarm systems, but which does not meet the requirements nor provide all the services of a central station. This definition includes "monitoring stations".

- R. "Person" means any individual, partnership, corporation, association, or other organization, but does not include the City.
- S. "Police Chief" means the Chief of the Police Department of the City or the Chief's authorized representative.
- T. "Police Department" means the Police Department of the City.
- U. "Protected premises" means that part of a building or real estate to which protection is afforded by an alarm system.
- V. "Primary trunkline" means a telephone line leading directly into the communications center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis, and which line is identified as a Public Safety Response line such as "911" or by a specific listing among any Police Department numbers in any telephone directory issued by any telephone directory publisher serving the City and surrounding area.
- W. "Secondary trunkline" means a telephone line leading into the Police or Fire Department or City Hall that is identified by a specific listing among the telephone numbers in any telephone directory issued by any telephone directory publisher serving the City and surrounding area that is for handling administrative and other non-emergency calls on a person-to-person basis.
- X. "Signaling device" means an instrument that, upon detection of physical force or condition characteristic of an emergency, will activate a signal line in such a way as to cause both visual and audible signals to be registered by indicators on a monitor panel at the receiving terminal of the signal line in a central location.
- Y. "Signal line" means a line not connected to any standard telephone equipment which leads into an indicator panel in the communications center of the Police or Fire Department, or into such a panel in either a central station system or a modified central station and which is designated to transmit an alarm signal readily identifiable as to location or origin.
- Z. "Telephone answering service" means a business operating a telephone answering activity that includes the service whereby trained employees on duty at all times receive pre-recorded voice messages from automatic protection devices and who have the duty to relay immediately by live voice any such emergency message to the Police or Fire Department.
- AA. "This Chapter" includes any regulations adopted pursuant to the provisions of **Section 6-2-24** and the standards, rules, and regulations established by the Chief for direct alarm systems.

### **6-2-3 Automatic Protection Devices.**

- A. Restrictions on keying.
  - 1. No person shall install, cause to be installed, or permit the installation or operation of an automatic protection device keyed either to a primary or secondary trunkline on premises of any kind within the corporate limits of the City.
  - 2. An owner or lessee of an automatic, protection device who has an alarm system permit may authorize an alarm business licensed by this Chapter to intercept the signal or message and relay it by direct line to the communications center of the Police or Fire Department, provided that the device meets the requirements of this Chapter and, further provided that the operations of such device will not interfere with the normal functions of the Police or Fire Department.
  - 3. No person, except an alarm business or alarm agent with a license from the City as required by this Chapter, shall install any automatic protection device within the corporate limits of the City.
- B. Keying to Intermediaries - Any person who has an automatic protection device within the corporate limits of the City may arrange to have such device keyed to any of the following intermediaries who are authorized to relay emergency messages to the communications center of the Police or Fire Department, as appropriate:
  - 1. A licensed central state system;
  - 2. A licensed modified central station;
  - 3. A licensed telephone monitoring

### **6-2-4 Alarm System Restrictions.**

- A. No central station system, modified central station, or telephone answering service shall relay messages from any alarm system to the Police or Fire Department other than through a direct line.
- B. Any audible signal or noise from an alarm system which can be heard directly outside the perimeter of the protected premises must automatically terminate within fifteen (15) minutes from the time it was activated.

## **II. LICENSING REQUIREMENTS AND PROCEDURES**

**6-2-5 Alarm Business - License Required.** No person shall conduct an alarm business within the corporate limits of the City unless they possess a currently valid alarm business license issued pursuant to this Chapter.

**6-2-6 Alarm Agent - License Required.** No person shall conduct themselves as an alarm agent within the corporate limits of the City unless they have a currently valid alarm agent business license issued pursuant this Chapter. A person holding a valid alarm business license is exempt from the requirement of obtaining an alarm agency license.

#### **6-2-7 Alarm System - Permit Required.**

- A. No person shall install, cause to be installed, or permit the installation or operation of an alarm system unless a currently valid alarm system permit or direct alarm system permit has been issued by the Police or Fire Chief for such alarm system pursuant to the provisions in this Chapter. A separate alarm system permit shall be obtained for each fire, burglar, or holdup alarm which transmits a signal or message to a central station system, a modified central station, a telephone answering service or an on-premises audible and/or visual alarm device which can be heard or observed outside the perimeter of the protected premises.
- B. Those conducting alarm businesses shall be responsible for procuring and processing all applications, and any renewals, for their subscribers, and for transmitting completed applications to the Police and Fire Chief and paying the required fees. Those conducting alarm businesses are further required to report, within thirty (30) days, the discontinued use of any alarm system serviced by the alarm business to the Police and Fire Chief.
- C. Where the alarm system is in operation and is not serviced by an alarm business, the person owning, or possessing such alarm system shall be responsible for obtaining the permit and shall make direct application to the Police and Fire Chief. When an alarm system not serviced by an alarm business is no longer in operation, the person owning or possessing such alarm system shall report, within thirty (30) days, the discontinued use of the alarm system to the Police and Fire Chief.

**6-2-8 Central Station System - License Required.** No person shall operate a central station system, which relays messages to the Police or Fire Department in the absence of a currently valid central station system license issued pursuant to the provisions of this Chapter.

**6-2-9 Modified Central Station - License Required.** No person shall conduct a modified central station system which relays messages to the Police or Fire Department in the absence of a currently valid license issued pursuant to the provisions of this Chapter.

**6-2-10 Telephone Answering Service - License Required.** No person shall conduct a telephone answering service which includes in such service the receipt and relay of messages to the Police or Fire Department from automatic protection devices in the absence of a currently valid telephone answering service license issued pursuant to the provisions of this Chapter.

#### **6-2-11 License and Permit Applications and Fees.**

- A. Applications for licenses and permits required by this Chapter shall be filed with the Police Department on forms provided for that purpose, and shall be reviewed by the Police and Fire Chief.
- B. Each application shall be accompanied by a non-refundable fee. The fee required by this Section shall be set by resolution of the City Council and is listed in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances.

#### **6-2-12 License and Permit Renewal, Modifications.**

- A. All licenses issued pursuant to this Chapter shall expire annually on June 30. All applications for renewal of such licenses and permits shall be filed with the Police Department and reviewed by the Police and Fire Chief on forms provided for that purpose. The fee for the renewal of each license shall be the same as the initial application fee and shall be paid to the City Clerk prior to the time the license or permit renewal is issued.

- B. Alarm system permits need not be renewed.
- C. Any modification of, change in ownership of, change in location of, or addition to an alarm system requires that a new application, new application fee, and new alarm system permit be issued pursuant to this Chapter.

**6-2-13 Review of License, Permit, or Renewal.**

- A. The Police and Fire Chief shall have a reasonable time to investigate the application for a license, or for the renewal thereof, and the background of the applicant to the extent deemed necessary. Thereafter, the license shall be issued unless the Police and Fire Chief finds that:
  - 1. The applicant has submitted an application that contains a misstatement or omission of any material fact, or
  - 2. Some matter or activity in the background of the applicant reasonably related to the activities to be engaged in is such that a reasonable person would conclude that there would be an undue risk to the public health, safety, or welfare if the license were granted, or
  - 3. The applicant has been convicted of a felony within the last fifteen (15) years from the date of the application.
- B. The Police and Fire Chief shall have a reasonable time to investigate the application for a permit, or for the renewal thereof, to the extent deemed necessary. The Police and Fire Chief may also inspect the alarm system and protected premises to the extent deemed necessary. Thereafter, the permit shall be issued unless the Police and Fire Chief finds that:
  - 1. The applicant has submitted an application that contains a misstatement or omission of any material fact, or
  - 2. The alarm system was, or will be, installed by an unlicensed alarm business or alarm agent, or
  - 3. The alarm system is not in conformance with this Chapter, or
  - 4. The alarm system has generated an excessive number of false alarms such that it has interfered with the conduct of the business of the Police Department or Fire Department.
- C. After the Police and Fire Chief review and investigate an application for a license or permit under this Chapter, the Police and Fire Chief shall confer with one another within a reasonable time following the conclusion of their investigation and vote to either approve or deny such application. If one votes in the affirmative and another in the negative, the Chief of each department shall within a reasonable time submit to the City Administrator his or her respective decision and any supporting explanation or documentation. The City Administrator shall then decide whether the application should be denied or approved within a reasonable time following receipt of all relevant information and shall provide notice of such decision pursuant to **Subsection 6-2-13[D] or [E]**.
- D. If the license or permit, or renewal thereof, is denied, the reason for the denial shall be set forth in writing and provided to the applicant or his designee as provided in **6-2-15**.

- E. Upon approval by the Police and Fire Chief, or by the City Administrator in the event of disagreement between the Police and Fire Chief, of the application for a license or permit, or for the renewal thereof, the Chiefs or City Administrator shall endorse his/her approval thereon and transmit the application together with the receipt for the fee to the office of the City Clerk who shall be responsible for the issuance of the license, permit, or renewal thereof.

#### **6-2-14 Revocation and Suspension of Licenses and Permits.**

- A. Grounds. A license granted under this Chapter may be suspended or revoked by the Police and Fire Chief if together they find that the business operations of the licensee are being, or have been, conducted in violation of state law or local ordinance, or that there exists any of the grounds for not issuing an original license, or renewal, pursuant to this Chapter. For the purpose of this Chapter, the holder of a license shall be responsible for the conduct of its officers, agents, or employees. A permit may be suspended or revoked if there exists any of the grounds for not issuing an original permit, or renewal thereof, pursuant to this Chapter.
- B. Notice and Hearing. A license or permit, however, may not be revoked or suspended until a hearing has been held before the Police and Fire Chief. Written notice of the time and place for the hearing shall be served upon the licensee or permittee at least seven days prior to the date set for the hearing if such notice is personally served. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the license or permit. Notice shall be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the address appearing on the application. If notice is given by mail as provided, it shall be deemed given at the time of the deposit in the United States mail, but such notice shall be given at least seven days prior to the date set for such hearing.
- C. Decisions. After the Police and Fire Chief have held a pre-revocation or suspension hearing, the Police and Fire Chief shall confer with one another within a reasonable time following the conclusion of the hearing and shall vote either for or against revocation or suspension. If one votes in the affirmative and another in the negative, the Chief of each department shall within a reasonable time submit to the City Administrator his or her respective decision and any supporting explanation or documentation. The City Administrator shall then decide whether the application should be denied or approved within a reasonable time following receipt of all relevant information and shall provide notice of such decision pursuant to **Subsection 6-2-15**.
- D. Any person aggrieved by the action of the Police and Fire Chief or City Administrator may appeal to the City Council within the time and manner provided in this Chapter.

#### **6-2-15 Notice of Decision.**

- A. Within ten (10) days after reaching a determination regarding an application for a license or permit; or after a hearing concerning the suspension or revocation of a license or permit, the Police and Fire Chief, or the City Administrator in the case of disagreement between the Police and Fire Chief, shall cause a written copy of the decision to be served on the applicant, licensee, or permittee at the address set forth in the application or renewal, or at an address specified by the applicant, licensee, or permittee. Said decision shall be deemed served when deposited in the United States mail.
- B. The copy of the decision shall apprise the applicant, licensee, or permittee of his right to appeal and of the time limitation and appeal procedures specified in this Chapter.

**6-2-16 Appeal Notice.**

- A. An applicant, licensee, or permittee aggrieved by the decision of the Police and Fire Chief or the City Administrator shall have the right to appeal to the City Council.
- B. Notice of appeal must be filed with the City Clerk within fifteen (15) days after service of the decision. The notice of appeal shall briefly state the basis for such appeal.

**6-2-17 Appeal Procedure.**

- A. Hearing. Upon receipt of the notice of appeal together with an appeal fee of fifty dollars (\$50.00), the City Clerk shall cause the matter to be placed on the agenda of the next regularly scheduled meeting of the City Council. The City Clerk shall cause a written notice of the time and place of meeting to be given to the appealing party. If the appealing party deems additional time is necessary to prepare a presentation for the hearing, the appealing party shall notify the City Clerk thereof and upon receipt of such notice the City Clerk shall continue the hearing to a later date, not to exceed thirty days beyond the original date set for hearing.
- B. Burden of Proof. At the time and place set for hearing upon the appeal, the City Council shall give the appealing party a reasonable opportunity to be heard in order to show just cause why the determination of the Police and Fire Chief, or the City Administrator, as the case may be, should not be upheld. In cases where a license or permit has been denied, the burden of proof to show that the action taken by the Police and Fire Chief or the City Administrator was arbitrary, capricious, or in excess of their authority shall be upon the appealing party. In cases where a license or permit has been suspended or revoked, or a license or permit renewal was denied, the burden of proof shall be upon the Police and Fire Chief, or the City Administrator if he or she made the final decision, to establish that appropriate grounds existed for such action.
- C. Notice of Decision. The City Council shall reach a decision on the matter within fourteen (14) days after the hearing and within ten (10) days after reaching a determination with reference thereto shall cause a written copy of the decision to be mailed to the appellant. At the same time the City Council shall give to the Police and Fire Chief a copy of such decision.

**6-2-18 Business License Tax.** Nothing contained in this Chapter shall be construed as a waiver or exemption from any business license tax otherwise applicable.

**6-2-19 Posting of Licenses and Permits.** A central station system, modified central station, telephone answering service, or an alarm business license shall be posted at all times at the premises from which the licensed activity is conducted. A person acting as an alarm agent shall carry their alarm agent registration card on their person at all times while so engaged and shall display said card to any police officer or fire fighter upon demand. An alarm system permit shall be posted at all times on the protected premises.

**6-2-20 Transfer of License or Permit Prohibited.** No license or permit issued pursuant to this Chapter shall be transferable.

**6-2-21 Failure to Pay Ad Valorem Taxes.** No license or permit shall be issued or renewed pursuant to this Chapter if any ad valorem taxes upon any real property or personal property used directly or indirectly in connection with the proposed business or service are delinquent. Where a license or permit has been issued and ad valorem taxes on such property thereafter

become delinquent, the license or permit shall be subject to cancellation immediately without notice and without right of appeal.

**6-2-22 Service Available.** Each alarm business shall have licensed alarm agents and supplies and equipment so located as to be able to respond to a request for repair or adjustment of any alarm system that such an alarm business sold, maintained, or inspected within four (4) hours of the request for such service. They shall respond within four (4) hours of the request; except that if the request occurs within the hours that the protected premises is open for business or otherwise substantially occupied, repair or adjustment may be made at any time prior to the closing of the protected premises.

**6-2-23 Responsibility for Alarm Response.** Every person who has an alarm system on premises shall, upon notification that the alarm system is giving a signal, proceed immediately to the protected premises and render all necessary service. However, the owner or person in control of the protected premises may enter into an agreement with an alarm business or other responsible party or service to respond in that person's stead to the site of the alarm. A responsible person shall respond to every notification, without exception. Such response shall be made within thirty (30) minutes of notification. Failure to respond to such notification on more than one occasion will result in the revocation of the alarm permit

### **III. ENFORCEMENT AND ADMINISTRATION**

#### **6-2-24 Generally.**

- A. Enforcement and administration of this Chapter shall be functions of the Chiefs of the respective departments (Police or Fire) concerned except where this Chapter specifically assigns responsibility to other parties.
- B. The Chiefs may propose rules and regulations, not inconsistent with the terms of this Chapter, prescribing minimum equipment standards, facility standards, and operation standards for the installation, construction, maintenance and operation of alarm systems, central station systems, modified central stations, telephone answering services, and requiring inspection and approval of all such systems. Such rules and regulations shall have the full force and effect of law upon adoption by resolution by the City Council after a public hearing. No permit or license shall be issued for any device or system which does not comply with the provisions of this Chapter and said rules and regulations as finally adopted. Copies of these standards shall be furnished to all licensed alarm businesses, central station systems, modified central stations, and telephone monitoring services, and shall be available for inspection in the office of the Chiefs and City Clerk.

**6-2-25 Testing of Equipment.** No person shall conduct any test or demonstration of an automatic protection device or a signaling device designed to make direct connection with the Police or Fire departments without first contacting the Public Safety Communications Center where the equipment to be tested or demonstrated is keyed to an intermediary. Such permission is not required unless the alarm or signal is to be relayed to the Police or Fire Department.

#### **6-2-26 False Fire Alarms.**

- A. A report on a form approved by the Fire Chief shall be forwarded, if requested by the Chief, to the Fire Department within forty-eight (48) hours, Sundays and holidays excepted, with regard to each and every false alarm transmitted to the Public Safety Communications Center, and such additional information as may be reasonably required by the Chief to be supplied with regard thereto. The report shall be made by the alarm business where the alarm system is serviced by an alarm business. The report shall be made by the alarm system permittee in all other instances.

- B. Defective Equipment. If any false fire alarm occurs as a result of any defect of the fire alarm system or equipment, including the method of sounding or transmitting the alarm signal, or from any defect in the installation of the alarm equipment, including the method of sounding or transmitting the alarm signal, or the faults or neglect of the alarm system permittee or any of their employees, the report of the false fire alarm shall include a statement as to the action taken to remedy the false fire alarm cause.
  
- C. Interference with the Department. In addition to the foregoing remedy of suspension or revocation, when false fire alarms from any premises are so excessive as to interfere with the normal conduct of the business of the Fire Department, the Fire Chief may decline to respond to any alarms until the cause of such false fire alarms is corrected. The Fire Chief shall make reasonable effort to give prompt notice of such action to the owner or occupant of the protected premises.

#### **6-2-27 False Police Alarms.**

- A. Reports. A report on a form approved by the Police Chief shall be forwarded, if requested by the Chief, to the Police Department within forty-eight (48) hours, Sundays and holidays excepted, with regard to each and every false alarm transmitted to the Public Safety Communications Center together with such additional information as may be reasonably required by the Chief. The report shall be made by the alarm business where the alarm system is serviced by an alarm business. The report shall be made by the alarm system permittee in all other cases.
  
- B. Defective Equipment. If any false police alarm occurs as a result of any defect of the alarm equipment, including the method of sounding or transmitting the alarm signal, or from any defect in installation of the equipment, including the method of sounding or transmitting the alarm signal or the faults or neglect of the alarm system permittee or any of their employees, the report of the false alarm shall include a statement as to the action taken to remedy the false police alarm cause.
  
- C. Interference with the Department. In addition to the foregoing remedy of revocation or suspension, when false police alarms from any protected premises are interfering with the normal conduct of the business of the Police Department, the Chief may decline to respond to any alarms until the cause of such false alarms is corrected. The Chief shall make a reasonable effort to give prompt notice of such action to the owner or occupant of the protected premises.

**6-2-28 Change of Location.** If the location of the communications facilities of the Police Department should be changed or moved, the cost of moving any alarm system or parts thereof shall be borne by the permittee.

**6-2-29 Regulation of Charges.** If alarm reporting equipment located inside the Police Department is privately owned and the owner makes any charge for the connection to that equipment, such charge shall be fully borne by the owner of the reporting equipment.

**6-2-30 Liability of the City Limited.** The City shall take every reasonable precaution to assure that alarm signals and messages received from central station systems, modified central stations, and telephone monitoring services regarding alarm signals received by the City are given appropriate attention and are acted upon with dispatch. The City shall not be liable for any defects in the operation of any alarm devices or signal line systems, for any failure or neglect to respond appropriately upon receipt of an alarm, nor for the failure or neglect of any person with a license or permit issued pursuant to this Chapter in connection with the installation, maintenance, or operation of equipment, the transmission of alarm signals and pre-recorded alarm messages, or the relaying of such signals and messages. In the event that the City finds

it necessary to disconnect a defective automatic protection device or signaling device, the City shall incur no liability by such action.

**6-2-31 Conflict of Interest Prohibited.** No employee of the Police or Fire Department, nor a member of such employee's immediately family, shall have any interest, directly or indirectly, in any alarm business within the limits of the City. No such employee or family member shall be employed by an alarm business subject to the provisions of this Chapter.

**6-2-32 Violations and Penalties.** Violations of this Chapter shall be deemed a municipal infraction and shall be punishable as provided in the Schedule of Penalties in Appendix A to this Code of Ordinances.

**Title 6 – Police and Public Safety**  
**Chapter 3 – General Offenses**

SECTIONS:

- 6-3-1 Penalty
- 6-3-2 Firecrackers; Explosives
- 6-3-3 False Information as to Incendiary Devices
- 6-3-4 False Reports to or Communications with Public Safety Entities
- 6-3-5 Threats of Incendiary or Explosive Devices.
- 6-3-6 Assault
- 6-3-7 Theft
- 6-3-8 Criminal Mischief
- 6-3-9 Defacing Notices
- 6-3-10 Trespass
- 6-3-11 Obstructing Public Officials
- 6-3-12 Drug Paraphernalia
- 6-3-13 Disorderly Conduct
- 6-3-14 Permitting Disorderly Conduct
- 6-3-15 Urinating or Defecating
- 6-3-16 Unlawful Assembly
- 6-3-17 Failure to Disperse
- 6-3-18 Nudity
- 6-3-19 Police Dogs; Willful Mistreatment- Interference
- 6-3-20 Weapons

**6-3-1 Penalty.** Except as otherwise provided, a violation of any of the provisions of this Chapter is a simple misdemeanor and shall be punished as provided in **Iowa Code Section 903.1(a)**, maximum sentence for misdemeanors, which is adopted by reference.

**6-3-2 Fireworks; Explosives.** The sale, use, and exploding of fireworks within the City are subject to the following:

- A. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

*(Code of Iowa, Sec. 727.2)*

- B. Regulations. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing to the City Council at least one week in advance of the last Regular City Council meeting prior to date of the display, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator.

*(Code of Iowa, Sec. 727.2)*

- C. Bond/Insurance for Fireworks Display Required. The permittee shall furnish a bond or certificate of insurance in the amount set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.
- D. Exceptions. This Section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This Section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

*(Code of Iowa, Section 727.2)*

- E. Disposal of Unfired Fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.
- F. Seizure of Fireworks. The Police or Fire Chief shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

**6-3-3 False Information as to Incendiary Devices.** No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered.

*(Code of Iowa, Section 712.7)*

**6-3-4 False Reports to or Communications with Public Safety Entities.** It shall be unlawful for any person to report or cause to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or to report the alleged occurrence of a criminal act knowing the act did not occur.

*(Code of Iowa, Section 718.6)*

**6-3-5 Threats of Incendiary or Explosive Devices.** No person shall threaten to place or attempt to place any incendiary or explosive device or material, or any destructive substance or device in any place where it will endanger persons or property.

*(Code of Iowa, Section 712.8)*

**6-3-6 Assault.** A person commits an assault when, without justification, the person does any of the following:

- A. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

*(Code of Iowa, Sec. 708.1 [1])*

- B. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

*(Code of Iowa, Sec. 708.1 [2])*

However, where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds or at an official school function regardless of the location, the act is not an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

*(Code of Iowa, Sec. 708.1)*

**6-3-7 Theft.** It is unlawful for any person to commit theft as defined in **Section 714.1 of the Code of Iowa.**

*(Code of Iowa, Section 714.1)*

**6-3-8 Criminal Mischief.**

- A. It shall be unlawful for any person to intentionally damage, deface, alter, or destroy any tangible property when that person has no right to so act.

*(Code of Iowa, Section 716.1)*

- B. Multiple Acts. Whenever criminal mischief is committed upon more than one item of property at approximately the same location or time period, so that all of these acts of mischief can be attributed to a single scheme, plan, or conspiracy, such acts shall be considered as a single act of criminal mischief.

*(Code of Iowa, Section 716.2)*

**6-3-9 Defacing Notices.** It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

*(Code of Iowa, Section 716.1)*

**6-3-10 Trespass.** It is unlawful for a person to knowingly trespass upon the property of another. As used in this Section, the term "property" includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term "trespass" means one or more of the following acts:

*(Code of Iowa, Section 716.7 and 716.8)*

- A. To enter upon or in property without justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything inanimate or animate.

*(Code of Iowa, Section 716.7[2a])*

- B. To enter or remain upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

*(Code of Iowa, Sec. 716.7 [2b])*

- C. To enter upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

*(Code of Iowa, Sec. 716.7 [2c])*

- D. To be upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

*(Code of Iowa, Sec. 716.7 [2d])*

- E. Exception. Trespassing shall not include entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to retrieve the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

*(Code of Iowa, Sec. 716.7 [3])*

**6-3-11 Obstructing a Public Official.**

- A. Interference with Official Acts. It shall be unlawful for any person to knowingly resist or obstruct any one known by the person to be a peace officer in the performance of any act which is in the scope of the officer's lawful duty or authority, or to knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any Court.

*(Code of Iowa, Section 719.1)*

- B. Refusing to Assist Officer. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting an arrest, or to prevent the commission of any criminal act, shall render assistance as

required. It shall be unlawful for any person to unreasonably and without lawful cause to refuse or neglect to render assistance when so requested.

*(Code of Iowa, Section 719.2)*

- C. Harassment of Public Officers and Employees. It shall be unlawful for any person to willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

*(Code of Iowa, Section 718.4)*

### **6-3-12 Drug Paraphernalia.**

- A. Definitions. As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance. "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

*(Code of Iowa, Section 124.414[1])*

- B. Manufacture, Deliver, Sell or Possession. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

*(Code of Iowa, Section 124.414[2])*

- C. Advertisement of Drug Paraphernalia Prohibited. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication of any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

### **6-3-13 Disorderly Conduct.** It shall be unlawful for any person to do any of the following:

- A. Engages in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
- B. Makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.
- C. Directs abusive epithets or makes any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

- D. Without lawful authority or color of authority, the person disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
- E. By words or action, initiates or circulates a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
- F. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault.

*(Iowa Code, Section 723.4)*

**6-3-14 Permitting Disorderly Conduct.** It shall be unlawful for any person to allow or permit any disorderly conduct prohibited in **Section 6-3-13** in any house or upon any premises owned, occupied, or possessed by him.

**6-3-15 Urinating and Defecating.** It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway, or window thereof, or onto any public or private land.

**6-3-16 Unlawful Assembly.** It shall be unlawful for two (2) or more persons to assemble together, if any or all of them act in a violent manner, with the intent that any or all of them will commit a public offense. In addition, it shall be unlawful for any person to willingly join in or remain a part of an unlawful assembly knowing or having reasonable grounds to believe that it is such.

*(Code of Iowa, Section 723.2)*

**6-3-17 Failure to Disburse.** A peace officer may order the participants in a riot or unlawful assembly, or persons in the immediate vicinity of a riot or unlawful assembly, to disburse. It shall be unlawful for any person within hearing distance of such a peace officer to refuse to obey said command.

*(Code of Iowa, Section 723.3)*

**6-3-18 Nudity.** It shall be unlawful and considered disorderly conduct for a man or woman to display his/her private parts, as defined as person's genitalia, buttocks or a woman's breasts, in public.

**6-3-19 Police Dogs, Willful Mistreatment — Interference.** It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the Police Department in the functions or duties of such department, or to interfere with or tamper with any such dog while being used by the Police Department.

*(Code of Iowa, Section 717B.9)*

**6-3-20 Weapons.**

- A. **Discharging Firearms.** It shall be unlawful for any person to throw any missile upon any street, alley, public place or to discharge any firearm, B.B. gun, pellet gun, bow and arrow, sling shot, or any other device which discharges a projectile, within the corporate limits of the City of Muscatine, except on a recognized target range.

*(Code of Iowa, Section 364.12[2])*

Deer Hunting Exception. It shall not be deemed a violation of this Subsection to use a bow and arrow to hunt deer on parcels of two (2) acres or more, or to discharge a firearm, other than a centerfire rifle or other offensive weapon as defined by Iowa Code, to hunt deer on parcels of sixty (60) contiguous acres or more, subject to the following conditions:

1. The person is the owner of the property or has permission from the owner to allow for bow or firearm hunting.
  2. The person bow hunting must successfully complete a proficiency test as approved by action of the Muscatine City Council.
  3. The person has a license or permit required by the State of Iowa to hunt deer with a bow or firearm.
  4. The person has a permit issued by the Muscatine City Clerk.
  5. The bow hunt shall be authorized by action of the Muscatine City Council prior to October 1 of each year, during the time when such hunting is allowed by the law and regulations of the State of Iowa.
  6. Hunting shall not occur within 50 yards of any residence, church, or occupied structure.
  7. The bow hunt shall be limited to the sex of the deer allowed by the laws or regulations of the State of Iowa and as allowed by action of the Muscatine City Council.
  8. The person hunting must demonstrate compliance with these requirements to any law enforcement officer upon request.
  9. Persons wishing to participate in the bow hunting program are required to attend an informational meeting held by the City of Muscatine in advance of the designated season.
  10. With the permission of City Council, designated public property may be used during the designated hunting season.
  11. Property owners with adjoining lot lines will be permitted to combine properties to reach the minimum two (2) acres required for bow hunting and there will be no zoning restriction on this acreage. However, property owners are not allowed to join property in order to reach the sixty-acre (60) requirement needed to qualify for the firearm hunting exception allowed under this Section. The sixty (60) acres must be contiguous.
- B. Carrying of Weapons. It shall be unlawful for any person to go armed with a dangerous weapon concealed on or about the person, or to, within the limits of the City, go armed with a pistol or revolver, or any loaded firearm of any kind, whether concealed or not, or to knowingly carry or transport in a vehicle a pistol or revolver, except as otherwise provided under **Chapter 724.4 of the Code of Iowa.**
- (Code of Iowa, Section 724.4)*
- C. Peace Officers – Exception. Nothing in this Section shall be construed to prevent peace officers from using their weapons in the performance of their duties.

**Title 6 – Police and Public Safety**  
**Chapter 4 – Graffiti**

SECTIONS:

- 6-4-1 Definitions
- 6-4-2 Graffiti Prohibited
- 6-4-3 Graffiti Declared a Nuisance
- 6-4-4 Implements of Graffiti – Restrictions
- 6-4-5 Penalties

**6-4-1 Definitions.**

- A. "Graffiti" means any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture, or letter placed upon the real or personal property of an owner, excluding vehicles, without the owner's express consent; provided, however, consent of the owner shall not be an exception where the graffiti is visible from public property or right-of-way and tends to incite violence or disorderly conduct or is obscene under state law. After a prima facie showing that an inscription or marking is graffiti, the burden of proving the owner's express consent is upon the defendant.
- B. "Hearing officer" means the City Administrator or his/her designee.
- C. "Implement of graffiti" means a spray paint container, paint, ink, marking pens containing non-water soluble fluid, brushes, or other materials used for painting, marking, scratching or etching in a non-temporary way.
- D. "Minor" means any person under the age of eighteen years.

**6-4-2 Graffiti Prohibited.**

- A. It shall be unlawful for any person to place graffiti upon the real or personal property of another.
- B. It shall be unlawful for any person to have graffiti, visible from public property or right-of-way, upon his real or personal property for more than a reasonable time period not to exceed ten days.

**6-4-3 Graffiti Declared a Nuisance.** Graffiti, visible from public property or right-of-way, is hereby declared a nuisance and must be removed by the property owner within a reasonable time period not to exceed thirty (30) days after notification by the City. Said notice shall be delivered personally or telephonically to the property owner followed by written notice through the regular United States mail. The property owner shall be informed in said notice as to the deadline by which he or she must act. If the property owner wishes to appeal the notice, he or she may do so by filing a written notice of appeal with the office of the City Clerk and paying an appeal fee of twenty-five dollars (\$25.00). Said appeal shall be heard by the hearing officer. Upon hearing, the hearing officer shall make a determination if graffiti is present. If graffiti is found to be present, said hearing officer shall specify a time by which the graffiti shall be removed. If the graffiti remains after the deadline provided by the initial notice, or in the case of an appeal the deadline specified by the hearing officer, the City may remove the graffiti and assess the cost of abatement against the property.

#### **6-4-4 Implements of Graffiti – Restrictions.**

- A. No person shall sell or otherwise transfer any spray paint in cans larger than three fluid ounces to a minor. The sale or transfer of more than 3 cans containing 3 or less fluid ounces at any one time is prohibited.
- B. No minor shall, at the time of purchase of any spray paint container, furnish fraudulent evidence of majority.
- C. No minor shall possess a spray paint container in cans larger than three fluid ounces on any private property, except with the express permission of the lawful owner or manager of said private property.
- D. No minor shall possess an implement of graffiti upon public property at any time when not in the company of his/her parent or legal guardian.
- E. No person shall, absent express permission of the property owner, possess an implement of graffiti in any public building, or upon any public property or private property with the intent to use the same to deface said building or any property thereon.
- F. Any person whose business includes the sale of any spray paint container shall have posted in a conspicuous place a sign which clearly states that: "It is unlawful to sell spray paint in cans larger than three fluid ounces to any person under the age of 18 years."

**6-4-5 Penalties.** A violation of Section 6-4-2(A) or Section 6-4-4(A-E) may constitute either a simple misdemeanor or a municipal infraction. A violation of Sections 6-4-2(B), 6-4-3, 6-4-4(F) is a municipal infraction. Any simple misdemeanor violation under this Chapter shall be punished as set out in Section 1-2-14 of this Code of Ordinances. A municipal infraction violation under this Chapter shall be subject to a penalty as set out in Title 1, Chapter 3 of this Code of Ordinances.

**Title 6 – Police and Public Safety**  
**Chapter 5 – Minors**

SECTIONS:

6-5-1 Curfew Definitions

6-5-2 Cigarettes and Tobacco

6-5-3 Contributing to Delinquency

**6-5-1 CURFEW:**

A. Definitions.

1. Minor - An unemancipated person who has not yet reached their 18th birthday.
2. Parent - A person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or by virtue of Court Order.
3. Street - A way or place, of whatever nature, open to the use of the public as a matter of right for vehicular or pedestrian travel, including but not limited to streets, alleys, sidewalks, irrespective of what the right of way is called.

B. Hours of Curfew. It shall be unlawful for any minor under the age of eighteen (18) years to be or remain, in or upon any of the alleys, streets, or other public places in the City between the hours of twelve o'clock (12:00) a.m. and five o'clock (5:00) a.m..

C. Exceptions. In the following cases the presence of a minor on a City street or other public place shall not constitute a violation of this Ordinance:

1. When the minor is accompanied by the minor's parent.
2. When the minor is accompanied by an adult at least eighteen (18) years of age authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose
3. When the minor exercises First Amendment rights, such as free exercise of religion, freedom of speech, right of assembly, or right to petition the government, and the use of City streets or other public places is a necessary incident thereto.
4. When the minor is traveling, via direct route, to or from a place of employment, or such travel necessary in conjunction with employment duties.
5. When the minor is traveling through the City from and to destinations outside the City, with no point of destination within the City, when such travel is by direct route.
6. When the minor is returning home by a direct route from and within 30 minutes from the termination of a school or church activity, or government sponsored activity or event.
7. When the minor is traveling to or from a City, school or church sponsored after prom event.

- D. Responsibility of Adults. It shall be unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys or other public places within the curfew hours set by **Subsection 6-5-1[B]**, except as otherwise provided in Subsection **6-5-1[C]**.
- E. Enforcement. Any peace officer of this City while on duty is hereby empowered to arrest any minor who violates any of the provisions of this Ordinance. Upon arrest, the minor shall be returned to the custody of the parent, legal guardian or other person charged with the care and custody of the minor.

**6-5-2 Cigarettes and Tobacco.** It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen (18) years of age shall not constitute a violation of this Section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under **Chapter 453A of the Code of Iowa** and lawfully offers for sale or sells cigarettes or tobacco products.

**6-5-3 Contributing to Delinquency.** It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

*(Code of Iowa, Sec. 709A.1)*

**6-5-4 Penalty.** A violation of any of the provisions of this Chapter is a simple misdemeanor and is punishable as provided in **Iowa Code section 903.1**, maximum sentence for misdemeanants.

**Title 6 – Police and Public Safety**  
**Chapter 6 – Parental Responsibilities**

SECTIONS:

- 6-6-1 Title and Purpose
- 6-6-2 Definitions
- 6-6-3 Parental Duties
- 6-6-4 Parental Violation and Penalty
- 6-6-5 Notification of Parents; Record of Notification
- 6-6-6 Liability of Parents; Record of Notification

**6-6-1. Title and Purpose.** This Ordinance is declared necessary to protect and preserve the rights, privileges, and property of the City of Muscatine, Iowa, or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, and is intended to address situations where parents have failed to act responsibly and reasonably in the supervision of their minor children to the detriment of the general public.

**6-6-2. Definitions.**

- A. Delinquent Acts. Those acts which violate the laws of the United States, or the statutes of the state or the ordinances of the City or those acts which would cause or tend to cause the minor to come under the jurisdiction of the Juvenile Court but do not include traffic violations.
- B. Minor. For the purpose of this ordinance, Minor shall include persons who are under eighteen (18) years of age.
- C. Parent. A mother, father, legal guardian and any other person having the care or custody of a minor or any person acting in the parent's stead who has custody or control of the minor.
- D. Illegal Drugs. Controlled substances obtained without a legal prescription.
- E. Juvenile Delinquent. Those minors whose behavior interferes with the rights of others or menaces the welfare of the community.
- F. Recklessly. Conduct engaged in by a person in conscious disregard of a substantial and justifiable risk that circumstances exist or that a result will follow which constitutes an offense under this Section and where such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

**6-6-3. Parental Duties.**

- A. It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.

- B. Included (without limitation) in this continuous duty of reasonable parental control are the following duties,
1. To keep illegal drugs or illegal weapons out of the home and provide that legal weapons and/or ammunition are inaccessible to the minor except as provided in **Iowa Code Section 724.22**.
  2. To know the Curfew Ordinances (**Title 6, Chapter 5, City Code**) of the City of Muscatine, and to require the minor to observe the Curfew Ordinance.
  3. To require the minor, if sixteen (16) years of age or younger, to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission as provided in the Muscatine Community School **District attendance policy** unless the parent has filed the Affidavit as provided in **Iowa Code Section 299.6**.
  4. To arrange proper supervision for the minor when the parent must be absent, in accordance with Iowa Department of Human Services guidelines.
  5. To not knowingly allow or permit the minor to maliciously or willfully destroy real, personal or mixed property which belongs to the City of Muscatine, or is located in the City of Muscatine.
  6. To not knowingly allow or permit the minor to keep stolen property, illegally possess weapons or illegal drugs, or associate with known juvenile delinquents, or criminal street gang members and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

#### **6-6-4. Parental Violation and Penalty.**

- A. No parent of any minor under the age of 18 shall fail to exercise reasonable care.
- C. A violation of this Chapter is a municipal infraction punishable as provided in **Section 1-3-2** of this Code of Ordinances. in addition to the civil penalty provided therein, upon the second violation of this Chapter the parent or guardian may also be required to participate in and fully complete a City approved community-based treatment program (such as parenting skills, family services, employment and training, etc.).
- C. "For the city to prove a first, second, or subsequent violation of the ordinance, it must prove by clear, satisfactory, and convincing evidence that a parent failed to exercise reasonable parental control of his or her minor, and the [delinquent act] was caused by the parent's failure to exercise reasonable parental control."

*Hensler v. City of Davenport, 790 N.W.2d 569, 589 (Iowa 2010) & Iowa Code § 364.22(5)(b)*

#### **6-6-5. Notification of Parents; Record of Notification.**

- A. When a minor is apprehended or detained for a delinquent or reckless act, the parent shall receive a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service with a certificate of personal service returned, from

the police department of the City of Muscatine following said adjudication or nonjudicial sanction; and

- B. A record of such notification shall be maintained by the Records Division of the Muscatine Police Department.
- C. A copy of this notice shall be provided to the minor's school attendance center

**6-6-6. Liability of Parents; Record of Notification.**

- A. Liable for actual damages. The parent of an unemancipated minor who resides with such parent is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or property.
- B. Recovery. No recovery under this Section may exceed \$2,000.00 actual damages for any one act or \$5,000.00 to the same claimant for two or more acts of such willful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to be allowed in an action under this article for personal injury, only medical, dental and hospital expenses may be recovered.
- C. Other Liability. This article shall not affect the recovery of damages in any other cause of action where the liability of the parent is predicated on a common law or statutory basis.

**Title 6 – Police and Public Safety**  
**Chapter 7 – Specified Crime Property**

SECTIONS

- 6-7-1 Definitions
- 6-7-2 Specified Crime Property
- 6-7-3 Penalties
- 6-7-4 Procedure for Enforcement
- 6-7-5 Notice
- 6-7-6 Service of Notice
- 6-7-7 Administrative Appeal
- 6-7-8 Conduct of Hearing
- 6-7-9 Effect of Notice

**6-7-1. Definitions.** The following words, terms and phrases, when used in this Chapter, have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. "Bootlegging" means the illegal sale or service of alcoholic liquor, wine or beer in violation of this Chapter or **Iowa Code Chapter 123**.
- B. "Controlled substance" means a drug, substance or immediate precursor as defined by **Iowa Code Chapters 204A and 204B**.
- C. "Gambling" means games of skill or chance as defined by **Iowa Code Chapter 99B and prohibited by Iowa Code Chapter 725**.
- D. "Owner" means any person, agent, firm, corporation, association or a partnership, including a mortgagee in possession, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and the right to present use and enjoyment of the premises.
- E. "Person" means any natural person, association, partnership, corporation or other legal entity capable of owning or using property.
- F. "Police Chief" means the person who has the responsibility to supervise and direct the Police Department, and for the purposes of this Chapter may include his/her designee.
- G. "Prostitution, pimping or pandering" means those acts or activities as defined by this Chapter or **Iowa Code Chapter 725**.
- H. "Specified crime property" means any structure, including the real property upon which it is situated, in which activity involving the unauthorized delivery, possession or manufacture of a controlled substance, illegal gambling, bootlegging, prostitution, pimping or pandering is occurring.
- I. "Structure" means any building, building complex or structure, including but not limited to edifice, units or any portion thereof, and the real property upon which such building, building complex or structure is situated.

**6-7-2. Specified Crime Property.** No person shall use or allow to be used any structure as specified crime property. When the structure and the property upon which it is situated are owned by different persons, each person shall not use or allow to be used such structure and property as specified crime property.

**6-7-3. Penalties.** Any person who fails to perform an act required by this Chapter or who commits an act prohibited by this Chapter shall be guilty of a municipal infraction punishable by the Civil Penalty as provided by **Title 1, Chapter 3** of this Code of Ordinances.

**6-7-4. Procedure for Enforcement.**

- A. When the Police Chief has a reasonable belief that a structure is being used or maintained in violation of this Chapter, the Police Chief shall notify the owner of record in writing that the structure has been declared to be a Specified Crime Property.
- B. A reasonable belief that a structure is being used as a Specified Crime Property may be found from (but is not limited to) evidence of drug paraphernalia in or around the structure; an increase in vehicular or pedestrian traffic in or around the structure; observations of the exchange of money; verified citizen complaints of bootlegging; unauthorized delivery or manufacture of a controlled substance; illegal gambling, bootlegging, prostitution, pimping or pandering; and any other activity which leads a Police Officer to reasonably believe violations exist.

**6-7-5. Notice.** The notice required in this Chapter shall notify the owner of record in writing that a structure owned by him/her has been declared to be a Specified Crime Property, and such notice shall contain the following information:

- A. The street address and a description sufficient for identification of the premises on which the structure is located; and
- B. A statement that the Police Chief has found the structure to be in violation of this Chapter, with an explanation as to why the structure has been declared a Specified Crime Property.

**6-7-6. Service of Notice.**

- A. A copy of the notice given pursuant to this Chapter shall be served on the owner or an agent at least twenty (20) days prior to the commencement of any judicial action by the City. Service shall be made either personally or by mailing a copy of the notice by registered or certified mail, postage paid, return receipt requested, to each person at his/her address as it appears in the records of the County Auditor. In the event that notice is impossible to be served as set out above, a copy of the notice may be posted at the property, if ten (10) days have elapsed from the service or mailing of the notice to the owner and no response or reply has been received by the City from the owner during that period of time.
- B. The failure of any owner to receive actual notice of the determination of the Police Chief shall not preclude future proceedings under this Chapter.

#### **6-7-7. Administrative Appeal.**

- A. Upon receipt of a notice of Specified Crime Property, as set out in **Section 6**, the owner of record may challenge such notice by filing a request for an administrative hearing. Such request for hearing shall be in writing and filed with the Clerk within ten (10) days of service of the notice of Specified Crime Property. A copy of this Chapter is available, upon request, from City Hall for a copy fee.
- B. Failure to request a hearing within such time period or to attend a scheduled hearing shall be deemed a waiver of the right to such a hearing.

#### **6-7-8. Conduct of Hearing.**

- A. The hearing held pursuant to this Chapter shall be conducted before the Council within a reasonable period of time, but not to exceed fifteen (15) business days, excluding Saturdays, Sundays and City holidays, from the date of a written demand therefor. Such hearing may be continued for good cause. A notice of hearing, including the time, date and location of the hearing, shall be made by mailing a copy of the notice by first class mail, postage prepaid, to the owner of record.
- B. The sole issue before the Council shall be whether there exists a reasonable belief that the structure was being used as Specified Crime Property when the declaration of Specified Crime Property was made pursuant to **Section 1(H)**. The Council shall decide only that either (i) there is a reasonable belief that the structure was used as Specified Crime Property and that the provisions of this chapter shall apply, or (ii) there is not sufficient reasonable belief that the structure was being used as Specified Crime Property and that the procedures of this division shall be permanently stayed. A finding of no reasonable belief, however, shall not preclude a future independent complaint, investigation and notice of Specified Crime Property.
- C. The decision of the Council shall be issued within four (4) days of the hearing and the owner of record shall be notified consistent with the notice provisions of this Chapter.
- D. The decision of the Council shall be final.

#### **6-7-9 Effect of Notice.**

- A. Subsequent to the declaration and notice that there exists a Specified Crime Property, an owner shall have the opportunity to abate the illegal activity within ten (10) days. If a landlord/tenant relationship, the owner/landlord may be deemed to have abated the activity upon demonstration that he/she has taken legal action as allowed by **Iowa Code Chapter 562A**, to terminate the rental agreement and continue in good faith to follow abatement procedures and provide the Police Chief with copies of all notices served in accordance with **Iowa Code Chapter 562A**.

- B. If after twenty (20) days the Police Chief determines that a Specified Crime Property has not been abated, a notice of fine and an order of abatement shall be filed in compliance with Iowa Code Chapter 364.22 and Title 1 Chapter 3 of this Code of Ordinances.

**Title 6 – Police and Public Safety  
Chapter 8 – Animal Regulations**

SECTIONS:

- 6-8-1 Definitions
- 6-8-2 Vaccination and Identification Required
- 6-8-3 Registration and License
- 6-8-4 Commercial Breeders
- 6-8-5 Actions Constituting a Nuisance
- 6-8-6 At Large Prohibited
- 6-8-7 Impoundment, Notice, Disposition
- 6-8-8 Animal Care
- 6-8-9 Rabies Suspects and Animal Bites
- 6-8-10 Vicious Animals; Guard or Attack Dogs
- 6-8-11 Dogs in Heat
- 6-8-12 Keeping of Dangerous Animals
- 6-8-13 Seizure, Impoundment, and Disposition of Dangerous Animals
- 6-8-14 Penalties
- 6-8-15 Exemption for Police Service Dogs (K9s).

**6-8-1 Definitions.** For use in this Ordinance, the following terms are defined:

- A. "Dogs" means both male and female animals of the canine species whether altered or not.
- B. "Animal" means dogs, cats, all domestic animals, and any other animal owned by a person.
- C. "At large" means any animal found off the premises of his owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash, or "at heel" beside a competent person and obedient to that person's command.
- D. "Owner" means any person or persons, firm, association, or corporation owning, keeping, sheltering, or harboring an animal.
- E. "Vicious animal" means any animal that bites or attacks human beings or other animals or in a vicious and terrorizing manner attacks, or approaches in apparent attitude of attack, a person upon the streets, sidewalks, or any other public ground or place or any private property other than the premises of the owner, possessor, or keeper of such animal, or a dog that runs after and bites or barks at horses, bicycles, or any vehicle being ridden or driven upon the streets, sidewalks, or any public ground or place within the City.
- F. "Dangerous animals" means:
  - 1. Any animal which is not naturally tame or gentle; which is of a wild nature or disposition; and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so.
  - 2. Any animal declared to be dangerous by the City Council.

3. The following animals which shall be deemed to be dangerous animals per se:
  - a. Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs, and bobcats;
  - b. Wolves, coyotes, and foxes;
  - c. Badgers, wolverines, weasels, and skunks;
  - d. Raccoons;
  - e. Bears;
  - f. Monkeys and chimpanzees;
  - g. Alligators and crocodiles;
  - h. Scorpions;
  - i. Snakes that are venomous or constrictors;
  - j. Gila monsters; and
  - k. Any crossbreed of such animals which have similar characteristics to the animals specified above.
  
- G. "Altered" means a neutered male dog or cat which has been rendered sterile by a surgical procedure (orchietomy), or a spayed female dog or cat which has been rendered sterile by a surgical procedure (ovariohysterectomy).
  
- H. "Unaltered" means a dog or cat that has not been altered as defined in this Section.
  
- I. "Commercial Breeder" means an owner, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the owner. An owner who owns or harbors three or less breeding males or females is not a commercial breeder.

**6-8-2 Vaccination and Identification Required.**

- A. All dogs and cats six (6) months or older shall be vaccinated against rabies. The owner of any dog or cat shall cause to be placed upon the neck of such dog or cat so owned, kept, or harbored, a collar made of durable material having attached thereto a durable tag showing that the dog or cat has a current rabies vaccination and a durable tag indicating the name of the animal, if any, the owner's name, current address and telephone number, if any, and the license tag as provided in **Section 6-8-3** of the City Code of Muscatine. The collar with the attached tag shall be kept on such dog or cat at all times.
  
- B. All licensed veterinarians shall monthly furnish to the City Department of Finance a list of those dogs and cats receiving rabies vaccinations or inoculations listing the name, address and telephone number of the owner securing the rabies vaccination or inoculation.

### **6-8-3 Registration and License.**

- A. All dogs or cats six (6) months of age or older shall be registered by an owner who is 18 years of age or older and the owner, except owners of seeing-eye dogs or owners who are confined to a wheelchair who are exempt from paying the annual fee but shall register their dogs or cats, shall pay the annual fee to the City in the office of the Department of Finance and Records. The fee required by this Section shall be set by resolution of the City Council and is listed in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances. The license will be in full force and effect until the anniversary date of the rabies vaccination or inoculation of the animal and thereafter shall be renewable annually.
- B. It is the responsibility of the owner to furnish written proof that the dog or cat being registered is altered. Persons making a license renewal application received after thirty (30) calendar days of license expiration date shall pay as a penalty an additional sum of \$5.00.
- C. The provisions of this Section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or animal rescuer or Animal Control Officer or Police Officer or whose owners are nonresidents temporarily within the City for a period not exceeding thirty (30) calendar days.
- D. It shall be a violation of this Section for any person to knowingly issue a check for which funds are insufficient or to stop payment on any check written in payment of fees contained in this Section. Any license(s) or penalties paid for with such checks are, in the case of the license, invalid, and in the case of the penalty, still outstanding.
- E. No dog or cat shall be registered or licensed under this Section unless a certificate of a licensed veterinarian certifying to the fact and date of rabies inoculation of such dog or cat shall have been filed with or exhibited to the authorized agent of the City in the Department of Finance and Records, showing vaccination or inoculation as required by **Section 6-8-2** of the City Code.
- F. Upon payment of the fee as provided in this Section and upon producing a certificate of inoculation or vaccination, the agent of the City in the Department of Finance shall furnish to the person paying such fee a numbered license tag and memorandum of registry for each dog or cat for which such fee has been paid. It shall be a violation of this Section for any person to sell or transfer ownership of any dog or cat over six (6) months of age without a dog or cat license.
- G. The Department of Finance and Records shall keep a complete registry of all licensed dogs and cats, their breed, color and sex, and shall also enter therein the name and address of the owner as given and the number of the license tag.

**6-8-4 Commercial Breeders.** An owner who is a commercial breeder and who holds a commercial breeders license or certificate, if federally licensed, issued by the State of Iowa, and a State of Iowa Sales Tax Certificate, is exempt from the provisions of this Chapter with regard to licensing, however, such owner shall register with and pay

an annual Commercial Breeders fee to the City in the office of the Department of Finance and Records and shall have proof of valid rabies vaccination as required by this Chapter. The fee required by this Section shall be set by resolution of the City Council and is listed in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances.

**6-8-5 Actions Constituting a Nuisance.**

- A. It shall be unlawful for any person who possesses, harbors, or is in charge of any dog or other domestic animal not to immediately remove excrement deposited by said animal upon a common thoroughfare, street, sidewalk, play area, park, or upon any other public property, or upon any private property when permission of the owner or tenant of said property has not been obtained, and such is hereby deemed to be a public nuisance and prohibited. All excrements removed shall be placed in an airtight container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.
- B. It shall be unlawful for any owner of any animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.
- C. It shall be unlawful for an owner of any animal to allow or permit such animal to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, meowing, or otherwise; or by running after or chasing persons, bicycles, automobiles, or other vehicles.

**6-8-6 At Large Prohibited.** It shall be unlawful for any owner or person having the care, custody, or control of any animal to allow such animal to run at large within the City.

**6-8-7 Impoundment, Notice, Disposition.**

- A. Any animal found running at large shall be taken by the Animal Control Officer or any Police Officer and impounded in the local animal shelter and there confined in a humane manner for a period of not less than seven (7) days, and thereafter disposed of in a humane manner as authorized.
- B. When animals are found running at large and their ownership is known to the Animal Control Officer or Police Officer, such animal need not be impounded, but such officer may cite the owners of such animal to appear in court to answer charges of the violation of this Chapter.
- C. Immediately upon impounding animals, the Animal Control Officer or Police Officer shall make every possible reasonable effort to notify the owners of such animal so impounded and inform such owners of the conditions whereby they may regain custody of such animal.

#### **6-8-8 Animal Care.**

- A. No owner shall fail to provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal.
- C. No owner of an animal shall abandon such animal.
- D. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.
- E. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by a domestic animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- F. Owners of animals shall notify the U.S. Postal Service and utility companies when an "invisible fence" is in place to advise them of animals being kept on the premises of such owners and shall post a sign on the premises visible to the public indicating the presence of an "invisible fence". Proof of notification to the U.S. Postal Service and utility companies shall be filed with the City Clerk.

**6-8-9 Rabies Suspects and Animal Bites.** Any dog or cat which is suspected of having rabies, or which has bitten a person or other animal, shall be impounded and confined, either at the residence of the owner of said animal, or under the supervision of a licensed veterinarian, for observation. All fees for such impoundment and observation shall be the sole responsibility of the owner of such animal. Owners choosing to impound or confine animals at their residence shall complete a "Voluntary Animal Confinement Form" which shall be provided to them by the Animal Control Officer. At the completion of the fourteen (14) day confinement period, the owner shall present the confined animal along with the Animal Confinement Form to a licensed veterinarian. The veterinarian shall then examine the animal and complete the appropriate section of the Voluntary Animal Confinement Form. The owner of the animal shall then return this form to the Animal Control Officer.

- A. Any dog or cat impounded under the provisions of this Section shall be placed in a suitable facility and quarantined for a period of not less than fourteen (14) days at the sole expense of the owner.
- B. Any such animal impounded under the provisions of this Section shall be destroyed upon determination that such animal is infected with rabies.

- C. It shall be the duty of the owner of any dog, cat, or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to the Animal Control Officer. It shall be the duty of physicians and veterinarians to report to the Animal Control Officer the existence of any animal known or suspected to be suffering from rabies.

*(Code of Iowa, Sec. 351.38)*

**6-8-10 Vicious Animals; Guard or Attack Dogs.**

- A. It shall be unlawful for any person to keep or harbor a fierce or vicious animal, except in an authorized zoo or zoological park.
- B. If satisfied that an animal is accustomed to seizing and biting people or is vicious and has actually bitten one or more persons, the Chief of Police, or his or her designated representative, may, if he finds such animal at large, kill the same without previous notice to the owner.
- C. Dogs maintained as guard dogs or placed in an enclosed area for the protection of persons or property shall not be included under this Section as long as they remain in this enclosed area and are completely confined in a kennel, yard, or other space when not being used as a guard dog.
- D. The owner, or other person in control if not the owner, of all premises upon which attack and guard dogs are maintained shall post signs on, over, or next to all exterior doors stating that such dogs are on the premises. At least one (1) such sign shall be posted at each driveway or entrance way to said premises.

**6-8-11 Dogs in Heat.** Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

**6-8-12 Keeping of Dangerous Animals.** No person shall keep or permit to be kept any dangerous animal as a pet nor for display or for exhibition purposes, whether gratuitously or for a fee, except that this prohibition shall not apply to the keeping of dangerous animals in a public zoo, public aquarium, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study; or for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show licensed to perform in the City; or in a bona fide licensed veterinary hospital for treatment. It shall be the duty of the persons permitted to keep dangerous animals under this Section to immediately report to the Police Department when any dangerous animal is found missing.

### **6-8-13 Seizure, Impoundment, and Disposition of Dangerous Animals.**

- A. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Police Chief, or his or her designee, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
- B. Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City in violation of this Chapter or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the Police Chief, or his or her designee, shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering, or harboring a dangerous animal in the City, the Police Chief, or his or her designee, shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under **Section 6-8-12** of this Code to possess dangerous animals, or destroy the animal within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the Police Chief, or his or her designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- C. The order to remove a dangerous animal issued by the Police Chief, or his or her designee, may be appealed to the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three (3) days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.
- D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled for the next regular Council meeting after receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council may affirm or reverse the order of the Police Chief, or his or her designee. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing or any continued session thereof.
- E. If the City Council affirms the action of the Police Chief, or his or her designee, the City Council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal remove such

animal from the City; permanently place such animal with an organization or group allowed under **Section 6-8-12** to possess dangerous animals; or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the Police Chief, or his or her designee, is not appealed or is not complied with within three (3) days of the order of the City Council after appeal has been served, the Police Chief, or his or her designee, is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If, at the end of the impoundment period, the person against whom the decision and order of the Police Chief, or his or her designee, or City Council was issued has not petitioned the Muscatine County District Court for a review of said order, the Police Chief, or his or her designee, shall cause the animal to be disposed of by sale, permanently placing such animal with an organization or group allowed under **Section 6-8-12** to possess dangerous animals, or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animal, which said fee shall be the actual cost of the feeding and care of the animal.

**6-8-14 Penalties.**

- A. Any person or owner of property who violates the provisions of this Chapter shall be guilty of a misdemeanor and subject to a penalty as set out in **Section 1-2-14** of this Code of Ordinances.
- B. Any owner or person charged with a first or second violation of this Chapter may present such summons at the Public Safety Building in the City of Muscatine and pay such fine without appearance in court, and upon payment of the fine, shall be deemed to have pleaded guilty to the offense charged. Nothing herein contained shall be construed to prohibit any person charged with a violation of this Chapter from contesting such charge. The provisions of this Subsection shall not be applicable upon the filing of a complaint and summons for the third or subsequent violations of this Chapter.

**6-8-15 Exemption for Police Service Dogs (K9s).** This Chapter shall not apply to police service dogs (K9s) used by a law enforcement agency that is acting in the performance of its duties.

**Title 6 – Police and Public Safety**  
**Chapter 9 – Keeping of Pit Bull Dogs**

SECTIONS:

- 6-9-1 Purpose
- 6-9-2 Keeping of Pit Bull Dogs Prohibited
- 6-9-3 Definition
- 6-9-4 Spayed or Neutered
- 6-9-5 Leash Requirement
- 6-9-6 Confinement
- 6-9-7 Confinement Indoors
- 6-9-8 Signs
- 6-9-9 Financial Responsibility
- 6-9-10 Identification Photographs and Microchips
- 6-9-11 Reporting Requirements
- 6-9-12 Sale or Transfer of Ownership Prohibited
- 6-9-13 Irrebuttable Presumptions
- 6-9-14 Failure to Comply
- 6-9-15 Violation - Penalty

**6-9-1 Purpose.** In order to protect the health, safety and welfare of the residents and citizens of the city, the provisions of this Chapter are enacted by the City Council.

**6-9-2 Keeping of Pit Bull Dogs Prohibited.** It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the City, any pit bull dogs; provided that pit bull dogs licensed with the City within thirty (30) days of the effective date of this Chapter, August 1, 2003, may be kept within the City subject to the standards and requirements set forth in this Chapter.

**6-9-3 Definition.** "Pit bull dog" is defined to mean the following:

- A. Staffordshire terrier breed of dog;
- B. The American pit bull terrier breed of dog;
- C. The American Staffordshire terrier breed of dog;
- D. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire terrier, American pit bull terrier, or American Staffordshire terrier.

**6-9-4 Spayed or Neutered.** All pit bull dogs shall be spayed or neutered within sixty (60) days of the effective date of this Chapter or by six months of age and a certificate that such dog has been spayed or neutered shall be filed with the City Clerk.

**6-9-5 Leash Requirement.** No person shall permit a licensed pit bull dog to go outside its kennel or pen unless such dog is securely muzzled and leashed with a leash no longer than six feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, dog houses or buildings.

**6-9-6 Confinement.** All licensed pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine licensed pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor of solid construction (such as concrete) to prevent escape and to allow for proper cleaning, odor control and health of the dog, attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately ventilated and kept in a clean and sanitary condition.

**6-9-7 Confinement Indoors.** No pit bull dog may be kept on a porch, patio or in a part of the house or structure that would allow the dog to exit such building on its own volition. In addition, no pit bull dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

**6-9-8 Signs.** All owners, keepers or harborers of licensed pit bull dogs within the City shall within ten days of the effective date of the ordinance codified in this Chapter shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog, Pit Bull on Premises". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

**6-9-9 Financial Responsibility.** All owners, keepers or harborers of licensed pit bull dogs must within ten days of the effective date of the ordinance codified in this Chapter provide proof to the City Clerk of financial responsibility. The financial responsibility requirements for the issuance of a license issued under this Chapter shall be set by resolution of the City Council and are listed in the [Schedule of Permit and Licensing Requirements](#) in Appendix B of this Code of Ordinances. The financial responsibility requirement of this Section may be met by a homeowner's or tenant's insurance policy if such policy clearly and specifically provides coverage in the amounts required. Such insurance policy shall provide that no cancellation of that policy will be made unless ten days written notice is first given to the City Clerk of the City.

**6-9-10 Identification Photographs and Microchips.** All owners, keepers or harborers of licensed pit bull dogs must within ten days of the effective date of the ordinance codified in this Chapter provide to the City Clerk proof that an identification microchip has been implanted between the shoulder blades of the pit bull dog and shall affix a tag to the collar on the dog indicating that a microchip has been implanted between the shoulder blades of the pit bull dog.

**6-9-11 Reporting Requirements.** All owners, keepers or harborers of licensed pit bull dogs must within ten days of the incident, report the removal from the City or death of a licensed pit bull dog or the new address of a licensed pit bull dog owner should the owner move within the corporate limits of the City in writing to the City Clerk.

**6-9-12 Sale or Transfer of Ownership Prohibited.** No person shall sell, barter or in any other way dispose of a pit bull dog licensed with the City to any person within

the City unless the recipient person resides permanently in the same household and on the same premises as the licensed owner of such dog; provided, that the licensed owner of a pit bull dog may sell or otherwise dispose of a licensed pit bull dog to persons who do not reside within the City.

**6-9-13 Irrebuttable Presumptions.** There shall be an irrebuttable presumption that any dog listed or registered with any kennel, association or public authority as a pit bull dog as defined in this Chapter is in fact a dog subject to the requirements of this Chapter.

**6-9-14 Failure to Comply.** It shall be unlawful for the owner, keeper or harbinger of a pit bull dog licensed with the City to fail to comply with the requirements and conditions set forth in this Chapter. Any pit bull dog found to be the subject of a violation of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply shall result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

**6-9-15 Violation – Penalty.** Any person violating or permitting the violation of any provision of this Chapter commits a municipal infraction and shall be subject to the civil penalty as provided in **Section 1-3** of this Code of Ordinances. In addition, the court shall order the license of the subject pit bull dog revoked and the dog removed from the City. Should the violator refuse to remove the dog from the City, the court shall find the violator in contempt and order the immediate confiscation and impoundment of the dog. Each day that a violation of this Chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this Chapter.

**Title 6- Police and Public Safety**  
**Chapter 10-Aggressive Panhandling Prohibited**

SECTIONS:

6-10-1 Purpose

6-10-2 Definitions

6-10-3 Prohibited Acts

6-10-4 Penalty

**6-10-1 Purpose.**

- A. The purpose of this Section is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians, and to otherwise foster a safe and harassment free climate in public places in the City.
- B. This Section is not intended to limit any person from exercising such person's constitutional right to solicit funds, picket, protest, or engage in other constitutionally protected activity.

**6-10-2 Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- A. "Aggressive Panhandling" is panhandling which demonstrates a specific intent to induce, solicit, or procure from another goods or money which includes one or more of the following actions:
  - 1. The touching of the solicited person without the solicited person's consent;
  - 2. Blocking the path of travel of the person being solicited;
  - 3. Blocking the entry or exit of a person being solicited to any vehicle or building;
  - 4. Continuing to solicit or request a donation from a person after that person has refused an earlier request verbally or has ignored the request;
  - 5. Following or remaining alongside a person who, after being solicited, walks away from the person panhandling and doing the same in a manner that would cause a reasonably prudent person to feel threatened, intimidated, or fearful;
  - 6. Making any statement, gesture, or other communication that would cause a reasonably prudent person to feel threatened, intimidated, or fearful;
  - 7. Soliciting a person who is in a situation in which it would be obvious to a reasonably prudent person that the person being solicited would not feel free to immediately walk away, and shall include, but is not limited to, soliciting the person at any bus stop, in any public transportation vehicle, in a line waiting for service or admission, or dining at an outdoor service area;

8. Soliciting a person within fifty feet (50') of an automatic teller machine or an entrance to a bank or similar institution.
  9. Behavior which would deter a reasonably prudent person from passing through or remaining in or near any thoroughfare, or public place because of fear, concern, or apprehension caused by such behavior.
- B. "Automated Teller Machine" is a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
  - C. "Intimidation" is conduct which repeatedly interferes with the free passage of other persons in or into public places or which demonstrates an attempt to discourage the free passage of other persons in or into public places.
  - D. "Panhandling" is any request for or solicitation of an immediate donation of money, and includes a request or solicitation to purchase an item for an amount far exceeding its value and circumstances where a reasonably prudent person would understand that the purchase is in substance a donation. Panhandling shall not include the act of passively standing, sitting, or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought without any verbal request for a donation other than in response to an inquiry by another person.
  - E. "Public Place" is any area generally visible to public view and includes streets, rights of way, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, communication facilities, transportation facilities, and buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways, entrances, or other openings in buildings or dwellings and the grounds enclosing them.
  - F. "Threats" are statements, gestures, or other forms of communication which a reasonably prudent person would perceive as intending to result in the procurement of money or goods by intimidation or coercion.

#### **6-10-3 Prohibited Acts.**

- A. It shall be unlawful for any person, either individually or as part of a group, to engage in aggressive panhandling in any public place.
- B. It shall be unlawful for two (2) or more persons to intentionally work in concert to commit acts that would constitute aggressive panhandling if those acts were performed by a single individual.
- C. To constitute a violation of this Section, the violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money.

**6-10-4 Penalty.** A violation of this Section may be prosecuted as a criminal or civil matter, and, upon conviction, an individual is subject to a penalty and other relief in accordance with **Section 1-2-14 or 1-3-2** of this Code.

**Title 6- Police and Public Safety  
Chapter 11 – Noise Regulations**

SECTIONS:

- 6-11-1 Definitions
- 6-11-2 Disturbing the Peace
- 6-11-3 Permitting Disturbing the Peace
- 6-11-4 Disturbing the Peace by a Person, Association, Firm, or Corporation
- 6-11-5 Motor Vehicle Maximum Sound Levels
- 6-11-6 Motorized Vehicles Operating Off of Public Right-of-Way
- 6-11-7 Noise Measurement Procedures
- 6-11-8 Exceptions
- 6-11-9 Penalty

**6-11-1 Definitions.**

- A. "A weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level also read is designated dB(A) or dBA.
- B. "Decibel (dB)" means a unit for measuring the volume of a sound.
- C. "Emergencies" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- D. "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum load weight of a single vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum load weight of the combination vehicle, shall be used.
- E. "Measurement procedures" means the sound level measurement procedure for the enforcement of this noise control ordinance as adopted by the Chief of Police.
- F. "Motor carrier vehicle engaged in interstate commerce" means any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972, as amended, pertaining to motor carriers engaged in interstate commerce.
- G. "Motor vehicles" means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go carts, snowmobiles, amphibious crafts on land, dune buggies, or racing vehicles, but not including motorcycles.
- H. "Motorcycles" means an unenclosed vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and mini bikes.

- I. "Muffler or sound dissipative device" means a device for abating the sound of escaping gases of an internal combustion engine.
- J. "Persons" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of a state or a political subdivision of a state.
- K. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.
- L. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- M. "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters. (ANSI SI.4 - 1971, or the latest approved revision thereof.) If the frequency weighting employed is not indicated, the A-weighting shall apply.
- N. "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

**6-11-2 Disturbing the Peace.** Every person who shall unlawfully disturb the public quiet of any street, alley, avenue, public square, or any religious or other public assembly or building, public or private, or any neighborhood, private family, person or law enforcement officer by giving loud false alarms of fire, by any loud noise, loud playing or loud rendition of music of any kind, loud singing, loud talking, loud amplification of sound, by loud ringing bells, loud blowing horns or other instruments, or by loud indecent, loud obscene, or loud profane language, loud conversation or conduct, or by loud quarreling, loud assaulting, loud fighting, loud honking horn, loud squealing tires, loud engine or loud muffler noise, or by any other loud device or loud means whatsoever including but not limited to the use of a mobile vehicle, which clearly can be heard by auditory senses (ears) by a reasonable person with reasonable hearing shall be deemed guilty of a misdemeanor. If the person holds a valid outdoor commercial entertainment establishment permit, or is granted permission to hold a special event, such as Great River Days, Holiday Stroll, parades, etc., this Section does not apply.

**6-11-3 Permitting Disturbing of Peace.** Every person who shall suffer or permit any loud hollering, loud howling, loud screaming, loud bellowing, loud dog barking, loud profane or loud obscene language, loud fighting, loud playing or loud rendition of music of any kind, loud singing, loud talking, loud amplification of sound, or any loud noise in any house, mobile vehicle, or upon any premises owned, occupied or possessed by him, or of which he has control as agent or otherwise, in such manner as to disturb any neighborhood or persons or law enforcement officer passing in the streets, which clearly can be heard by auditory senses (ears) by a reasonable person with reasonable hearing, shall be deemed guilty of a misdemeanor. The proof of such acts having been done in such place shall be prima facie evidence that the same was done with the permission of the owner, occupant, or possessor, but such presumption

may be rebutted by proof. If the person holds a valid outdoor commercial entertainment establishment permit, or is granted permission to hold a special event, such as Great River Days, Holiday Stroll, parades, etc., this Section does not apply.

**6-11-4 Disturbing the Peace by a Person, Association, Firm, or Corporation Legally Holding an Outdoor Commercial Entertainment Establishment Permit.**

Every person who has legally obtained an outdoor commercial entertainment establishment permit who shall suffer or permit any loud hollering, loud howling, loud screaming, loud bellowing, loud profane or loud obscene language, loud fighting, loud playing or loud rendition of music of any kind, loud singing, loud talking, loud amplification of sound within or outside of a building, or any loud noise upon the premises for which the permit was issued or of which he has control as agent which clearly can be heard by auditory senses (ears) by a reasonable person of reasonable hearing and after two (2) separate complaints by persons in a residential district have been made to the Police Department, verified by the Police Department that this section is being violated and after two (2) personal notifications by the Police Department to the person responsible for the premises, upon a third complaint by persons in a residential district to and verified by the Police Department that this Section is being violated, all within a period of twenty four (24) hours shall be deemed to have violated the terms of said permit, shall be charged with a municipal infraction and shall be subject to a civil penalty in the amount set by resolution of City Council and set out in the [Schedule of Penalties](#) in Appendix A to this Code of Ordinances. In addition, upon the receipt and verification of such three separate complaints, the City Administrator or his/her designee shall be authorized to immediately suspend the permit for three (3) days. After three convictions of a municipal infraction, the City Administrator or his/her designee is authorized to revoke the permit. The permit holder shall have the right to appeal any suspension or revocation of the permit under this Section to the City Council. All responsible persons shall be jointly and severally liable for civil penalties.

**6-11-5 Motor Vehicle Maximum Sound Levels.**

- A. It shall be unlawful for any person to operate or cause to be operated a motor vehicle or motorcycle on a public right-of-way at any time, in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table One for the speed limit zone, regardless of the actual speed of the motor vehicle or motorcycle.

Table One. Motor Vehicle and Motorcycle Sound Limits Measured at 50 Feet  
(Maximum Sound Level, Fast Meter Response)

Vehicle Class	Sound level in dBA	
	Speed Limit 35 MPH or Less	Speed Limit Over 35 MPH
Motor Carrier Vehicle engaged in Interstate Commerce of GVWR or GCWR of 10,000 lbs. or more.	86	90
All other motor vehicles of GVWR or GCWR of 10,000 lbs. or more.	86	90
Any Motorcycle	82	86
Any other vehicle or any combination of Vehicles towed by any other motor vehicle.	76	82

- B. Adequate Muffler or Sound Dissipative Devices.
1. No person shall operate or cause to be operated on a public right-of-way any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order, in constant operation, and that will sufficiently reduce sound to an acceptable level.
  2. No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or on a motorcycle.
- C. Motor Vehicle Horns and Signaling Devices. The following acts and the causing thereof are declared to be unlawful:
1. The sounding of any horn, bell, or other auditory device on or in any motor vehicle on any public right-of-way or public space for the period of more than one (1) minute in any hourly period, except as a warning of danger.
  2. The sounding of any horn or other auditory signaling device which produces a sound level in excess of 85 dBA at fifty (50) feet except as a warning of danger.
  3. No person shall operate or shall permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle for a period not longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred fifty (150) feet of a residential area or designated noise sensitive area, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. the following day.

**6-11-6 Motorized Vehicles Operating Off of Public Right-of-Way.**

- A. It shall be unlawful for any person to operate or cause to be operated any motorized vehicle off of a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in Table Two at a distance of fifty (50) feet or more from the path of the vehicle when operated on a public space or at or across the boundary of private property when operated on private property. This Section shall apply to all motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious crafts, campers, and dune buggies.

Table Two. Motorized Vehicle Sound Limits Measured at 50 Feet  
(Maximum Sound Level, Fast Meter Response)

<b>Vehicle Type</b>	<b>Sound level in dBA</b>
Snowmobile	78
Motorcycle	78
Any Other Motorized Vehicle	78

**6-11-7 Noise Measurement Procedures.** The Chief of Police shall promulgate the noise measurement procedures to be used for the enforcement of this Ordinance. These procedures shall be based on sound measurement methodology and instrumentation specified in the latest standards and recommended practices of the American National Standards Institute, Inc. (ANSI) and the Society of Automotive Engineers, Inc. (SAE). The procedure shall describe how to make sound measures at various distances from a sound source to obtain a valid result equivalent to a measurement of fifty feet (50').

**6-11-8 Exceptions.** The provisions of this Chapter shall not apply to the following:

- A. The operation of vehicles owned by publicly owned or licensed utilities when engaged in repair or maintenance of said utilities.
- B. The ceremonial use of signals or warning devices when used in conjunction with an event given prior approval by the Chief of Police.

**6-11-9 Penalty.** Any person who violates any of the provisions of this Chapter shall be deemed guilty of a simple misdemeanor and is punishable as provided in **Section 1-2-14** of this Code of Ordinances.

**TITLE 7 - VEHICLES AND TRAFFIC**  
**CHAPTER 1 – ADMINISTRATION AND ENFORCEMENT OF TRAFFIC CODE**

SECTIONS:

- 7-1-1 Definitions
- 7-1-2 Administration and Enforcement
- 7-1-3 Power to Direct Traffic
- 7-1-4 Obedience to Peace Officer
- 7-1-5 Scheduled Violations
- 7-1-6 Parking Violations; Uncontested
- 7-1-7 Administrative Review of Parking Violations.
- 7-1-8 Parking Violations; Contested
- 7-1-9 Parking Violations; Vehicle Unattended
- 7-1-10 Parking Violations; Simple Notice of Fine
- 7-1-11 Presumption in Reference to Parking Violations
- 7-1-12 Impounding Vehicles

**7-1-1 Definitions.** Unless otherwise expressly stated or the context clearly indicates a different intention, the following words and phrases when used in this Title shall have the meanings respectively ascribed to them in this Section:

- A. "Bicycle" shall mean every device solely propelled by human power upon which any person may ride, having two (2) tandem wheels, and including any device generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels.
- B. "Central business or traffic district" shall mean:
  - 1. The central business or traffic district shall consist of such streets and areas as shall from time to time be designated by motion of the Council.
  - 2. The following streets and alleys, and areas intersecting and adjacent thereto, are hereby designated as the central business or traffic district: Mississippi Drive from Oak Street to the theoretical intersection of Spruce Street; Second Street from Poplar Street to Pine Street; Third Street from Oak Street to Chestnut Street; Fourth Street from Poplar Street to Chestnut Street; Oak Street from Mississippi Drive to Fourth Street; Orange Street from Mississippi Drive to Fourth Street; Mulberry Avenue from Mississippi Drive to Seventh Street; Walnut Street from Mississippi Drive to Fourth Street; Cedar Street from Mississippi Drive to Fourth Street; Sycamore Street from Mississippi Drive to Fifth Street; Iowa Avenue from Mississippi Drive to Fourth Street; Chestnut Street from Mississippi Drive to Third Street; Pine Street from Mississippi Drive to Third Street.
- C. "Curb loading zone" shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during loading or unloading of passengers or materials.
- D. "Primary road(s)" shall mean those roads and streets both inside and outside the boundaries of the City of Muscatine that are under the Iowa Department of Transportation jurisdiction.

*(Iowa Code, Section 306.3)*

- E. "Roadway" shall mean that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used in this Chapter shall refer to any such roadway separately but not to all such roadways collectively.
- F. "Stop" shall mean complete cessation of movement when required.
- G. "Stop, stopping, or standing" shall mean, when prohibited, any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or traffic control sign or signal.
- H. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

**7-1-2 Administration and Enforcement.** Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Chief except where this Code assigns responsibilities to other parties.

*(Code of Iowa, Sec. 372.13 [4])*

**7-1-3 Power to Direct Traffic.** A peace officer, and, in the absence of a peace officer, any officer of the Fire Department when at the scene of a fire, is authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

*(Code of Iowa, Sec. 102.4 & 321.236[2])*

**7-1-4 Obedience to Peace Officers.** No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

*(Code of Iowa, Sec. 321.229)*

**7-1-5 Scheduled Violations.** For violations of the Traffic Code which are designated by **Section 805.8A of the Code of Iowa** to be scheduled violations, the scheduled fine for each of those violations shall be as specified in **Section 805.8A of the Code of Iowa**.

*(Code of Iowa, Sec. 805.8 & 805.8A)*

**7-1-6 Parking Violations: Uncontested.** Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of ten dollars (\$10.00) for all violations except snow route parking violations, junk or obsolete, and improper use of a persons with disabilities parking permit. The amount of the fine payable for each expired meter and overtime parking violation shall also be ten dollars (\$10.00). However, if the fine for an expired meter or overtime parking is paid within seventy-two hours (72) hours of the time and date of the violation, five dollars (\$5.00) of the fine amount will be waived. For those violations charged upon a simple notice of fine in the amount of ten dollars (\$10.00), if the number of citations issued for a vehicle exceeds twenty (20) citations in the same calendar year, the penalty shall be twenty-five dollars (\$25.00) for each citation

issued in excess of twenty (20) citations in the same calendar year. The simple notice of a fine for snow route parking violations is thirty-five dollars (\$35.00), the simple notice of fine for junk and obsolete violations is twenty dollars (\$20.00), and the simple notice of a fine for improper use of a persons with disabilities parking permit is two hundred dollars (\$200.00). Except for improper use of a persons with disabilities parking permit, if such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00).

**7-1-7 Administrative Review of Parking Violations.** If the driver or owner charged desires to have the parking violation administratively reviewed, a request for administrative review of the violation may be made to the parking violation Administrative Review Panel as provided in Subsection A of this Section or the violation may be charged and filed with the district court on a standard traffic citation pursuant to the Code of Iowa, as amended, as provided in **Section 7-1-8** of this Chapter.

- A. **Administrative Review:** A driver or owner charged with a parking violation may request an administrative review within ten (10) calendar days of the date the parking ticket was issued. The request shall be made on the form provided by the City and shall be reviewed by a three (3) member panel made up of a representative from the Police Department, the Finance Department, and a citizen-at-large to be appointed by the City Council. The panel shall consider the defenses or mitigating circumstances set forth on the review request form and shall base its findings and determination thereon. The panel may dismiss any notice of fine (ticket) for good cause.
- B. **Violation Not Dismissed By Administrative Review:** A driver or owner charged with a parking violation on a notice of fine (ticket) whose violation was reviewed but not dismissed by the Administrative Review Panel may contest the violation by requesting that it be charged and proceed before a court the same as other traffic violations as provided in **Section 7-1-8**.

**7-1-8 Parking Violations: Contested.**

- A. **Contesting Simple Fine.** Persons wishing to contest the simple fine may do so by appearing in person in the office of the Finance Department no more than ten (10) calendar days after the date of issuance of the simple fine or ten (10) days after the decision of the Administrative Review Panel, if an administrative review was requested pursuant to **Section 7-1-7** of this Code of Ordinances.
- B. **Contesting Simple Fine Procedure.** Persons wishing to contest the simple fine will do so in writing on forms provided by the Finance Department. After filing of the contest, a date and time of court appearance will be established and notice thereof provided to the person contesting the citation.

*(Code of Iowa, Sec. 805.6[1])*

**7-1-9 Parking Violations: Vehicle Unattended.** When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

**7-1-10 Parking Violations; Simple Notice of Fine.** If the City is regulating the standing or parking of vehicles under **Section 321.236[1] of Iowa Code**, the simple notice of a fine shall contain the following statement:

FAILURE TO PAY PARKING FINES OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION.

*(Iowa Code, Sections 321.40(7), 321.236, & 28E)*

**7-1-11 Presumption in Reference to Illegal Parking.** In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

- A. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
- B. Registered Owner. The defendant named in the information was the registered owner at the time in question.

*(Code of Iowa, Sec. 321.236[1])*

**7-1-12. Impounding Vehicles.** A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances provided below and elsewhere in this Code or as otherwise allowed by law:

- A. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

*(Code of Iowa, Sec. 321.236 [1])*

- B. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic, when a vehicle is parked in any municipal parking lot for more than twenty four hours, or when a vehicle is parked in a leased or reserved public parking space without proper authority.

*(Code of Iowa, Sec. 321.236 [1])*

- C. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.
- D. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

*(Code of Iowa, Sec. 321.236 [1])*

- E. Outstanding Violations. When any vehicle has ten (10) or more outstanding, unpaid parking violations for which payment is late thirty (30) days or more.

*(Code of Iowa, Sec. 321.236 [1])*

- F. Unlawfully Stored and Junked, Obsolete, or Abandoned Vehicles. When a vehicle is unlawfully stored, or is junked, obsolete, or abandoned as defined elsewhere in this Code.

*(Code of Iowa, Sec. 321.236 [1])*

- G. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this Chapter shall be required to pay the reasonable cost of towing and storage.

*(Code of Iowa, Sec. 321.236 [1])*

**TITLE 7 - VEHICLES AND TRAFFIC  
CHAPTER 2 – TRAFFIC REGULATIONS IN GENERAL**

SECTIONS:

- 7-2-1 Parades; Processions
- 7-2-2 Clinging to Vehicles
- 7-2-3 Riding on Parts of Vehicles Not for Passengers
- 7-2-4 Operation of Golf Carts
- 7-2-5 Avoidance of Traffic Control Devices
- 7-2-6 All-Terrain Vehicles
- 7-2-7 Driving through Funeral or Other Procession
- 7-2-8 Driving on Sidewalks
- 7-2-9 Careless Driving
- 7-2-10 Driving on Private Property
- 7-2-11 State Law; Law of the Road

**7-2-1 Parades; Processions.** No procession or parade, except forces of the United States Army, Navy, or Marine Corps, the military forces of this state, and the forces of the Police and Fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued pursuant to **Title 3, Chapter 3 of the City Code**.

**7-2-2 Clinging to Vehicles.** Any person riding upon any bicycle, moped, motorcycle, coaster, sled, roller skates, skateboards, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

**7-2-3 Riding on Parts of Vehicles Not for Passengers.**

- A. It shall be unlawful for the driver of any vehicle to permit any person to ride on the fenders, running boards, front ends, or rear ends of such vehicle or any part of a vehicle not intended for passengers, except for the purpose of repairing the same.
- B. It shall be unlawful for any person to ride on the fenders, running boards, front ends, or rear ends of any vehicle, or any part of a vehicle not intended for passengers, except for the purpose of repairing such vehicle.

**7-2-4 Operation of Golf Carts.** A person possessing a valid operator's license may operate a golf cart on city streets provided, however, that a golf cart shall not be operated upon a city street which is a primary road extension through the City but shall be allowed to cross a city street which is a primary road extension through the City. The golf carts shall be equipped with adequate brakes, a slow moving vehicle sign, and bicycle safety flag and operate on the streets only from sunrise to sunset.

**7-2-5 Avoidance of Traffic Control Devices.** It is unlawful for any person operating a motor vehicle to leave the roadway and travel across public or private property to avoid an official traffic control device.

**7-2-6 All-Terrain Vehicles.** As provided in **Iowa Code Section 321G.9(4)(a)** and any amendments thereto, any registered all-terrain vehicle owned by the City of Muscatine may be operated by Muscatine public safety personnel on all highways and streets in the City of Muscatine, Iowa, and other public places when required in carrying out their duties as directed by the Police Chief.

**7-2-7 Driving Through Funeral or Other Procession.**

- A. 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.
- B. Each driver in a funeral or other procession shall drive as near the right-hand edge of the roadway as practicable, shall follow the vehicle ahead as close as is practical and safe, and shall have the headlights turned on.

**7-2-8 Driving on Sidewalks.** The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

**7-2-9 Careless Driving.** No driver of a vehicle shall operate or halt the same negligently or needlessly in disregard to the rights or safety of persons or property.

**7-2-10 Driving on Private Property.** No driver of a vehicle shall operate or halt the same on private property without the consent of the owner thereof.

**7-2-11 State Law; Law of the Road.** The provisions of Chapter 321 of the Code of Iowa are hereby adopted by reference and it shall be unlawful for any person to violate any provision or amendments thereto, where the violation of such statute or statutes is declared, directly or indirectly, to be a misdemeanor, except such provisions as are by their nature inapplicable and not within the powers granted to cities of the class and size of this city to adopt.

**TITLE 7 - VEHICLES AND TRAFFIC  
CHAPTER 3 – CONTROLLED ACCESS FACILITY**

SECTIONS:

- 7-3-1 Exercise of Police Power
- 7-3-2 Definition
- 7-3-3 Exceptions
- 7-3-4 Unlawful Use of Controlled Access Facility

**7-3-1 Exercise of Police Power.** This Chapter shall be deemed an exercise of the police power of the City under **Chapter 306A, Code of Iowa**, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

*(Code of Iowa, Sec. 306A.1)*

**7-3-2 Definition.** For the purpose of this Chapter, a "Controlled Access Facility" shall mean a highway or street specifically designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right of easement of access, light, air, or view by the reason of the fact that their property abuts upon such controlled access facility or for any other reason. (Specifically this shall mean U. S. Highways 61 and 92 and Iowa Highways 22 and 38.)

*(Code of Iowa, Sec. 306A.2)*

**7-3-3 Exceptions.** This Chapter shall not be construed to effect existing entrances to the various Primary Road Extensions in the City.

**7-3-4 Unlawful Use of Controlled Access Facility.** It is unlawful for any person to:

- A. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
- B. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.
- C. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.
- D. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

*(Code of Iowa, Sec. 306A.3 and 321.366)*

**TITLE 7 - VEHICLES AND TRAFFIC  
CHAPTER 4 – TRAFFIC CONTROL DEVICES**

SECTIONS:

- 7-4-1 Authority to Install
- 7-4-2 Crosswalks; Safety Zones; Traffic Lanes
- 7-4-3 Authority to Sign One-Way Streets and Alleys

**7-4-1 Authority to Install.** The City Administrator, or his or her designate, shall, on motion of the Council, place and maintain traffic control signs, signals, and devices when and as required under this Code or when ordered to do so by motion of the City Council. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

*(Code of Iowa, Section 321.255)*

**7-4-2 Crosswalks; Safety Zones; Traffic Lanes.** The City Administrator, or his or her designate, is hereby authorized:

- A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks and trail crossings at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he or she may deem necessary.
- B. To establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians.
- C. To mark lanes for traffic on street pavements at such places as he or she may deem advisable, consistent with this Code.

*(Code of Iowa, Sec. 372.13[4] & 321.255)*

**7-4-3 Authority to Sign One-Way Streets and Alleys.** Whenever the Council shall, by motion or otherwise, designate any one-way street or alley, the City Administrator, or his or her designate, shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited, including the entrance to alleys.

*(Code of Iowa, Section 321.236[4])*

**TITLE 7 - VEHICLES AND TRAFFIC**  
**CHAPTER 5 –AUTOMATED TRAFFIC ENFORCEMENT**

**SECTIONS**

- 7-5-1 General
- 7-5-2 Definitions
- 7-5-3 Offense
- 7-5-4 Exceptions to Owner Liability
- 7-5-5 Penalty and Appeal

**7-5-1 General.** The City of Muscatine, in accordance with the police powers authorized it by the State of Iowa for governing safe traffic flow, may deploy, erect or cause to be erected an automated traffic enforcement system for making photographic, video or digital images of vehicles that fail to obey red light traffic signals at intersections designated by the City Administrator or his or her designee or fail to obey speed regulations at the designated intersections. The system may be managed by a private contractor that owns and operates the requisite equipment with supervisory control vested in the Muscatine Police Department. Photographs, video or digital images shall be provided by the contractor to the Muscatine Police Department for review. The Muscatine Police Department will determine which vehicle owners are in violation of the City's traffic control ordinance and are to receive a notice of violation for the offense.

**7-5-2 Definitions.**

- A. Automated Traffic Enforcement System. An electronic system consisting of photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video or digital images of each vehicle that violates a standard traffic control device or speed restriction.
- B. Vehicle Owner. The person or entity identified by the Iowa Department of Transportation, or registered with any other state vehicle registration office, as the registered owner of a vehicle. However, if the vehicle is leased or rented, "owner" means the person to whom the vehicle is leased or rented, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. For purposes of this section, "leased" or "rented" means the transfer of the possession or right to possession of a vehicle to a lessee for a valuable consideration for a continuous period pursuant to a written agreement.

**7-5-3 Offense.**

- A. The vehicle owner shall be liable for a fine as imposed below if such vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or red arrow.
- B. The vehicle owner shall be liable for a fine as provided in **Section 7-5-5** of this Code of Ordinances if such vehicle travels at a speed above the posted speed limit through the marked intersections.
- C. The citation will in no event be sent or reported to the Iowa Department of Transportation or similar department of any state for the purposes of being added to the vehicle owner's driving record.

**7-5-4 Exceptions to Owner Liability.** There shall be no liability pursuant to this Section if:

- A. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to **Section 321 of the Code of Iowa** or **Section 7-1-5 of the City Code**; or
- B. The violation occurred at any time after the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen, provided that the vehicle or its plates had not been recovered by the vehicle owner at the time of the alleged violation; or
- C. The vehicle in question was lawfully participating in a funeral procession; or
- D. The officer inspecting the recorded image determines that the vehicle in question entered the intersection in order to yield the right-of-way to an emergency vehicle.

**7-5-5 Penalty and Appeal.**

- A. Any violation of **Subsection 7-5-3[A]** shall be considered a notice of violation for which a civil fine of seventy-five dollars (\$75.00) shall be imposed, payable to the City of Muscatine.
- B. Any violation of **Subsection 7-5-3[B]** above shall be considered a notice of violation for which a civil fine as listed in the table below shall be imposed, payable to the City of Muscatine.

<b>Speed Over Limit</b>	<b>Civil Fine</b>
1 through 10 mph	\$ 0
11 through 20 mph	\$ 75
21 through 25 mph	\$ 100
26 through 30 mph	\$ 250
Over 30 mph	\$ 350

- C. A recipient of an automated traffic citation may contact the issuing officer and ask for an in-person review of the citation, the facts surrounding the issuance of the citation and to present any extenuating circumstances that pertain to that violation. Based on this review the issuing officer may sustain or void the citation.
- D. A recipient of an automated traffic citation may dispute the citation by requesting the issuance of a municipal infraction citation by the Police Department within the first thirty (30) days after the violation notice was mailed. Such request will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Muscatine County Courthouse. The issuance of a municipal infraction citation will cause the imposition of state mandated court costs to be added to the amount of the violation in the event of a guilty finding by the court.
- E. If a recipient of an automated traffic enforcement citation does not pay the fine by the stated due date or request a trial before a judge or magistrate within the thirty (30) days following the mailing of the notice, a second violation notice shall be mailed with a thirty-five dollar (\$35.00) late fee added to the civil fine. If at the end of the thirty (30) day period the recipient of the automated traffic enforcement citation does not pay

the fine or request a trial before a judge or magistrate the recipient shall be deemed guilty of violation and held liable for the fine plus the late fee.

- F. If the recipient of an automated traffic enforcement citation does not pay the fine and late fee by the stated due date on the second violation notice the civil penalties imposed under the provisions of this Ordinance shall be collectible, together with any interest and penalties thereon, by either a private agency on behalf of the City or by civil-suit.

**TITLE 7 - VEHICLES AND TRAFFIC  
CHAPTER 6 – SPEED LIMITS**

SECTIONS

- 7-6-1 General
- 7-6-2 Parks Cemeteries and Parking Lots
- 7-6-3 Special Speed Zones
- 7-6-4 Minimum Speed

**7-6-1 General.** Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

*(Code of Iowa, Sec. 321.285)*

**7-6-2 Parks, Cemeteries and Parking Lots.** A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this Chapter, is unlawful.

*(Code of Iowa, Sec. 321.236[5])*

**7-6-3 Special Speed Zones.** In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in **Section 321.285 of the Code of Iowa** is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

*(Code of Iowa, Sec. 321.290)*

- A. The lawful speed for the operation of a motor vehicle on Dick Drake Way between Grandview Avenue and Stewart Road shall be thirty-five (35) miles per hour and any speed in excess thereof shall be unlawful.
- B. The lawful speed for the operation of a motor vehicle on Cedar Street between the West Corporate Line and Parham Street shall be thirty-five (35) miles per hour except for the school district zones two hundred feet (200') either direction from Muscatine High School and **Hayes Elementary School**, where the speed shall be twenty-five (25) miles per hour while children are present and any speed in excess thereof shall be unlawful.
- C. The lawful speed for the operation of a motor vehicle on Imperial Oaks, Long Meadow, Forest Parkway, and West Grove shall be twenty (20) miles per hour.

**7-6-4 Minimum Speed.** A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the

continued slow operation by a driver shall be a simple misdemeanor punishable as a scheduled violation under [Section 805.8A, Subsection 8 of the Iowa Code](#).

*(Code of Iowa, Sec. 321.294)*

**TITLE 7 - VEHICLES AND TRAFFIC**  
**CHAPTER 7 – STOPPING, STANDING, PARKING**

SECTIONS:

- 7-7-1 Standing, Parking Close to Curb
- 7-7-2 Markings Indicating Angle Parking
- 7-7-3 Angle Parking Signs, Markings
- 7-7-4 Parking Restrictions Generally
- 7-7-5 Moving Other Vehicles into Prohibited Area
- 7-7-6 Unattended Motor Vehicle
- 7-7-7 Parking in Alleys
- 7-7-8 All-night Parking Prohibited
- 7-7-9 Parking for Certain Purposes Prohibited
- 7-7-10 Hazardous or Congested Places
- 7-7-11 Parking on Private Property
- 7-7-12 Persons with Disabilities; Parking

**7-7-1 Standing; Parking Close to Curb.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches (18") of the curb or edge of the roadway, except as otherwise provided in this Chapter.

*(Code of Iowa, Sec. 321.361)*

**7-7-2 Markings Indicating Angle Parking.** The Council shall designate the streets upon which angle parking shall be permitted and the City Administrator, or his or her designate, shall mark such streets by painting the curb and street in such a manner as to clearly indicate the angle at which vehicles may be parked.

*(Code of Iowa, Sec. 321.361)*

**7-7-3 Angle Parking Signs, Markings.** Upon those streets which have been signed or marked by the City Administrator, or his or her designate, upon motion of the Council, for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

*(Code of Iowa, Sec. 321.361)*

**7-7-4 Parking Restrictions Generally.** No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

- A. Any vehicle having a gross weight of six thousand (6,000) pounds or more for a longer period than thirty (30) minute between the hours of seven o'clock (7:00) P.M. and six o'clock (6:00) A.M. on any street or alley within the residential district of the City.
- B. Any truck hauling gasoline or ammunition or other hazardous material between the hours of seven o'clock (7:00) P.M. and six o'clock (6:00) A.M. on any street or alley within the residential district of the City.

- C. On a sidewalk, except a bicycle may stop, stand, or park on a sidewalk unless in the designated business district.

*(Code of Iowa, Section 321.358[1])*

- D. In front of a public or private driveway.

*(Code of Iowa, Section 321.358[2])*

- E. Within an intersection.

*(Code of Iowa, Section 321.358[3])*

- F. Within five feet of a fire hydrant.

*(Code of Iowa, Section 321.358[4])*

- G. On a crosswalk.

*(Code of Iowa, Section 321.358[5])*

- H. Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.

*(Code of Iowa, Section 321.358[6])*

- I. Between a safety zone and the adjacent curb or within ten feet (10') of points on the curb immediately opposite the ends of a safety zone, unless the City indicates a different length by signs or markings.

*(Code of Iowa, Section 321.358[7])*

- J. Within fifty feet (50') of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

*(Code of Iowa, Section 321.358[8])*

- K. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75') of said entrance when properly signposted.

*(Code of Iowa, Section 321.358[9])*

- L. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

*(Code of Iowa, Section 321.358[10])*

- M. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

*(Code of Iowa, Section 321.358[11])*

- N. Upon any bridge or other elevated structure upon a highway outside of cities or within a highway tunnel.

*(Code of Iowa, Section 321.358[12])*

- O. At any place where official signs or markings prohibit stopping, standing, or parking. The City Administrator, or his or her designate, on motion of the Council, shall place and maintain such signs and markings when so required by the provisions of this Code.

*(Code of Iowa, Section 321.358[13] & 321.236[1])*

- P. Upon any street within the corporate limits when the same is prohibited by a general ordinance of uniform application relating to removal of snow or ice from the streets

*(Code of Iowa, Section 321.358[14])*

- Q. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

*(Code of Iowa, Section 321.358[15])*

- R. On any street, alley, highway, or other public place, without having been moved at least twenty-five feet (25') for a period of twenty-four (24) hours or longer.

- S. On the normal traffic lane of any roadway, whether or not a vehicle is parked between such normal traffic lane and the curb or edge of the roadway.

- T. On the City street right-of-way between the curb and the adjoining private property line.

1. Exception: The exception to this prohibition of parking within the previously described portion of the City street right-of-way shall conform to the following process provided the request for utilizing this is made for and within the residential (R3, R4, R5, R6) zoning districts and only for the required parking when physical hardships prevent off-street parking. The applicant shall request to lease this portion of the City street right-of-way and provide or agree to the following:
  - a. Provide the written consent of the property owners on either side of the property owner requesting the lease.
  - b. Furnish the names and mailing addresses of all property owners between the intersecting streets where the lease is proposed.
  - c. The City Council shall hold a public hearing on the proposed lease; property owners between the intersecting streets of the proposed lease will be notified by mail at least four (4) days prior to the scheduled public hearing.
  - d. A City staff report shall address the lease and relate potential traffic hazards, hazards to pedestrians, access problems for fire equipment or rescue squads, location of under or above ground utilities, and other pertinent information.
  - e. The City Council shall determine the maximum duration and annual rate for the granting of a lease. The lessee shall make annual payment and failure to pay within thirty (30) days of the due date shall constitute automatic cancellation of the lease.
  - f. Lessees shall be responsible for the maintenance and repair of the area leased and shall pave with concrete, asphalt, or brick the parking area leased in accordance with design criteria approved by the City. Vehicles parked pursuant

to this Subsection shall be parallel with the curb, headed in the direction of lawful traffic movement.

- g. Applicants for a lease to use a City owned street right-of-way for the purpose of parking a vehicle shall pay, in addition to the leased rate, an initial fee of as set out in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances to cover the administrative cost of processing the review and mailings.

**7-7-5 Moving Other Vehicles into Prohibited Area.** No person shall move a vehicle not owned by such person nor lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

*(Code of Iowa, Section 321.359)*

**7-7-6 Unattended Motor Vehicle.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine and removing the key from the ignition switch. When standing upon any perceptible grade, will effectively set the brake thereon and turn the front wheels to the curb or side of the highway.

*(Code of Iowa, Section 321.362)*

**7-7-7 Parking in Alleys.**

- A. No person shall park or allow to stand any vehicle in any alley where official signs indicate that parking is prohibited except for the expeditious loading and unloading of such vehicle.
- B. In alleys where parking is not prohibited, no person shall park a vehicle or allow the same to stand in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the alley for the free movement of vehicular traffic, and no person shall stop or park a vehicle within an alley in such a position as to block the driveway entrance to any building or other abutting property.

*(Code of Iowa, Section 321.236[1])*

**7-7-8 All-Night Parking Prohibited.** No person shall park a vehicle on any street between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. where official signs have been placed indicating prohibition of such parking. This provision shall not apply to physicians, operators of official police cars, ambulances, or other vehicles engaging in making emergency calls.

**7-7-9 Parking for Certain Purposes Prohibited.** No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale.
- B. Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

*(Code of Iowa, Section 321.236[2])*

### **7-7-10 Hazardous or Congested Places.**

- A. The City Administrator, or his or her designate, is hereby authorized to determine and to designate by proper signs, including painting of the curb yellow, not exceeding one hundred feet (100') in length, places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic.
- B. When official signs are erected or curbs are painted yellow at hazardous or congested places, as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

*(Code of Iowa, Section 321.236[1])*

**7-7-11 Parking on Private Property.** It shall be a misdemeanor to park a motor vehicle upon real property without the consent of the owner or person in possession of such property, or the agents of either. Any motor vehicle parked in violation of this Section may be ticketed and/or removed pursuant to the provisions in **Chapter 7-12 of the City Code.**

**7-7-12 Persons with Disabilities Parking.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

- A. Establishment. The City Administrator, or his or her designate, is hereby authorized to establish special parking places for on-street parking areas or off-street parking facilities for motor vehicles displaying special identification devices as specified by the Code of Iowa in accordance with **Chapter 321L of the Code of Iowa and Iowa Administrative Code, 661-18.**
- B. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

*(Code of Iowa, Sec. 321L.4[2])*

- 1. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;
  - 2. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with **Section 321L.2[1b] of the Code of Iowa;**
  - 3. Use by a vehicle in violation of the rules adopted under **Section 321L.8 of the Code of Iowa.**
- C. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
    - 1. A person issued a persons with disabilities parking permit must comply with the requirements of **Section 321L.2A(1) of the Code of Iowa** when utilizing a wheelchair parking cone.
    - 2. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of **Section 321L.2A(1) of the Code of Iowa.**

**TITLE 7 - VEHICLES AND TRAFFIC  
CHAPTER 8 - LOADING AND UNLOADING ZONES**

SECTIONS:

- 7-8-1 Curb Loading Zones
- 7-8-2 Curb Painted Yellow
- 7-8-3 Standing in Loading Zone
- 7-8-4 Public Carrier Stops and Stands
- 7-8-5 Parking of Buses and Taxicabs
- 7-8-6 Use of Bus and Taxicab Stands

**7-8-1 Curb Loading Zones.** The City Council is hereby authorized to determine the location of loading zones and passenger loading zones and, upon approval of Council, the City Administrator shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Chapter are applicable. This authority includes but is not limited to, the designation of loading zones for the use of commercial vehicles only. Loading zones will be established with a maximum of one (1) per block in areas where convenient loading from the alley is not available.

**7-8-2 Curb Painted Yellow.** It shall be unlawful for any person to park any vehicle alongside of any curb painted yellow.

**7-8-3 Standing in Loading Zone.**

- A. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of property exceed fifteen (15) minutes.
- B. The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

**7-8-4 Public Carrier Stops and Stands.** The City Administrator and Police Chief are hereby authorized and required to establish bus stops and taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as shall be on motion of the Council determined to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand, or other stand shall be designated by appropriate signs.

**7-8-5 Parking of Buses and Taxicabs.** The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the driver of such vehicles from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

**7-8-6 Use of Bus and Taxicab Stands.** No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

**TITLE 7 - VEHICLES AND TRAFFIC  
CHAPTER 9 - PARKING METERS AND LOTS**

SECTIONS:

- 7-9-1 Definitions
- 7-9-2 Individual Parking Spaces
- 7-9-3 Installation and Construction; Control and Maintenance of Meters
- 7-9-4 Zones Established
- 7-9-5 Coin Operation of Meters
- 7-9-6 On-Street Meter Rates
- 7-9-7 Municipal Parking Facility Rates
- 7-9-8 Hours Meters and Lots to be Operated
- 7-9-9 Parking Meter Violations; Expired Meter, Overtime Parking
- 7-9-10 Administration
- 7-9-11 Parking Meter Funds
- 7-9-12 Ticketing and Payment of Parking Violation
- 7-9-13 Compliance
- 7-9-14 Reservation of Powers

**7-9-1 Definitions.** For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- A. "Operator" shall mean any individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of a vehicle.
- B. "Park or parking" shall mean the standing of a vehicle, whether occupied or not, upon a street other than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise in non-handicap designated parking spaces, or in obedience to traffic regulations, signs, or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
- C. "Parking meter" shall mean any mechanical device or meter not inconsistent with this Chapter placed or erected for the regulation of parking by authority of this Chapter. Each parking meter installed shall indicate by proper legend the legal parking time established by the Council and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.
- D. "Parking meter space" shall mean any space within the downtown parking zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the streets adjacent to or adjoining the parking meters.
- E. "Parking zone" shall mean any restricted street upon which parking meters are installed and in operation or parking time restrictions are established by resolution of City Council and designated by signage.
- F. "Street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place established for the use of vehicles.

- G. "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- H. "Leased or Reserved Parking Space" shall mean any space within a parking zone which is duly designated as such for the parking of a single vehicle within an area designated by lines painted or otherwise durably marked on the curb or on the surface of the street or parking lot.

**7-9-2 Individual Parking Spaces.** The City Administrator, or his or her designate, is hereby directed and authorized to mark off individual parking spaces in the parking zones described in **Section 7-9-4 of the City Code**, and in such other zones as may hereafter be established, such parking spaces to be defined by lines painted or durably marked on the curbing or surface of the street.

**7-9-3 Installation and Construction; Control and Maintenance of Meters.** The City Administrator, or his or her designate, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces in the parking zones established by **Section 7-9-4 of the City Code**, such installation to be placed not more than two feet (2') from the curb nor more than four feet (4') from the front line of the parking spaces as indicated, and the City Administrator, or his or her designate, shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by resolution of Council. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by proper visible signal that the lawful parking period has expired, and in such cases, the right of such vehicle to occupy such space shall cease and the operator, owner, possessor, or manager thereof shall be subject to the penalties hereinafter provided.

**7-9-4 Zones Established.** The following named and described areas, streets, portions of streets, or off-street parking lots, and such other areas, streets, portions of streets, or off-street parking lots as may hereafter be established by resolution of the Council shall constitute the downtown parking zones:

- A. Second Street, both sides, from Mulberry Avenue to Pine Street.
- B. Third Street, both sides, from Chestnut Street to Mulberry Avenue.
- C. Fourth Street, both sides, from Walnut Street to Mulberry Avenue.
- D. Fourth Street, both sides, from Sycamore Street to Chestnut Street.
- E. Mulberry Avenue, both sides, from Second Street to Fourth Street.
- F. Walnut Street, both sides, from Mississippi Drive to Fifth Street.
- G. Cedar Street, both sides, from Mississippi Drive to Fourth Street.
- H. Sycamore Street, both sides, from Mississippi Drive to Fourth Street.
- I. Iowa Avenue, both sides, from Mississippi Drive to Fourth Street.
- J. Chestnut Street, both sides, from Mississippi Drive to Third Street.

- K. Mississippi Drive, from Sycamore Street to Pine Street, on the north side of the street.
- L. Pine Street, from Mississippi Drive to Second Street.
- M. Parking Lot #1 in the 200 block of West Third Street.
- N. Parking Lot #2 in the 200 block of West Second Street.
- O. Parking Lot #7 in the 200 block of East Third Street.
- P. Parking Lot #4 in the 200 block of Mississippi Drive off of Sycamore Street.
- Q. Parking Lot #8 in the 300 block of East Third Street.
- R. Parking Lot #6 in the 100 block of West Third Street.
- S. Levee Parking.

**7-9-5 Coin Operation of Meters.** Except in a period of emergency determined by an officer of the Fire Department or Police Department, or in compliance with the directions of a Police Officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside of or next to which a parking meter is located, the operator of such vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in that meter such proper coin or coins of the United States of America as is required for that parking meter and is designated by proper directions on the meter. Failure to deposit such proper coin or coins shall constitute a violation of this Chapter. Upon the deposit of such coin or coins and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which such parking space is located; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin or coins so long as his or her occupancy of such space does not exceed the indicated unused parking time. If such vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time and such parking shall be deemed a violation of this Chapter.

**7-9-6 On-Street Meter Rates and On Street Parking Restrictions.** Parking or standing a vehicle in a designated parking meter space in an on-street parking zone shall be lawful upon the deposit of coins of the United States of America as established by resolution adopted from time to time by the City Council.

A vehicle may be parked only once in an on-street parking stall in the downtown parking zone for any time period up to the maximum parking time limit as indicated on the parking meter or by appropriate signs, after which the vehicle shall be moved from that parking stall. A vehicle moved from the parking stall may not be parked in that same parking stall during the next consecutive eight (8) hour period even though the vehicle was parked for less than the maximum parking time limit.

### **7-9-7 Municipal Parking Facility Rates.**

- A. The Council may, by resolution from time to time establish the parking rate for off-street metered spaces and leased or reserved spaces in Lots 1, 2, 4, 6, 7 and 8.
- B. It shall be unlawful for any vehicle to be parked in any municipal parking facility for a period longer than twenty four (24) hours and such vehicles shall constitute a nuisance and the Police Department may move the vehicle off the parking facility to a storage space and the cost thereof shall be assessed to the owner of the vehicle.
- C. It shall be unlawful for any unauthorized vehicle to be parked in a leased or reserved parking space and such vehicle shall constitute a nuisance and the Police Department may move the vehicle off the parking facility to a storage space and the cost thereof shall be assessed to the owner of the vehicle.

### **7-9-8 Hours Meters and Lots to be Operated.**

- A. Parking meters shall be operated in the parking zones established by **Section 7-9-4 of the City Code**, every day, except Saturdays, Sundays and holidays, between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M.
- B. As used in this Section, the term "holiday" shall mean the days which are declared to be legal holidays for City employees under **Title 1-15-8, of the City Code**. When the holiday falls on a Saturday, the holiday will be observed on Friday. If the holiday falls on Sunday, the holiday will be observed on Monday.
- C. The Council may, by resolution from time to time determine the length of time that parking is permissible at both an individual parking space for which a meter is installed upon the deposit of such coin or coins of United States of America in the parking meter as herein provided; and the unmetered parking spaces with time limits.
- D. Vehicles shall not be parked in designated parking spaces in Lot #2, Lot #4, Lot #8, and on Second Street, which are not parking meter spaces beyond the length of time provided by resolution according to **Section 7-9-8(C)** and vehicles shall not be parked in more than one such parking space in either Lot #2, Lot #4, or Lot #8 during any consecutive twenty four (24) hour period.
- E. The Council may, by resolution from time to time establish the rate and hours of operation for leased or reserved parking spaces.

### **7-9-9 Parking Meter Violations; Expired Meter, Overtime Parking.**

- A. Evidence. Parking is prohibited in any parking space on a street or in a municipal parking lot where a meter is installed and displays a signal showing that the parking is not permitted unless a deposit of such coin or coins of the United States of America is made as herein provided. Any vehicle parking in violation shall be deemed illegally parked. The fact that a vehicle is in an individual parking space when the time signal on the parking meter of the same shows no parking permitted unless a deposit of a proper coin is made as herein provided shall be deemed prima face evidence of the unlawful parking of such motor vehicle by its operator or owner.

- B. Overtime Parking, Extending Time. It shall be unlawful and a violation of the provisions of this Chapter for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime, or beyond the period of legal parking time established for any parking space as described in this Chapter or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking zone.
- C. Expired Meter. It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- D. Separate Offenses. Each consecutive hour during one calendar day that a vehicle remains illegally parked as above provided shall be a separate and distinct offense under this Chapter. The first offense shall terminate one hour after the time a ticket charging said offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each one hour period thereafter.
- E. To Park within Marked Lines. It shall be unlawful for any person to park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- F. Tampering with Meters. It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Chapter.

#### **7-9-10 Administration.**

- A. Supervision. It shall be the duty of the City Administrator, or his or her designate, to provide supervision for the daily operations of the Parking Enterprise fund.
- B. Enforcement. It shall be the duty of the City Administrator or his/her designate to establish the enforcement provisions for this Chapter.
- C. Collection; Deposit of Coins. It shall be the duty of the City Administrator or his/her designate to establish the rules and procedures for the collection of the money deposited in parking meters and to deposit such money to the designated bank account.

**7-9-11 Parking Meter Funds.** The coins deposited in parking meters are required and shall be used to defray the expense of proper regulation of traffic upon the public streets; to provide for the cost of supervision, regulation, and control of the parking of vehicles in parking zones; and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control, and use of parking meters and other parking and traffic control devices. Any of such funds remaining thereafter may be used either to purchase, lease, or otherwise acquire parking lots or other off-street parking areas for the parking of vehicles; or such remaining funds may be used for the retirement of revenue bonds issued for the purpose of acquiring, improving, maintaining, or operating parking lots or other off-street parking areas for the parking of vehicles, in the event the revenue from such parking lots or other off-street parking areas for the parking of vehicles is insufficient to pay the cost of retiring such bonds and for any other lawful purpose permitted by the Code of Iowa. If the parking enterprise has a surplus in its fund, then this surplus may be transferred to any other city fund, by resolution of the City Council.

**7-9-12 Ticketing and Payment of Parking Violation.** In the event of a meter or non-meter parking violation, it shall be the duty of the police officers and/or meter attendants of the City to report:

- A. The parking violation involved.
- B. In the event of a parking meter violation, the number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of **Section 7-9-9**.
- C. The state license number of such vehicle.
- D. The time during which such vehicle is or was parked in violation of any of the provisions of this Chapter, and the time the ticket was issued.
- E. Any other fact or facts, knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.

**7-9-17 Compliance.** Any person who shall violate or fail to comply with any of the provisions of this Chapter, or who shall counsel, aid, or abet any such violation or failure to comply, shall be deemed guilty of a misdemeanor except for uncontested violations charged upon a simple notice of fine under **Section 7-1-6** of this Code of Ordinances.

**7-9-18 Reservation of Powers.** Nothing in this Chapter shall be construed as prohibiting the City from providing for bus stops, taxicab stands, and other matters of similar nature, including the loading or unloading of trucks, vans, or other commercial vehicles. Nothing in this Chapter shall prohibit emergency or utility vehicles from performing their duties or responding to emergency calls.

**TITLE 7 – VEHICLES AND TRAFFIC  
CHAPTER 10 – SNOW EMERGENCY REGULATIONS**

SECTIONS:

- 7-10-1 Definitions
- 7-10-2 Snow Emergency Route
- 7-10-3 Standing and Parking
- 7-10-4 Notice of Snow Emergency
- 7-10-5 Duration of Snow Emergency
- 7-10-6 "Alternate Side of Street" Parking
- 7-10-7 Conflict of Ordinances

**7-10-1 Definitions.**

- A. "Street" or Highway" means the entire width between the boundary lines of every way publicly maintained where any part is open to the use of the public for purposes of vehicular travel.
- B. "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- C. "Snow Emergency Routes" are those streets designated as priority.

**7-10-2 Snow Emergency Route.** The Snow Emergency Routes shall consist of streets or portion of streets as the City Council may from time to time designate by appropriate motion.

**7-10-3 Standing and Parking.** No person shall park or leave standing any vehicle except as provided in **Section 7-10-6 of the City Code** on any alley, street or roadway within the City during the period of time than an emergency snow removal operation is in effect.

**7-10-4 Notice of Snow Emergency.** At the time ice or snow accumulations impede or hinder the safe movement of vehicular traffic upon any alley, street or roadway within the City or impede or otherwise interfere with the safe movement of emergency or public transportation over and across the same, the City Administrator or his or her designate may by public media declare the commencement of an emergency snow removal operation. The City Administrator may also cause such declaration to be announced in newspapers, when time permits. The public announcement shall also specify the time and date when the emergency snow removal operation shall commence and its duration.

**7-10-5 Duration of Snow Emergency.** The time and day for the beginning and end of the snow emergency will be included in the initial declaration. The minimum duration will be 48 hours. However, the ending time and date can be amended if necessary because of weather conditions.

**7-10-6 "Alternate Side of Street" Parking During a Snow Emergency.**

- A. Streets where parking permitted on both sides. During a snow emergency, streets that normally permit parking **on both sides of the street** will be subject to "alternate side of the street" parking. On odd-numbered days of the month, parking is permitted only on the odd-numbered side of the street. Likewise, parking is permitted only on the even-numbered side of the street on even-numbered days.
- B. Streets where parking only permitted on one side. On all streets where parking is allowed **on one side only**, if the permitted side (where parking is allowed) is even numbered, vehicles can park on that side only on even-numbered days. If the permitted side (where parking is allowed) is odd-numbered, vehicles can park on that side only on odd-numbered days.
- C. Parking prohibitions not affected. No parking is ever allowed on the side of the street where parking is prohibited by posted sign.
- D. Transition time. The transition time between the first and second day of a snow emergency is from 12 o'clock midnight until 8:00 o'clock A.M. Enforcement of the second snow emergency day does not begin until 8:00 o'clock A.M.
- E. Downtown Central Business District Exempted. The downtown Central Business District (area bounded by Mulberry, Third, Mississippi Drive and Pine Streets) is not affected by these parking rules. Existing parking restrictions will remain in effect.

**7-10-7 Conflict of Ordinances.** The provisions of this Chapter which become effective during a snow emergency shall take precedence over conflicting ordinances normally in effect, except those relating to traffic accidents, emergency travel of authorized vehicles or emergency traffic directions by a Police Officer. However, nothing in this Section shall be construed to permit parking at any time or place otherwise forbidden by any other provision of law.

**Title 7 - Vehicles and Traffic**  
**Chapter 11 – Load and Weight Restrictions**

SECTIONS:

- 7-11-1 Weight Embargo
- 7-11-2 Signs Posted
- 7-11-3 Load Limits Upon Certain Streets
- 7-11-4 Exceptions
- 7-11-5 Permits for Excess Size and Weight
- 7-11-6 Truck Routes
- 7-11-7 Employer's Responsibility
- 7-11-8 Violation

**7-11-1 Weight Embargo.** Whenever certain streets by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the those streets is prohibited or the permissible weights reduced, the City may by ordinance or resolution prohibit the operation of vehicles upon the highway or impose restrictions as to the weight of vehicles to be operated upon those streets for a total period of not to exceed ninety days in any one calendar year.

*(Code of Iowa, Section 321.471)*

**7-11-2 Signs Posted.** The City shall erect and maintain signs designating the ordinance or resolution at each end of that portion of any street or at the location of any bridge or culvert affected thereby, and the ordinance or resolution shall not be effective unless and until the signs are erected and maintained.

*(Code of Iowa, Section 321.472)*

**7-11-3 Load Limits Upon Certain Streets.** When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets so designated.

*(Code of Iowa, Section 321.473 & 475)*

**7-11-4 Exceptions.** The following vehicles shall be exempt from the weight embargo:

- A. Commercial vehicles engaged in the furnishing of services at premises fronting on the prescribed street or premises contiguous to the prescribed street which have no other means of access.
- B. School buses.
- C. City emergency or service vehicles.

**7-11-5 Permits For Excess Size and Weight.** The Public Works Director may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or the City over those streets or bridges named in the permit which are under the jurisdiction of the City and for which the City is responsible for maintenance.

*(Code of Iowa, Sec. 321.473 & 321E.1)*

### **7-11-6 Truck Routes:**

- A. Truck Routes Designated. Every motor vehicle weighing ten (10) tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

*(Code of Iowa, Sec. 321.473)*

1. All U.S. and State Highways (#22, 38, 61 Business, 61 Bypass, and 92).
  2. Cypress Street from East Fifth Street to Isett Avenue.
  3. Isett Avenue from Cypress Street to the U.S. Highway 61 Bypass.
  4. East Fifth Street from Cypress Street to Cedar Street.
  5. Cedar Street from East Fifth Street to Mississippi Drive (Business Route Highway 61 and 92).
  6. Industrial Connector Road from Highway(s) 61 and 92 to Dick Drake Way.
  7. Stewart Road from the Industrial Connector Road to Oregon Street and along Oregon Street to Business Route Highway 61 and 92.
  8. Lucas Street from the Highway 61 Bypass to Houser Street.
  9. Hershey Avenue from the Highway 61 Bypass to Houser Street.
  10. Houser Street from Lucas to Grandview Avenue.
  11. University Drive from Highway 22 to Highway 61.
  12. Oak Street from East Second Street to East Fifth Street.
- B. Departure from Designated Truck Route System. All trucks having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over and upon the Designated Truck Route System as set out above to the nearest point of its scheduled or definite stop. From that point, the truck shall proceed to its destination and return to the truck route by the most direct method. It is the responsibility of the operator of the truck to have in possession for inspection a log book, delivery slip or other evidence of the truck's destination and point of origin to justify the presence of the truck on a street other than the Designated Truck Route System.

*(Code of Iowa, Section 321.473)*

- C. Exceptions. The provisions of this Chapter governing the Designated Truck Route System shall not apply to school buses, fire trucks, City utility, service, and roadway maintenance trucks and vehicles.
- D. Alternate Truck Routes. Whenever any street or roadway functioning as a part of the Designated Truck Route System is under repair or otherwise temporarily out of use, the City Administrator or designated representative shall be authorized to designate a temporary alternate route(s).

**7-11-7 Employer's Responsibility.** The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this Section.

*(Code of Iowa, Sec. 321.473)*

**7-11-8 Violation.** Any person who operates a truck or vehicle in violation of this Chapter shall be deemed guilty of a misdemeanor and subject to a penalty as set out in Section 1-2-14 of this Code of Ordinances.

**TITLE 7 – VEHICLES AND TRAFFIC**  
**CHAPTER 12 – TRAFFIC: JUNK, OBSOLETE, STORED VEHICLES**

SECTIONS:

- 7-12-1 Definitions
- 7-12-2 Storing on Streets Illegal
- 7-12-3 Violation
- 7-12-4 Removal
- 7-12-5 Junked Vehicles
- 7-12-6 Owner Subject to Fine
- 7-12-7 Junked Vehicles; Removal

**7-12-1 Definitions.**

- A. "Motor vehicle" shall mean every vehicle which is self-propelled. The term "car" or "automobile" shall be synonymous with the term "motor vehicle".
- B. "Junk or obsolete motor vehicle" shall mean a motor vehicle or portion thereof not in operable condition or not licensed for the current year as provided by the law. For purposes of this Section, "not licensed for the current year" shall include a vehicle not displaying current registration validation stickers on its license plates.
- C. "Stored vehicle" shall mean a motor vehicle which has been parked in the same location without having been moved at least twenty-five feet (25') for a period of twenty-four (24) hours or longer.
- D. "Streets" shall mean streets, alleys, parking lots, avenues, roads, boulevards, highways, or other public ways located in the City.
- E. "Owner" or "operator" shall mean every individual who operates a motor vehicle as the owner thereof or as the agent, employee, or permittee of the owner or is in actual physical control of the motor vehicle at the last time it was moved or operated.

**7-12-2 Storing on Streets Illegal.** No motor vehicle, trailer, boat, or other personal property shall be stored on the streets of the City

**7-12-3 Violation.** Any motor vehicle, trailer, boat, or other personal property which is found to be in violation of **Section 7-12-2** hereof shall be ticketed for violation of such section by the Police. The penalty for such violation shall be ten dollars (\$10.00) for each twenty-four (24) hours that the vehicle is in violation of said Section.

**7-12-4 Removal.** In the event that a motor vehicle is in violation of **Section 7-12-2** for a period of longer than forty-eight (48) hours, then in addition to the penalty imposed by **Section 7-12-3**, said vehicle may be removed or caused to be removed by the City. The City may move or cause said motor vehicle to be moved to some convenient place. The cost of such removal and storage charges, if any, are to be borne by the owner or operator.

**7-12-5 Junked Vehicles.** No junked or obsolete motor vehicles or portions thereof shall be parked or located on the streets of the City at any time.

**7-12-6 Owner Subject to Fine.** The owner or operator of any such junked or obsolete motor vehicle which is parked on the streets of the City in violation of **Section 7-12-5** shall be subject to a fine of twenty dollars (\$20.00) for each twenty-four (24) hours or part thereof in which said junked vehicle is parked on the street in violation of said Section.

**7-12-7 Junked Vehicles; Removal.** In addition to the penalty provided by **Section 7-12-6**, junked or obsolete motor vehicles may be removed by the City to some convenient place. The cost of such removal and storage charges, if any, shall be borne by the owner or operator of said junked or obsolete motor vehicle.

**TITLE 7 - VEHICLES AND TRAFFIC  
CHAPTER 13 - ABANDONED VEHICLES**

SECTIONS:

- 7-13-1 Definitions
- 7-13-2 Authority to Take Possession of Abandoned Vehicle
- 7-13-3 Notice by Mail
- 7-13-4 Notification in Newspaper
- 7-13-5 Fees for Impoundment
- 7-13-6 Disposal of Abandoned Vehicles
- 7-13-7 Disposal of Totally Inoperable Vehicles
- 7-13-8 Proceeds from Sales
- 7-13-9 Duties of Demolisher

**7-13-1 Definitions.** For use in this Chapter the following terms are defined:

*(Code of Iowa, Sec. 321.89[1])*

- A. "Abandoned vehicle" means any of the following:
    - 1. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
    - 2. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
    - 3. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
    - 4. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
    - 5. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
    - 6. A vehicle that has been impounded pursuant to **Section 321J.4B of the Code of Iowa** by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
  - B. "Demolisher" means a person licensed under **Chapter 321H of the Code of Iowa** whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
  - C. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
- (Iowa Code, Section 321.90)*
- D. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

**7-13-2 Authority to Take Possession of Abandoned Vehicles.** A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity which is a garage keeper (any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles) to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

*(Code of Iowa, Sec. 321.89[2])*

**7-13-3 Notice By Mail.** The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in **Section 321.90 of the Code of Iowa**, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this Section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

*(Code of Iowa, Sec. 321.89[3a])*

**7-13-4 Notification In Newspaper.** If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under **Section 7-13-3**. The published notice

may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in **Section 7-13-3**.

*(Code of Iowa, Sec. 321.89[3b])*

**7-13-5 Fees for Impoundment.** The owner, lienholder or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

*(Code of Iowa, Sec. 321.89[3a])*

**7-13-6 Disposal of Abandoned Vehicles.** If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

*(Code of Iowa, Sec. 321.89[4])*

**7-13-7 Disposal of Totally Inoperable Vehicles.** The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

*(Code of Iowa, Sec. 321.90[2e])*

**7-13-8 Proceeds from Sales.** Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

*(Code of Iowa, Sec. 321.89[4])*

**7-13-9 Duties of Demolisher.** Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

*(Code of Iowa, Sec. 321.90[3a])*

**Title 7 - Vehicles and Traffic**  
**Chapter 14 – Bicycles**

SECTIONS:

- 7-14-1 Registration Required
- 7-14-2 Application
- 7-14-3 License Type
- 7-14-4 Second Hand Sales Report
- 7-14-5 Destroying Frame Number or License
- 7-14-6 Lost or Destroyed License
- 7-14-7 License Fees
- 7-14-8 Riding on Sidewalks
- 7-14-9 Parking on Sidewalks (Business District)
- 7-14-10 Number of Persons
- 7-14-11 Riding Two Aboard
- 7-14-12 Method of Riding; Rate of Speed
- 7-14-13 Lamps: Reflective Devices
- 7-14-14 Traffic Regulations

**7-14-1 Registration Required.** Every person who shall own a bicycle in the City shall register such bicycle as provided in this Chapter.

*(Code of Iowa, Section 321.236[10])*

**7-14-2 Application.** The owner of any bicycle shall apply to the Police Department for registration of such bicycle and such registration shall be on a form furnished and prescribed by the Police Department and shall provide a full description of the bicycle, such as name and address of owner, type, color, manufacturer, and serial number.

*(Code of Iowa, Section 321.236[10])*

**7-14-3 License Type.** The Bicycle License shall be of a type designated by the Police Chief.

**7-14-4 Second Hand Sales Report.** All persons buying or selling second hand bicycles shall notify the Police Department within five (5) days of the purchase or sale.

**7-14-5 Destroying Frame Number or License.** No person shall willfully or maliciously remove or destroy any frame number or license.

**7-14-6 Lost or Destroyed License.** In the event that an owner of a bicycle should lose a license or that such license should be destroyed or stolen, the owner shall report the same to the Police Department and there shall be furnished to the owner a new bicycle license at the cost as set by resolution of the Council.

**7-14-7 License Fees.** The bicycle license fee shall be as determined by resolution of the City Council and is listed in the [Schedule of Permit and Other Licensing Requirements](#) in Appendix B to this Code of Ordinances.

*(Code of Iowa, Section 321.236[10])*

**7-14-8 Riding on Sidewalks.** Bicycles may be operated on sidewalks in the City, except in the downtown business area, however, Muscatine police officers while on duty may operate bicycles on sidewalks anywhere in the City. For the purpose of this Section, the downtown business area shall encompass an area bounded by and including Mississippi Drive, Mulberry Avenue, Fourth Street, and Pine Street. Under all circumstances, a driver of a bicycle shall yield

the right-of-way to pedestrians using the sidewalk and due and proper care shall at all times be exercised by the driver of the bicycle for pedestrians.

*(Code of Iowa, Section 321.236[10])*

**7-14-9 Parking on Sidewalks (Business District).** No person shall park any bicycle upon the sidewalks in the business district; the business district is that area as defined in **Section 7-14-8** of this Chapter.

**7-14-10 Number of Persons.** Only one person shall ride a bicycle at any time, unless it is of the tandem type.

**7-14-11 Riding Two Aboard.** Bicyclists riding upon any street shall not ride more than two (2) abreast.

**7-14-12 Method of Riding; Rate of Speed.** When riding upon the streets, bicyclists shall at all times keep both hands on the handle bars of the bicycle, except to make hand signals and at no time shall ride at such a rate of speed as to endanger the person or property of others.

**7-14-13 Lamps: Reflective Devices.** Every bicycle operated within the City during the period from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of three hundred feet (300') ahead shall be equipped with a lighted white lamp on the front thereof of such bicycle. Every bicycle shall also be equipped with a reflex mirror reflector or lamp on the rear, visible under like conditions from a distance of at least three hundred feet (300') to the rear of such bicycle.

**7-14-14 Traffic Regulations.** All persons riding bicycles upon any street shall observe the traffic laws of the City and of the State insofar as the same may apply to the riding of bicycles and specifically, but without limitation, shall include traffic rules as to traffic lights, highway stop signs, signaling change of direction of the course of travel, traveling on the right-hand side of the street, no turns to the right or left in traffic except at the regular intersection of streets or alleys and no weaving in and out of traffic.

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 1 – BUILDING CODE**

SECTIONS:

- 8-1-1 Adoption of Code
- 8-1-2 Building Official
- 8-1-3 Building Permits
- 8-1-4 Amendments
- 8-1-5 Reserved
- 8-1-6 Reserved
- 8-1-7 Applicability
- 8-1-8 Violation

**8-1-1 Adoption of the International Building Code.** Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Building Code", 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Building Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said code is on file in the office of the City Clerk.

**8-1-2 Building Official.** There is hereby created the position of Building Official to be appointed in the same manner as other department heads. The Community Development Director and the Building Official are one and the same position and the Building Official, when exercising the duties prescribed for such office, shall have all the powers of a policeman.

**8-1-3 Building Permits.**

- A. **Building Permit Fee.** The fee for a building permit when required by this Code shall be as established from time to time by resolution of the City Council.
- B. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified may be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

**8-1-4 Amendments.** That the International Building Code, adopted by the City of Muscatine, Iowa, be amended to read as follows:

- A. **Building Permit Fees.** A fee for each required permit shall be paid to the Community Development as set forth in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D to this Code of Ordinances.
- B. **Existing Building.** Section 101.4.7 is amended to read as follows: "The provisions of Chapter 34 of the document entitled "International Building Code", 2015 Edition, shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing building."

**8-1-5 (Reserved).**

**8-1-6 (Reserved).**

**8-1-7 Applicability.** It is the intent of the City of Muscatine that the International Building Code and its companion Codes as adopted elsewhere in the City Code shall be the prevailing construction and occupancy controls within the City unless otherwise mandated by State law. It shall be the responsibility of the Building Official to make a final decision as to the applicability of any other codes or ordinances adopted by the City which may present a conflict with the intent of other regulations contained herein.

**8-1-8 Violation.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 2 – DEMOLITION OF BUILDINGS**

SECTIONS:

- 8-2-1 Permit Required
- 8-2-2 Permit Application
- 8-2-3 Supervision of Work
- 8-2-4 Condition of Site
- 8-2-5 Requirements
- 8-2-6 Drawings for Certain Buildings
- 8-2-7 Aprons, Canopies, Streets, and Sidewalks
- 8-2-8 Time
- 8-2-9 Adjacent Frontage Consents
- 8-2-10 Party Walls
- 8-2-11 Night Work
- 8-2-12 Exemption
- 8-2-13 Burning

**8-2-1 Permit Required.** Before proceeding with the demolition of any building or structure, a permit for such demolition shall first be obtained by the owner, his agent, or his contractor from the Building Department.

**8-2-2 Permit Application.** Application for said permit shall be made by such owner, his agent, or his contractor to the Building Official, who shall issue such permit in accordance with this Chapter upon application and the payment as set out in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D to this Code of Ordinances. Such application shall state the location and describe the building to be demolished, the method of demolition, and the estimated cost of the demolition. If no new building is to be erected on the site thereof, the statement shall include a description of the condition in which it is intended to leave the site thereof. In addition, the applicant shall provide information necessary to ensure compliance with asbestos investigation and abatement, and proof of notification to the State of Iowa, as required.

**8-2-3 Supervision of Work.** Upon the issuance of the required permit, each building may be demolished, provided that all the work done thereunder shall be subject to the supervision of the Building Official.

**8-2-4 Condition of Site.** The site where any building has been left demolished shall be left in a clean, presentable, and safe condition with the cellar, if any, of the old building properly filled in and graded so as not to permit accumulation of surface water or discharge to the detriment of adjoining property. The sanitary sewer shall be cut off and plugged with concrete at the property line and all utilities shall be properly shut off at the main or in accordance with rules and regulations of the particular utility.

**8-2-5 Requirements.** Before any permit is issued granting authority to demolish a building or structure, the person engaged in the same or the owner of said building or structure shall file with the Community Development Department proof of public liability insurance naming the City as an additional insured and covering any personal injury or property damage which may arise out of said demolition work, with limits of liability limits as established in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D to this Code of Ordinances. The person engaged in the work of demolishing said building or structure and the owner of said building or structure shall also execute an indemnification agreement whereby they agree to indemnify and hold harmless the City against any loss, cost, damage, expense, judgment, or liability of any kind whatsoever which the City may suffer or which may occur against, be charged to, or recovered from the City or any of its employees by reason of or arising out of any such demolition operation.

**8-2-6 Drawings for Certain Buildings.** When requested by the Building Official, the owner or his agent shall submit a drawing indicating fences, barricades, aprons, canopies, lighting, and other safeguards to be used in connection with the wrecking program. These safeguards shall be approved by the Building Official before a permit is issued and the safeguards shall be erected in strict compliance therewith.

**8-2-7 Aprons, Canopies, Streets, and Sidewalks.** The wrecker owner, his agent or contractor, shall construct aprons, canopies, fences, barricades, and other safeguards in conformance with all Federal, State, and local standards, rules, and regulations. Streets and sidewalks shall not be blocked without the approval of the Building Official. All damage to public property as a result of the demolition must be repaired, including damage to sidewalks, curbs, streets, etc.

**8-2-8 Time.** Each and every requirement mentioned or described in this Chapter shall be performed by the owner, his agent or his contractor, within the time set by the Building Official, unless otherwise prescribed herein.

**8-2-9 Adjacent Frontage Consents.** If the written consent of and a waiver of claims for damage against the City by the owners of properties adjoining the site of the proposed demolition of any building is first obtained and filed with the Building Official, the permission to occupy the roadway and the sidewalk may be extended beyond the limits of such building front of the property for which the consent of the owner thereof has been secured upon the same terms and conditions as those fixed for the occupation of sidewalks and roadways in front of the building site.

**8-2-10 Party Walls.** Before a permit is issued for the wrecking of a structure that has one or more party walls in common with one or more buildings, there shall be delivered to the Building Official a certificate by a licensed architect or a licensed structural engineer to the effect that the adjoining premises do not require anchorage, or, if such certificate indicates that anchorage is necessary, the certificate shall be accompanied by a drawing signed and sealed by such architect or engineer and subject to the approval of the Building Official indicating adequate anchorage of floor and roof joists at not greater than ten foot (10') intervals for each and every floor and roof resting on such party wall, and the adjoining premises shall be anchored in compliance with such drawing. Owners of adjoining premises shall be notified of said anchorage, as shown on such drawing.

**8-2-11 Night Work.** It shall be unlawful for any person to conduct the demolition of any building between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., unless otherwise approved in writing by the City of Muscatine

**8-2-12 Exemption.** The provisions of this Ordinance shall not apply to the demolition of garages, out-buildings, or other accessory structures of a similar nature.

**8-2-13 Burning.** It is unlawful to demolish by burning without approval of the Fire chief and in accordance with all applicable State and Local rules and policies.

## TITLE 8 – BUILDING REGULATIONS CHAPTER 3 – ELECTRICAL CODE

### SECTIONS:

- 8-3-1 Adoption of Code
- 8-3-2 Supplemental Electrical Regulations
- 8-3-3 Plans and Specifications
- 8-3-4 Permits
- 8-3-5 Inspections
- 8-3-6 Turning Off Electric Current
- 8-3-7 Connection to Power Source

**8-3-1 Adoption of Code.** The most recent edition of the National Electric Code, as amended and published by the National Fire Protection Association, is hereby adopted as the Electrical Code for the City of Muscatine, Iowa, insofar as they do not conflict with the regulations set out in this Chapter, which shall supersede. The current edition of the National Electrical Code is made a part hereof as if fully set out in this Ordinance.

**8-3-2 Supplemental Electrical Regulations.** The purpose of this Section is to provide for additional electrical rules and regulations which are intended to supplement the provisions of the current edition of the National Electrical Code adopted by the City Council. The supplemental rules and regulations take precedence over any provisions of the National Electrical Code which may be in conflict therewith as provided in **Section 8-3-1**.

- A. **Distribution Centers - Divisions of Load.** In laying out an electrical installation, except for a constant current system, every reasonable effort shall be made to secure distribution centers located in easily accessible places at which points, cutouts, and switches controlling various branch circuits shall be grouped for convenience and safety of operations. The electrical load shall be divided as evenly as possible between branch circuits and all complicated and unnecessary wiring shall be avoided.
- B. **Transformers-Meters.** Transformers and meters shall comply with the following regulations:
  - 1. All power or heavy lighting services over two hundred amperes, single-phase and two hundred amperes, three-phase, shall be metered by a potential and current transformer or current transformers.
  - 2. Metering transformers shall be enclosed in an approved metal box enclosure or cabinet with a door locked or sealed by the utility company or mounted in the mast drip loop at the utility's discretion.
  - 3. Meter loops shall not be opened or closed by anyone without the permission of an authorized representative of the utility company.
  - 4. A meter board and/or distribution panel board of the size and type approved by the Code Inspector shall be installed in a proper and convenient place designated by the utility company to receive the various types of meters used by the utility company and distribution panels used by the customer.

5. Where two or more meters are to be placed on one building for different electric customers, they shall be grouped at a common place on the exterior portion of the building. All multiple metering points shall be marked on the cover's exterior as well as the interior meter base which identifies the building address and respective apartment identifier with a permanent, wide tip, non-soluble black ink.
  6. Meters shall be placed on solid walls free from vibration and in a convenient and accessible place for reading as specified by the utility company. They shall be placed not over six foot six inches or less than four feet from the finish grade with a minimum of three feet clear space in all directions of the meter.
- C. Service Entrance Wiring and Requirements. All service entrance wiring and requirements shall comply with the following regulations unless elsewhere allowed in the adopted National Electrical Code and utility company, or a variation thereof is approved by the Code Inspector due to the type of building occupancy or electrical service requirements:
1. Only one service shall be permitted for any one building or structure, except as elsewhere allowed in the adopted National Electrical Code.
  2. A minimum of a three-wire, 100 ampere electric service shall be required for any existing building or structure requiring electrical service, except as allowed by the utility company. The service locations shall be designated by the utility company.
  3. Newly constructed and existing single residential dwellings receiving new electric service following the passage of this Chapter shall conform to the following requirements:
    - a. They shall be provided with a minimum of a 200 ampere service.  
Exception: Each newly constructed multifamily and existing multifamily residential unit(s) containing less than 1,000 square feet of habitable area shall be provided with a minimum of a 100 ampere service per the National Electric Code.
    - b. Mast type services shall be installed utilizing not less than 2" (inch) galvanized rigid conduit and shall require a guy brace if the mast extends more than four 4' (feet) above the adjacent roof.
    - c. Service from an underground system shall enter the structure above grade on the exterior portion of the building and shall be sealed with a proper compound to prevent the entrance of water.
    - d. Service panel switches shall not be installed over sinks, stationary tubs, stoves, or near any plumbing appliances where the person operating same could come in contact with a grounding device.
    - e. In no case shall more than twelve feet (12') of service wires be allowed on the inside of any building, or structure without a disconnect being present.
    - f. Service of 200 amperes or less shall have a sequence of meter, main fused disconnect switch or breaker, circuit fuses or breakers when the number of disconnects is six (6) or less. Emergency systems may be connected to line side of the main switch or breaker as provided by the National Electrical Code. If the number of disconnects is greater than six (6) the main must be ahead of the meters.

- g. Where the electrical service entrance or electric panel is relocated more than three feet on existing work, the provision of this Section shall apply as if said relocation was new work. Extensions shall not be allowed on work where wiring is not in conformance with the adopted National Electrical Code. Old work shall be brought up to the standards set by the National Electrical Code and by this Chapter.

D. Armored Construction. Armored construction shall include iron conduit, metallic tubing and metal molding work, and shall comply with the following requirements:

1. Riser or switch legs may be run to cellars or basements in romex with full size ground or conduit.
2. Metal moldings, when run in cellars or basements, shall be securely fastened to walls so as to prevent any movement.
3. Receptacles installed on first floors of buildings or structures that are connected from basements or cellars below, where said basements or cellars have armored construction, shall be run in complete armored material. This provision shall not apply to existing buildings or structures where cellars or basements contain unarmored construction.
4. The use of BX cable is prohibited.
5. All conduits exposed to moisture shall be made moisture proof in conformance with accepted methods and safe workmanlike practices.

E. Unarmored Construction. Romex wiring shall be considered unarmored construction, and may be used in places where armored construction is not required. All romex where used shall be of the full grounded type.

F. Conduit Wiring. All buildings or structures within C-2 Downtown Commercial Zoning District and all hotels, motels, public, semipublic and private schools, churches, hospitals, sanitariums, institutions for the care of children or elderly persons, semipublic and private clubs, theatres, dance and amusement halls, gasoline service stations, commercial garages, storage garages where three or more vehicles are stored, and all public buildings and places of assembly shall be wired in approved metal conduit. This provision shall not apply to such buildings or structures that contain existing wiring unless said wiring is found to be in a hazardous or dangerous condition to life or property, and shall be ordered removed, changed or condemned by the Code Inspector.

Exception. New multi-family dwellings of no more than two floors with City and State approved construction, and with City and State U.L. approved smoke and fire alarm systems, may be wired in nonmetallic cable. All wiring installed in basements, garages, and storage areas, shall be in metal raceways. Breaker panels shall be located in each apartment. Main service and service to each apartment containing less than one thousand (1,000) square feet shall be in conduit and sized no less than 100 amperes to each unit. Disconnecting means shall be located at the main service location with meter.

- G. Workmanship. In all electrical wiring work and installation of electrical apparatus and equipment, special care and attention shall be given to the mechanical execution of the work. Care shall be given to assure the neat and orderly running, connecting, and taping of conductors, securing and attaching related fittings.

**8-3-3 Plans and Specifications.** Whenever it shall be deemed necessary by the Inspector, plans and specifications shall be required and shall show, in sufficient detail, that all electrical work to be done which requires an Electrical Permit conforms to the adopted Code of the City. Plans and specifications may not have to be submitted where minor work is proposed and/or the contractor agrees to comply with all the provisions of this Chapter.

**8-3-4 Permits.** Before an Electrical Permit is issued as required, the Inspector shall charge the owner of the property or his contractor the required fee which shall be established by resolution of the City Council and is set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances. No electrical work will commence without the party performing the electrical work first insuring that the required permit has been issued by the City. Failure to comply with this provision shall result in the fee being doubled and subjects the violator to the issuance of a municipal infraction, at the discretion of the Building Official.

Exception. Minor repair work and installations may not require issuance of an Electrical Permit when, in the opinion of the Inspector and with the approval of the Building Official, such work or installation does not require significant changes, alteration and/or repair.

**8-3-5 Inspections.** The Inspector must be notified when work is ready to be inspected by the licensed electrician or homeowner (when wiring his/her own home) doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved by the City. No request shall be made for an inspection until the work is entirely ready for inspection or unless the Inspector makes arrangements to the contrary. In case of violation of any of the provisions contained herein, the permit may be revoked by the City and upon notice of revocation, all work under the permit shall cease. The Inspector shall examine all work required to be inspected within eight (8) working hours of notice that the work is ready for inspection. Any materials found to be defective, improperly installed or not meeting the minimum requirements of the Code shall be removed, replaced and/or altered to fully comply with all the provisions of this Chapter. When all work is completed under the Electrical Permit and is found to be in compliance with the Code, the Inspector shall give his or her approval.

- A. Emergency Repair. Emergency repair may be performed by an electrical license holder, but must be reported to the City Community Development Department within eight (8) working hours of the repair.
- B. Heating and Air Conditioning Installations. Electrical installation of all heating, air conditioning equipment and electric water heaters shall be performed by an electrical license holder or the homeowner and comply with this Code.

**8-3-6 Turning Off Electric Current.**

- A. The Code Inspector shall have full power and authority to cut off or cause to have cut off the electric current from any new installation, alteration or extension of existing systems, existing installation found to be hazardous, or any equipment, in or on any building, structure or premises which:
1. Does not comply with applicable city codes pertaining to electrical work for which a permit has been issued, or

2. In the opinion of the Inspector an unsafe or hazardous condition exists, or that danger to persons or property is possible; or
  3. The electrical current would interfere with or hinder the necessary work of the fire or law enforcement officials.
- B. Where the current is cut off or ordered cut off under the provisions of this Section, such current shall not be turned on again without the authorization of the Code Inspector. Any person engaged in furnishing electricity, shall cut off the current from any consumer, building, structure, or premises when so ordered by the Code Inspector for reasons indicated in this Section.

**8-3-7 Connection to Power Source.** No electrical connection to the power source shall be made, or any electric meter set until the same has been approved by the Code Inspector or representative of the utility company.

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 4 – FUEL GAS CODE**

SECTIONS:

8-4-1 Fuel Gas Code

8-4-2 Enforcement

**8-4-1 Fuel Gas Code.** Except as hereinafter added to, deleted, modified or amended, the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA), is hereby adopted by reference as the Fuel Gas Code for the City of Muscatine and is made a part hereof as if fully set out in this Ordinance. An official copy of said code is in the office of the City Clerk.

**8-4-2 Enforcement.** The duly franchised agency (the Gas Division of the Interstate Power and Light Company) shall work together with the City, and the City in turn will cooperate with the person, firm, or corporation to disconnect or to order disconnection and plug or cap any gas piping, appliance, or accessory which does not conform to the requirements of the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA) and the American Gas Association, or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory, or gas piping which shall state that it has been disconnected and the reason therefore, and such notice shall not be removed nor shall the appliance, accessory, or gas piping be reconnected until it shall have been made to conform with the requirements of the Code of Standards.

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 5 – HOUSING CODE**

**SECTIONS:**

- 8-5-1 Title, Scope, and Enforcement
- 8-5-2 Definitions
- 8-5-3 Permits and Inspection
- 8-5-4 Registration and Inspections of Rental Properties
- 8-5-5 Minimum Structural Standards for All Dwellings
- 8-5-6 Minimum Structural Standards for All Rental Housing
- 8-5-7 Owners Responsibilities
- 8-5-8 Occupants Responsibilities
- 8-5-9 Substandard Buildings
- 8-5-10 Notices and Orders of Building Official
- 8-5-11 Appeals
- 8-5-12 Procedures for Conduct of Hearing Appeals
- 8-5-13 Enforcement of Orders from Building Official or Board of Appeals
- 8-5-14 Performance of Demolition and Cost Recovery

**8-5-1 Title Scope and Enforcement.**

- A. Title. These regulations shall be known as the "Muscatine Housing Code", hereinafter referred to as "The Housing Code".
- B. Housing Code Adopted. There is hereby adopted by the City of Muscatine, Iowa, for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction, the "Housing Quality Standards" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), the latest version being dated April 1, 1993, save and except such portions as are hereinafter deleted, modified or amended. The "*Housing Quality Standards*" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), is incorporated herein as though fully set out at length herein.

*(Code of Iowa, Section 364.17[1][e] & 364.17[7])*

- C. Scope. The provisions of this Housing Code shall apply to all buildings or portions thereof which are used or intended to be used for human occupancy. Additionally, all accessory buildings or structures are hereby subject to all applicable sections regarding health, safety, and maintenance thereof.
- D. Enforcement.
  - 1. Authority. The Building Official, or his or her designated representative, is hereby authorized and directed to enforce all of the provisions of this Code. For such purposes, he or she shall have the powers of a law enforcement officer.
  - 2. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official, or his or her authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official, or his or her

authorized representative, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises be occupied, he or she shall first present proper credentials and request entry; and if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official, or his or her authorized representative, shall have recourse to every remedy provided by law to secure entry.

When the Building Official, or his or her authorized representative, shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official, or his or her authorized representative, for the purpose of inspection and examination pursuant to this Code.

**8-5-2 Definitions.** For the purpose of this Housing Code, certain terms, phrases, words, and their derivatives shall be construed as specified in this Chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Whenever the words "dwelling", "dwelling unit", "rooming house", or "premises" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

- A. "Acceptable" or "approved" shall mean in substantial compliance with the provisions of the Housing Code, or the intent of the Code as approved by the Building Official or his/her designated representative.
- B. "Accessory structure" shall mean a structure which is not used, nor intended to be used, for living or sleeping by human occupants.
- C. "Appurtenance" shall mean that which is directly or indirectly connected or an accessory to some other structure.
- D. "Basement" shall mean a story having at least 1/2 of its height below grade.
- E. "Bath" shall mean a bathtub or shower stall connected with both hot and cold water lines.
- F. "Cellar" shall mean a space having its principal height below the first or main floor which is used, or intended to be used, for storage, location for heating equipment, etc., and shall not be considered habitable space.
- G. "Certificate of Structural Compliance" shall mean a document showing that the structure for which it is issued was in compliance with the City of Muscatine Housing Code at the time of issuance.
- H. "Communal" shall mean used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.

- I. "Condominium" shall mean a dwelling unit which is in compliance with the requirements of 499B of the Code of Iowa, as amended.
- J. "Cooperative" shall mean a dwelling unit which is in compliance with the requirements of 499A of the Code of Iowa, as amended.
- K. "Court" shall mean an open unoccupied space which is more than 50% enclosed by buildings.
- L. "Dining room" shall mean a habitable room used, or intended to be used, for the purpose of eating, but not for cooking or the preparation of meals.
- M. "Dwelling" shall mean any building or structure which is wholly or partly used, or intended to be used, for living or sleeping by human occupants and includes any appurtenances attached thereto.
- N. "Dwelling unit" shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used, for living, sleeping, cooking, and eating of meals.
- O. "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Inspector.
- P. "Filth" shall mean excrement, either animal or human, or any material connected therewith.
- Q. "Garbage" shall mean animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food and shall also mean combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, and other combustible materials.
- R. "Habitable room" shall mean a room, or enclosed space, having a minimum of seventy (70) square feet of total floor area within a dwelling unit or rooming unit used, or intended to be used, for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, corridors, closets, storage spaces, and stairways.
- S. "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests in such quantities as would be considered unsanitary.
- T. "Inspector" shall mean the official or officials of the City of Muscatine delegated the responsibility to administer the provisions of the Housing Code, together with his or her duly authorized representative(s) and/or agent(s).
- U. "Kitchen" shall mean a habitable room used, or intended to be used, for cooking or the preparation of meals.
- V. "Kitchenette" shall mean a food preparation area of not less than forty (40) square feet.

- W. "Lavatory" shall mean a hand washing basin which is connected to both hot and cold water lines and which is separate and distinct from a kitchen sink.
- X. "Multiple dwelling" shall mean any dwelling containing three (3) or more dwelling units.
- Y. "Nuisance" shall mean any item or items as defined in Title 9, Chapter 3, of the City Code.
- Z. "Occupant" shall mean any person, including the owner or operator, living in, sleeping in, and/or cooking in, or having actual physical possession of a dwelling unit or a rooming unit.
- AA. "Operator" shall mean any person who rents to another or who has custody or control of a building, or parts thereof, in which dwelling units or rooming units are let and who has custody and control of the premises.
- BB. "Owner" shall mean any person who has control of any dwelling, dwelling unit, or rooming unit by virtue of a contractual interest in or legal or equitable title to said dwelling, dwelling unit, or rooming unit. An owner who has sold the premises on a legally recorded contract but retains legal title shall not be deemed an owner hereunder.
- CC. "Person" shall mean any individual, firm, corporation, association, partnership, trust, or estate.
- DD. "Plumbing" shall mean and include any or all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, showers, water heating devices, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas services.
- EE. "Premises" shall mean a lot, plot, or parcel of land including all building(s) thereon.
- FF. "Refuse" shall mean waste materials (except human waste) including garbage, rubbish, ashes, and dead animals.
- GG. "Rental Property (Residential Rental Property) or Rental Unit (Residential Rental Unit)" shall mean a structure containing one or more dwelling units, rooming units, or sleeping units, or any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person(s) other than the legal owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a rental property, as context requires.
- HH. "Rental Property Registration" shall mean registration with the City of Muscatine of a structure containing one or more rental units subject to regulation under this Chapter.
- II. "Rental Unit Registration" shall mean registration of any given dwelling unit within a duly registered rental property.

- JJ. "Roomer." shall mean an occupant of a rooming house or rooming unit and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling.
- KK. "Rooming unit" shall mean any habitable room, or group of adjoining habitable rooms, located within a dwelling and forming a single unit with facilities which are used, or intended to be used, primarily for living and sleeping and contain no cooking equipment except that a properly connected and safely operated microwave shall be permitted. A rooming unit shall have a bath and toilet facilities available for exclusive use by the occupant(s) or for communal use in accordance with Sections 8-5-6(E)1 and 8-5-6(E)2.
- LL. "Rubbish" shall mean inorganic waste material consisting of primarily noncombustible materials.
- MM. "Supplied" shall mean paid for, furnished by, provided by, or under the control of the owner or operator.

### **8-5-3 Permits and Inspection.**

- A. General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure regulated by this Code without first obtaining a separate permit for each building or structure from the Building Official in the manner and according to the City Code for Muscatine, Iowa.
- B. Fees. Whenever a building permit is required by Section 8-5-3(A) of this Code, the appropriate fees shall be paid to the Building Official at the rate(s) established by the City Council and set out in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D(1) to this Code of Ordinances.
- C. Inspection. All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by the City Code for the City of Muscatine.

### **8-5-4 Registration and Inspections of Rental Properties.**

- A. Rental Property or Rental Unit Registration
1. Registration Required; Notification of Changes. No person shall lease, rent, or let for occupancy, a residential rental unit in the City of Muscatine, Iowa, without first obtaining from the Building Official proper Rental Property or Rental Unit Registration, as the case may be. Rental Property or Rental Unit Registration shall not be transferred from one owner to another. Each owner of residential rental property shall register the same with the Building Official within 30 days of transfer of title or possession of such property. It shall be the responsibility of the owner to inform the Building Official of any change in address for purposes of conducting business and communicating with the Building Official.

All residential rental properties or units rooms being let for rent and/or occupancy without a valid Rental Registration with the City and fees paid may be ordered vacated and/or the owner shall be subject to a fine and/or municipal infraction, the amount of which shall be established by resolution of the city council and set out in Appendix D of this Code of Ordinances.

2. Application Requirements.

- a. Application for Rental Property or Rental Unit Registration required by this Code shall be made to the Building Official in such form and detail as prescribed by the Building Official.
- b. When registering a property for which the Certificate of Code Compliance has not expired, the property owner shall include a signed Certificate of Self Inspection that states the property owner has inspected the rental property and he or she has determined that property to be in compliance with the Housing Code. Such Certificate of Self Inspection shall also include an itemized list of what items were inspected so as to form the basis of the owner's representation that the property is in compliance with the Housing Code.
- c. Rental Property or Rental Unit Registration fees shall be as set forth by resolution of the City Council and as set out in Appendix D to this Code of Ordinances and payment thereof shall accompany an application for Rental Unit Registration.

3. Rental Unit Registration to Issue. When the owner has properly completed an application for registration of a rental unit, completed all requirements as provided herein and complied with all applicable codes, then Rental Unit Registration shall be issued. Such Registration does not indicate that a dwelling, dwelling unit, rooming unit, or sleeping unit meets the requirements of this Code.

4. Annual Registration. Rental Unit Registration shall be valid for one year after the date of issuance. Registration may not be renewed unless all required fees have been paid in full for all rental unit(s) of which the applicant is an owner.

5. Change of Registration Information upon Transfer of Title. The owner of any rental property or unit shall notify the Building Official within thirty (30) days of any change in the information required for Rental Property or Rental Unit Registration. If a rental property or unit is sold, assigned, or otherwise transferred, the rental property/unit must be re-registered within thirty (30) days of the transfer. The new owner shall notify the Building Official of any change in contact information for their designated local representative, including a change in name, address, e-mail address, telephone number, mobile telephone number, or facsimile number of the designated local representative within thirty (30) business days of the change.

B. Revocation of Rental Unit Registration. The Building Official may revoke or deny renewal of any Rental Unit Registration issued under this Subchapter where any of the following applies:

1. False statements on any application or information or report required by this Subchapter to be given by the applicant, registrant, or permit holder;
2. Conviction or judgment of the licensee for violation of any provision of this Housing Code;

3. Refusal by the owner to permit inspection by authorized personnel of the rental property or unit;
4. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter as set out in Appendix D of this Code of Ordinances;
5. Failure to comply with the provisions of an approved mitigation/remediation plan by the Building Official;
6. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended);
7. Declaration of status as a Dangerous or Unsafe Building or Structure pursuant to 9-3-3(R) of this Code of Ordinances;
8. Declaration of Status as dangerous or substandard building as defined by Section 8-5-9 of this Chapter; and
9. Frequent and recurrent noncompliance with the provisions of this Chapter.

The owner or agent of the affected property shall be notified in writing by certified mail of the registration revocation or denial.

#### C. Inspection of Rental Property

1. Initial Inspection Required. An initial inspection is an inspection of rental properties or rental units that have not previously received a Certificate of Code Compliance. The initial inspection shall be scheduled with the Building Official or his or her designee following receipt of Rental Registration and is required before any rental property or unit thereof may be occupied.
2. Regular Rental Inspection. Regular rental inspections of rental property, rental units, and the common areas thereof, shall be inspected in accordance with a program of regular rental inspections conducted not more frequently than yearly nor less frequently than every five (5) years for a Certificate of Code Compliance.
3. Other Rental Inspection. Rental units may be inspected on a more frequent basis to ensure compliance with this code based upon one (1) or more of the following:
  - a. Information is received indicating that there is a violation of provisions of this Code, or any state or federal regulations;
  - b. An observation is made by a Building Official, or police officer, or fire Building Official, or any other Government official of a possible violation of the standards or the provisions of this code or any state or federal laws;
  - c. Information is received indicating that a rental unit is unoccupied and unsecured or that a rental unit is damaged by fire, water, or other causes detrimental to the structure;
  - d. A determination must be made whether there is compliance with a notice or an order issued by a Building Official;
  - e. A public health safety or welfare emergency is observed or is reasonably believed to exist;
  - f. A tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, then the City of Muscatine shall give a written notice

- to the owner. Fourteen (14) days after the written notification to the owner, an inspection may be conducted by the Building Official;
- g. A dwelling unit is to be demolished by the City of Muscatine, Iowa or the ownership is to be transferred to the City of Muscatine, Iowa;
  - h. A property is declared a Dangerous or Unsafe Building or Structure pursuant to Section 9-3-3(R) of this Code of Ordinances; and
  - i. A property is declared a Substandard Building pursuant to Section 8-5-9 of this Chapter.

#### D. Certificate of Code Compliance

1. Certificate of Code Compliance Required. It shall be a violation of this Code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, rooming unit, or sleeping unit in the City of Muscatine, Iowa unless the owner holds a valid rental Certificate of Code Compliance and a current Rental Property or Unit Registration.

The Building Official may grant owners of rental properties or rental units that have been inspected provisional approval to let for rent or occupancy their rental property or unit, while formal issuance of Certificate of Code Compliance is pending, provided that all requirements for issuance of the certificate at 8-5-4(D)(2) are satisfied.

Unless a rental unit is re-inspected, the Certificate of Code Compliance shall be valid for a period of three (3) years from the initial regular rental inspection (shown as the Issue Date on the Certificate of Code Compliance). A Certificate of Code Compliance shall be transferable from one owner to another for the address for which it is applicable. A Certificate of Code Compliance shall in no way signify or imply that the premises for which it is issued is in conformance or compliance with all portions of the Municipal Code of Muscatine, or the laws of Muscatine County or the State of Iowa. The City of Muscatine shall maintain no liability in regard to the Certificate of Code Compliance.

2. Requirements for Issuance. The City shall issue a Certificate of Code Compliance for any rental unit upon request by the owner providing that the rental unit meets the following requirements:
  - a. Rental Unit Registration for the rental unit in question is on file with the Building Official; and
  - b. The Building Official determines all provisions of this Chapter have been complied with by the owner; and
  - c. All fees required by the Muscatine City Council have been paid in full; and
  - d. The Certificate of Code Compliance, if withdrawn, shall be restored only upon a re-inspection showing compliance with this code and any additional fees are paid in full.
3. Revocation. If, at the discretion of the Building Official, an emergency exists which threatens the immediate health, safety or general welfare of the occupant or general public, the Building Official may immediately issue an order revoking the Certificate of Code Compliance. Upon issuance of the order, the occupant of the unit shall immediately vacate the premises until the rental certificate is reinstated. A Certificate of Code Compliance may be revoked for a given unit without effect on the other units for which the Certificate was issued.

4. Reinstatement. The Building Official will reinstate a revoked Certificate of Code Compliance only after a regular inspection has been completed, fees have been paid in full, and the rental property/unit has been brought into compliance with the applicable standards of this Code. Reinstatement of the Certificate of Code Compliance shall not extend or change the next inspection date of the Certificate of Code Compliance.

E. Fee Schedule. Fees shall be charged for services rendered in relation to this Section. These services include but are not limited to the following: registration, inspections, failure to appear for any scheduled inspections, and late cancellations. The amounts shall be established by resolution of the City Council and are set out in Appendix D of this Code of Ordinances. As a nuisance abatement remedial measure, the fee schedule shall include any unpaid nuisance abatement fees or costs that have been incurred by the City of Muscatine and a per tax parcel per response surcharge for police and fire department responses, excluding emergency medical responses, in an amount equal to the approximate cost of the response, plus a processing fee, for all responses above the nuisance threshold set forth immediately below within a calendar year.

The nuisance threshold is exceeded if the number of responses is greater than three (3) times the number of units on the tax parcel.

In the case of police responses, the number shall be based upon founded calls. Within ten (10) days of the date of a surcharge invoice, the owner may request the Community Development Department review the call log to verify the number of responses and provide the owner with the dates and nature of the responses included in the bill.

#### **8-5-5 Minimum Structural Standards for All Dwellings.**

A. Kitchens. Every dwelling unit shall have a kitchen or kitchenette equipped with the following:

1. An approved kitchen sink.
2. Space capable of properly accommodating a refrigerator and a stove or range.
3. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range.
4. Adequate space for the storage and preparation of food.

B. Sanitation. Every kitchen sink, toilet, lavatory basin, and bath shall be properly connected to an approved water and sewer system as provided for in the City of Muscatine City Code. Additionally, sanitary facilities shall include the following:

1. Every dwelling unit shall contain a toilet.
2. Every dwelling unit shall contain a bath or shower compartment.
3. Every dwelling unit shall contain a lavatory basin.
4. Every toilet and bath shall be contained within a room which will afford privacy to the user and shall be separated from a food preparation area by a tight fitting door.

C. Required Water Heating Facilities. Every kitchen sink and bath and lavatory basin required in accordance with the provisions of this Housing Code shall be properly connected with supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn on every kitchen sink and lavatory basin required at a temperature of not less than one hundred twenty (120) degrees Fahrenheit (forty-eight (48) degrees Centigrade). Such supplied water heating facilities shall be capable of meeting the requirements of this Section, regardless of space heating facilities which are not in operation.

D. Exits.

1. Every dwelling unit and rooming unit shall have access to two (2) independent, unobstructed means of egress remote from each other. At least one shall be an exit which discharges directly to corridors or stairways or both to a public way. If both means of egress are to a common corridor, they shall be in opposite directions or in compliance with local building and/or fire codes.
2. Every means of egress shall comply with the following requirements:
  - a. Handrails. All stairways comprised of four (4) or more risers shall be provided with a substantial and safely constructed handrail.
  - b. Guardrails. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies, or porches which are more than thirty inches (30") above grade and any roof used for other than maintenance purposes shall be protected by a substantial and safely constructed guardrail.
  - c. Every stairway shall have a reasonably uniform riser height and uniform tread width which shall be adequate for safe use.
  - d. Doors and windows accessible from outside the unit shall be lockable from inside the unit.
  - e. In basement units where one means of egress is a window, such window shall have an unobstructed opening no less in area than that required in the Building Code.
  - f. No existing fire escape shall be deemed a sufficient means of egress unless it is in compliance with the fire codes of the State of Iowa and any applicable City rule or regulation.
  - g. Every doorway providing ingress or egress from any dwelling unit, rooming unit, or habitable room shall be at least six feet, four inches (6' 4") high and twenty-four inches (24") wide.

E. Natural Artificial Light. Every habitable room shall be provided with adequate natural and/or artificial light to permit normal indoor activities and to support the health and safety of the occupants.

F. Ventilation.

1. Every dwelling unit shall be provided with natural ventilation as follows:
  - a. Every window or other device with openings to the outdoor space which are capable of being used for ventilation purposes and currently contain screens shall be maintained in a good state of repair.
  - b. Every door opening directly from a dwelling unit or rooming unit to the outdoor space shall fit reasonably tight within its frame and shall be maintained in a good state of repair.

- c. For natural ventilation, every bathroom or toilet compartment shall have at least one openable window facing directly to the outdoors.
2. Every dwelling unit shall be equipped with mechanical ventilation as follows:
  - a. In lieu of openable windows for natural ventilation, as specified in Section 8-5-5(F)1(c), adequate ventilation which provides not less than two (2) air changes per hour in all bathrooms or toilet compartments.
  - b. No mechanical exhaust system, exhausting vapors, gases, or odors shall be discharged into an attic, crawl space, or cellar unless such attic, crawl space, or cellar is adequately vented to the outside.

G. Heating. Heating shall be provided as follows:

1. Every dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit (nineteen (19) degrees Centigrade) at a distance of three feet (3') above the floor level. Said heating facilities shall be so designed and equipped that heat, as herein specified, is available for all dwelling units and rooming units between the hours of 6:30 A.M. and 10:30 P.M., of each day, and shall maintain a temperature of not less than sixty (60) degrees Fahrenheit from 10:30 P.M. to 6:30 a.m. of each day.
2. Every central heating unit, space heater, water heater, and cooking appliance shall be located and installed in such a manner so as to afford reasonable protection against interference of egress facilities or egress routes in the event of uncontrolled fire in the structure.
3. Every fuel-burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney duct and vent shall be of such design as to assure proper draft and shall be adequately supported.
4. No fuel-burning furnace or water heater shall be located within any sleeping room or bathroom unless there is adequate combustion air, an automatic shutoff is provided, and the continuing operation of the furnace and/or water heater poses no threat to the occupant, as determined by the Inspector.
5. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate pressure and temperature limit controls.
6. Every fuel-burning space heating unit and water heater shall be equipped with an electronic ignition or with a pilot light and an automatic control to interrupt the flow of fuel to the unit in the event of failure of the ignition device.

H. Electrical Requirements. Extension cords shall not be used or considered as permanent wiring intended to meet the requirements contained in this section.

1. Every habitable room shall contain at least two (2) separate floor or wall-type electric double convenience outlets which shall be properly installed, on adjacent walls or otherwise separated for reasonable access from all spaces within the room.

2. Every toilet room, bathroom, laundry room, furnace room, basement, and cellar shall contain at least one supplied ceiling or wall-type electric light fixture, and one floor or wall-type electrical outlet which shall be properly installed.
- I. Minimum Space and Occupancy Standards. Minimum space and occupancy standards shall be the minimum requirements established in the Housing Quality Standards as adopted, and amended by the United States Department of Housing and Urban Development.
- J. Ceiling Height. The ceiling height in every habitable room shall be at least six feet, eight inches (6' 8"). In addition, obstructions of space by such items as water and gas pipes, cabinetry, etc. shall be permitted when such obstructions are located in such a fashion that they do not interfere with normal or emergency ingress and egress and are approved by the Inspector.

#### **8-5-6 Minimum Structural Standards for All Rental Housing.**

- A. Access. Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit.

Exception: Access to rooming units may be through a living room or kitchen of a unit occupied by the owner or operator of the structure.

No dwelling, dwelling unit, or rooming unit containing two (2) or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room.

Exception: Access may be provided through not more than one room which is restricted for use as a sleeping room for children under five (5) years of age. However, all other occupancy minimums shall apply.

- B. Lighting in Public Halls and Stairways. Lighting shall be provided as follows:
  1. Public passageways and stairways in dwellings accommodating three (3) or more dwelling units or rooming units shall be provided with a convenient wall mounted light switch(es) which activates an adequate lighting system.
  2. Exterior stairways serving individual units shall be supplied with sufficient illumination to allow their safe use.
- C. Fire Regulations. All rental housing shall be provided with fire protection equipment as follows:
  1. All structures containing three (3) or more dwelling units or rooming units shall be provided with a sufficient number of fire extinguishers which are approved by the Fire Marshall. Fire extinguishers shall be properly hung in an area accessible to all tenants within the individual unit, or in the common corridors at each level and in the basement.
  2. All dwelling units and rooming houses shall be provided with smoke detectors as required.

3. Location and Installation. All smoke detectors shall be located and mounted on a ceiling or on a wall not more than twelve inches (12") from the ceiling at a point centrally located within the required area. Smoke detectors shall be located in accordance with the manufacturer's recommendation and this Code.
4. Power Source and Maintenance. Buildings required by State and local law to install smoke detectors receiving their primary source from building wiring shall comply with all applicable laws concerning installation, inspection, and maintenance. All other units may receive their primary source of power from batteries.
5. Owner's Responsibility. The owner shall be responsible for the installation and testing of all smoke detectors as a condition to occupancy.
  - a. If the unit is currently (and otherwise legally) occupied on the effective date of this Ordinance, the owner shall cause all existing smoke detectors to be tested. Any non-functioning and/or inoperable detectors and batteries shall be immediately replaced by the owner, at the owner's expense. It shall be the responsibility of the owner to provide verification of compliance with this section when requested by the City, or the owner shall be guilty of a municipal infraction.
  - b. When a unit is scheduled for occupancy by a new tenant(s), it shall be the responsibility of the owner to install and test all required smoke detectors prior to occupancy. All non-functioning and/or inoperable detectors and batteries shall be replaced at the owner's expense. The owner shall retain verification of this requirement and produce it when requested by the City, or the owner shall be guilty of a municipal infraction.
  - c. The owner shall be responsible for the installation and maintenance of all detectors and batteries located in common corridors and other areas required by law that are not under the direct control of the occupant(s).
6. Occupants Responsibility.
  - a. The occupant shall be responsible for the replacement of all batteries necessary for the proper operation of all supplied smoke detectors within the rental dwelling. The occupant shall be required to notify the owner, in writing, of any deficiencies known to exist in the supplied detector. It shall be the responsibility of the occupant to test all smoke detectors on a regular basis to insure proper operation. Failure to keep batteries replaced, as necessary for their safe operation, shall cause the occupant to be in violation of this Section and subject to a municipal infraction citation. Detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Smoke detectors hereinafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

D. Sanitation.

1. Toilets and Lavatory Basins. At least one toilet and one lavatory basin shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit, or units, including members of the operator's family whenever they share said facilities.

Exception: In rooming houses where rooms are let to males only, flush urinals may be substituted for not more than one-half (1/2) of the required number of toilets.

2. Baths. At least one bath shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit or units, including members of the operator's family whenever they share the use of said facilities.

E. Communal Toilets, Kitchens, and Dining Rooms.

1. Communal Toilets and Baths. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit.

2. Communal Kitchens. If a communal kitchen is supplied, it shall comply with the following requirements:

- a. The minimum floor area of communal kitchens shall be sixty (60) square feet.
- b. Floor area in communal kitchens which permits roomers to prepare and eat meals shall be one hundred (100) square feet.
- c. The kitchen shall contain adequate food storage capacity, an approved sink, and a stove or range.
- d. It shall include at least one cabinet of adequate size suitable for the storage of food and eating and cooking utensils.
- e. It shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.
- f. Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

3. Communal Dining Rooms. Every dwelling or rooming house within which the occupant of any rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than one hundred (100) square feet of floor area, as provided in Section 8-5-6(E)2(b), shall contain a communal dining room which complies with the following requirements:

- a. Every communal dining room shall be located on the same floor as the communal kitchen and located as nearly adjacent to the communal kitchen as is practicable.
- b. Accessibility to the communal dining room by occupants shall be the same as requirements for communal kitchens in Section 8-5-6(E)2(f).
- c. The communal dining room shall contain a table and adequate chairs for the normal use of the facilities.
- d. Every communal dining room shall contain not less than seventy (70) square feet of floor area.

- F. Lead Based Paint. Every owner or operator of a dwelling shall comply with HUD Lead Based Paint Regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act.

G. Shades, Draperies, and Window Coverings.

1. Every window in rooms used for sleeping purposes in rooming units and furnished dwelling units shall be supplied with shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.
2. Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.

H. Mobile Home Tiedown Requirements. All mobile homes shall be provided with two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in booklet TR-75 published by the Department of Defense.

**8-5-7 Owners Responsibilities.**

A. Maintenance of Structure.

1. Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, porch, guardrail, sidewalk, and appurtenance thereto shall be maintained in a safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.
2. Every foundation, floor, exterior wall, exterior door, window, and roof shall be maintained in a reasonably weather tight, watertight, rodent proof, and insect proof condition.
3. Every door and window to include all hardware associated with every door and window shall be maintained in good and functional condition and shall fit reasonably well within its frame.
4. Every interior partition, wall, floor, ceiling, and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition, and where appropriate, shall be capable of providing privacy.

B. Maintenance of Accessory Structures.

1. Every foundation, exterior wall, roof, window, exterior door, and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for rats or other vermin and shall be maintained in a reasonably watertight, structurally sound condition capable of withstanding imposed wind and snow loads.
2. Security. Every accessory building and/or garage shall be secured against unauthorized entry, or it shall be declared a public nuisance subject to abatement and/or civil penalty. It shall be the responsibility of the person(s) having the possession and use of the accessory building to comply with this Section.

C. Drainage.

1. Rainwater Drainage. Rainwater shall be directed away from the building so as to prevent water damage to the structure.

2. Grading and Drainage. Every premises shall be graded and drained so no stagnant water will accumulate or stand thereon.

Exception: This Section shall not affect the existence or maintenance of approved storm water detention systems.

- D. Chimneys. Every chimney shall be adequately supported and maintained in a reasonably good state of repair.
- E. Protection of Exterior Wood Surfaces. All exterior wood surfaces of a dwelling and its accessory structures, porches, and similar appurtenances shall be protected from the elements and against decay by a non-lead based paint or other approved protective covering.

Exception: Any exterior wood surface comprised of a type or species of wood or which has been treated to resist decay and infestation shall be exempted from the above listed requirement when approved by the Inspector.

- F. Egress from Structure. Every means of egress shall be maintained in good condition and shall be free of obstruction at all times. If the means of egress is a fire escape, it shall be maintained in a good state of repair. Egress via exterior stairways shall be provided with sufficient illumination to allow for their safe use by the occupant.
- G. Screening. Every openable exterior window, door, or similar device intended to be used for ventilation in a non-air conditioned environment, shall be supplied with properly fitted screens of not less than sixteen (16) mesh to the inch. All doors leading into common stairways or corridors shared by more than one tenant shall be supplied with screening sufficient to allow ventilation into the common areas when such areas are not air conditioned. Such screening shall be maintained in good repair.
- H. Electrical System. The electrical system of every dwelling or accessory structure shall not by reason of overloading, dilapidation, lack of insulation, improper fusing, or for any other cause, expose the occupants to hazards of electrical shock or fire, and every electrical outlet, switch, and fixture shall be maintained in good and safe working condition.
- I. Maintenance of Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be maintained in a good and sanitary working condition. Water pressure shall be adequate to permit a proper flow of water from all open outlets at all times. (Except during maintenance and repair.)
- J. Maintenance of Gas Appliances and Facilities.
  1. Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion, and obstruction causing reduced pressure or volume.
  2. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.
- K. Maintenance of Heating and Supplied Cooling Facilities. The heating equipment of each dwelling shall be maintained in a good, safe working condition and shall be capable of heating all habitable rooms and bathrooms located therein to the minimum temperature required by this Code. However, heating and supplied cooling equipment shall not be required to be maintained in operational condition during what is considered to be off season periods. Owners of rental properties with fuel burning furnaces that are 10 years or older or that have been inoperative for one

year or longer are required to have annual carbon monoxide tests. Tests must be performed by a properly certified and registered mechanical contractor. Owners shall immediately notify the Inspection Department of failed tests. Owners shall provide a legible certified copy of successful test results to the Inspection Department not later than 30 days after the test. This requirement does not apply if a carbon monoxide detector is installed within 10' of the furnace.

- L. Floors. Every toilet room floor surface, bathroom floor surface, and kitchen floor surface shall be maintained so as to permit them to be kept in a clean, dry, and sanitary condition.
- M. Supplied Facilities. No supplied facility shall be removed, shut off, or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption(s) as may be necessary while actual (and active) repairs, replacements, or alterations are being made, unless authorized by court order.
- N. Maintenance of Sanitary Facilities. All toilets, baths, and lavatory basins shall be maintained in good working condition.
- O. Fire Protection. All fire extinguishers and early warning fire protection systems shall be maintained in good working condition at all times.
- P. Pest Extermination. The property owner shall be responsible for extermination of pests when it is determined by the Health Officer, or his or her designate, that the infestation is present in two (2) or more dwelling units or rooming units within a dwelling.
- Q. Garbage Disposal. Every owner of a dwelling shall supply an approved exterior location for the disposal of garbage and in compliance with the City Code for Muscatine, Iowa.
- R. Occupancy Control. A dwelling unit shall not exceed occupancy maximums.
- S. Cooking in Rooming Units. No owner or operator shall knowingly allow the use of cooking equipment within any rooming unit.

#### **8-5-8 Occupant's Responsibilities.**

- A. Occupant Responsible for Controlled Areas. Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, rooming unit, or premises thereof he or she occupies and controls, to include:
  - 1. Every floor and floor covering shall be kept reasonably clean and sanitary.
  - 2. Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
  - 3. No dwelling shall be used for the storage or handling of refuse, except as provided in this Code.
- B. Plumbing Fixtures. The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use, and proper operation thereof.

- C. Extermination of Pests. Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents, or other pests on the premises. Every occupant of a dwelling containing two (2) or more dwelling units or rooming units shall be responsible for such extermination within the unit occupied by him or her whenever said unit is the only one infested. However, whenever it is determined by the Health Officer, or his or her designate, that infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodent proof and/or insect proof condition, extermination shall be the responsibility of the owner.
- D. Storage and Disposal of Garbage. Every occupant of a dwelling shall dispose of rubbish, garbage, and any other organic waste in a clean and sanitary manner by placing it in container(s) required by the City Code of Muscatine, Iowa.
- E. Electrical Wiring. No temporary wiring or extension cords shall be used, except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms, or similar structural elements or attached thereto. The occupant shall not knowingly overload the circuitry of the dwelling unit or rooming unit. Multiplug connectors may only be used when they are equipped with an overcurrent device and individually approved by the Inspector.
- F. Supplied Facilities. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.
- G. Preparation of Meals in Rooming Units Prohibited. No occupant of a rooming unit shall prepare meals in his or her rooming unit unless an approved kitchen and/or dining room is contained within the rooming unit or in accordance with communal facilities outlined in Section 8-5-6 of this Code.
- H. Occupancy Control. No occupant shall allow the occupancy of any dwelling unit or rooming unit within which he or she resides to exceed the occupancy standards outlined in Section 8-5-5 of this Code.

#### **8-5-9 Substandard Buildings.**

- A. Definition. Any building or portion thereof, including any dwelling, dwelling unit, rooming unit, guest room, or the premises on which the same is located, in which there exists a violation of this Code to the extent that the violation endangers the life, limb, health, property, safety, or welfare of the public or the occupant(s) thereof shall be deemed and hereby is declared to be a substandard building.
- B. Substandard Buildings. All buildings or portions thereof which are determined to be substandard are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 9-3-3(R) of this Code.

## **8-5-10 Notices and Orders of Building Official.**

### **A. General.**

1. Commencement of Proceedings. Whenever the Building Official has inspected, or caused to be inspected, any building or portion thereof and has found and determined that such building or portion thereof is a substandard building, he or she shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building or portion thereof.
2. Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
  - a. The street address and a legal description sufficient for identification of the premises upon which the building is located.
  - b. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9-3-3 (R8) of this Code.
  - c. A statement of the action required to be taken as determined by the Building Official.
    - i. If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work commenced within such time (not to exceed sixty [60] days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all the circumstances.
    - ii. If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable, given the nature of the violation(s).
    - iii. If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed sixty [60] days from the date of the order), that all required permits be secured therefore within sixty (60) days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.
  - d. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

- e. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the City Council, provided the appeal is made in writing as provided in this Code and filed with the Building Official within thirty (30) days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
3. Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Section.
  4. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be posted on the property where the violation exists. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
  5. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.
- B. Recordation of Notice and Order. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official may file in the Office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building, and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.
- C. Repair, Vacation, and Demolition.
1. Standards to be Followed. The following standards shall be followed by the Building Official (and by the City Council or Housing Board if an appeal is taken) in ordering the repair, vacation, or demolition of any substandard building or structure:
    - a. If any building declared a substandard building under this ordinance shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.

- b. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

D. Notice to Vacate.

1. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8-5-10(A)3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a misdemeanor to enter this building or remove or deface this notice. Any person(s) found inside this building are subject to immediate arrest. Building Department, City of Muscatine.

2. Compliance. Whenever such notice is posted, the Building Official shall require that the owner comply with all provisions of the Housing Code with respect to occupancy prior to removal of the posting, and subsequent occupancy of the building send a notification there of in the notice and order issued by him under Section 8-5-10(A)(2), reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. Nothing contained herein shall prevent authorized person(s) from entering the property for the sole purpose of removing personal belongings during all reasonable hours, with prior notification and approval of the City.

No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Structural Compliance Occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

**8-5-11 Appeals.**

- A. Appeal to Council or Housing Appeals Board. In any instance where a party is left aggrieved by an adverse action of the Building Official under this Chapter, such person shall have an opportunity to appeal the decision to the City Council or an equivalent Housing Appeals Board formed by Council as allowed by State law. The Council or equivalent board established by Council as allowed by law shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals shall be processed in accordance with the provisions contained in Section 8-5-11(B) of this Code.
- B. Form of Appeal. Any person entitled to service under this Code may appeal any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official a written appeal containing:
  1. A heading in the words: "Before the City Council of the City of Muscatine, Iowa"
  2. A caption reading: "Appeal of \_\_\_", giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order.
  4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
  5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
  6. The signatures of all parties named as appellants and their official mailing address.
  7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- C. Filing of the Appeal. The appeal shall be filed within thirty (30) days from the date of the service (or other such time as may have been imposed by the Building Official based on the type of violation) of such order or action of the Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or adjacent property, or has otherwise been declared a Public Nuisance as contained elsewhere herein, and is ordered vacated and is posted in accordance with this Code, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the Building Official.
- D. Processing of Appeal. Upon receipt of any appeal filed pursuant to Section 8-5-11(C), the Building Official shall present it to the City Council in accordance with this Chapter. The Council shall then proceed by scheduling and noticing appellant as provided under **Section 8-5-11(E)** or by establishing or forwarding as soon as practicable the appeal to an equivalent Housing Appeals Board formed by Council as allowed by State law, which Board shall then schedule and notice appellant as provided in **Section 8-5-11(E)**.
- E. Scheduling and Notice of Appeal for Hearing. As soon as practicable after receiving the written appeal, the City Council or Housing Appeals Board shall fix a date, time, and place for hearing of the appeal by Council or the Board. Such date shall be not less than seven (7) days nor more than thirty (30) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least five (5) days prior to the date of the hearing to each appellant by the secretary of the Council or Board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.
- F. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this Code shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order or to any portion thereof.
- G. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

- H. Staying of Order Under Appeal. Except for vacation orders made pursuant to **Section 8-5-10**, enforcement of any notice and order of the Building Official issued under this Code shall in abeyance during the pendency of an appeal therefrom which is properly and timely filed.

#### **8-5-12 Procedures for Conduct of Hearing Appeals.**

A. General.

1. Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by Council or the Housing Appeals Board.
2. Reporting. The proceedings at the hearing shall also be transcribed from the recording if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by Council, but shall in no event be greater than the cost involved.
3. Continuances. Council or the Appeals Board may grant continuances for good cause shown.
4. Oaths, Certification. In any proceedings under this chapter, Council or the Appeals Board, or any member thereof, has the power to administer oaths and affirmations and to certify to official acts.
5. Reasonable Dispatch. Council or the Appeals Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

- B. Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the City Council/or the Housing Appeals Board at.... on the \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_, at the hour \_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit therefore with the City Council or Housing Appeals Board."

C. Subpoenas.

1. Filing of Affidavit. The Council or Housing Appeals Board and any appellant(s) may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of Council or the Housing Appeals Board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness, specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved, and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.
2. Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control, as required by any subpoena served upon such person as provided for herein, shall be guilty of a misdemeanor.

D. Conduct of Hearing.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
2. Oral Evidence. Oral evidence shall be permitted.
3. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions in courts of competent jurisdiction in this state.
4. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdictions in this state.
5. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
6. Rights of Parties. Each party shall have these rights, among others:
  - a. To call and examine witnesses on any matter relevant to the issues of the hearing.
  - b. To introduce documentary and physical evidence.
  - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
  - d. To impeach any witness regardless of which party first called him to testify.
  - e. To rebut the evidence against him.
  - f. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

7. Official Notice.

- a. What May be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Council or Housing Appeals Board or departments and ordinances of the City or rules and regulations of the Council or the Board.
- b. Parties to be Notified. Parties present at the hearing shall be informed of the matters to be noticed and these matters shall be noted in the record, referred to therein, or appended thereto.
- c. Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority; the manner of such refutation to be determined by the Board or hearing examiner.
- d. Inspection of the Premises. Council or the Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, (iii) only those items listed in the official notice may be noted during the inspection, and (iv) the Council or Board shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Council or Board.

E. Method and Form of Decision.

1. Hearing Before Council or the Board Itself. Where a contested case is heard before the Council or the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.
2. Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by mail, postage prepaid, at the address listed on the appeal.
3. Effective Date of Decision. The effective date of the decision shall be as stated therein.
  - a. Any appellant aggrieved by any decision may appeal the same to the District Court of Muscatine County within thirty (30) days after receiving the decision of Council or the Board.

**8-5-13 Enforcement of Orders from Building Official, City Council, the Housing Board.**

A. Compliance.

1. General. After any order of the Building Official, Council, or the Housing Board made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

2. Failure to Obey Order. If, after any order of the Building Official, Council, or Housing Board made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection 1 of this section, or (ii) institute any appropriate action to abate such building as a public nuisance.
3. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the time specified in the final notice and order issued under this Code:

- a. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

SUBSTANDARD BUILDING DO NOT OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice. Any unauthorized person(s) found inside this building are subject to immediate arrest. Building Official - City of Muscatine.

- b. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the Building Official have been completed and a Certificate of Structural Compliance issued pursuant to the provisions of this Code.
  - c. The Building Official may, in addition to any other remedy herein provided, order demolition to cause the building to be demolished and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this Code.
- B. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he or she will comply with the order if allowed additional time, the Building Official may, in his or her discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation, or demolition if the Building Official determines that such extension of time will not create or perpetuate a situation imminently dangerous to life or property.
- C. Interference with Repair or Demolition Work Prohibited. No person shall obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this Code whenever such officer, employee, contractor, or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this Code or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this Code.

## **8-5-14 Performance of Demolition.**

### **A. General.**

1. Procedure. When any work, repair, or demolition is to be done pursuant to this Code, the Building Official shall cause the work to be accomplished by private contract under the direction of the Building Official. Plans and specifications therefor may be prepared by the Building Official, or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary.
2. Costs. Costs incurred under **Section 8-5-14(A)(1)** shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

*(Code of Iowa, Sec. 364.12[3h])*

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 6 – ADDRESSING**

SECTIONS:

- 8-6-1 Numbers Required
- 8-6-2 Location of Numbers
- 8-6-3 Numbers Obtained from the Community Development Department
- 8-6-4 Material; Size
- 8-6-5 Allowing Buildings Without Numbers
- 8-6-6 Failure to Comply
- 8-6-7 Numbers Designated
- 8-6-8 System; Base Lines
- 8-6-9 Numbers Assigned
- 8-6-10 Street Names

**8-6-1 Numbers Required.** The owners of improved property, or property having erected thereon any building, shall cause their property fronting upon the public streets and avenues within the City to be numbered as hereinafter described in this Chapter.

*(Code of Iowa, Sec. 364.12[3d])*

**8-6-2 Location of Numbers.** The owner of every building, residence, or store within the Corporate Limits of the City shall have the number of their buildings, residences, or stores, conspicuously fixed on their property and visible from the public street.

**8-6-3 Numbers Obtained from the Community Development Department.** The owners of every building, residence, or store erected within the Corporate Limits of the City shall be assigned an address as part of the permit issuing process for every such structure as required.

**8-6-4 Material; Size.** The number placed upon buildings, residences, or stores, as prescribed in the foregoing Sections, may be of metal, wood, or plastic or may be painted upon metal or glass, but in every case the number must be at least two and one-half inches (2 1/2") in height. If painted, such numbers shall be of durable and legible characters, and no numbering done or attempted to be done in numbers or figures of a less size than prescribed in this Section shall be regarded as complying with the provisions of this Chapter.

**8-6-5 Allowing Buildings Without Numbers.** Legible characters of less than 2 1/2" in height may be used when posted on rural type mail boxes which are accessible from the improved street in front of the building.

**8-6-6 Failure to Comply.** If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[3h])*

**8-6-7 Numbers Designated.** It shall be the duty of the Community Development Department to designate the numbers to be assigned to each building, residence, or store as prescribed in this Chapter.

**8-6-8 System: Base Lines.** In designating and assigning numbers to buildings, residences, and stores, the system of commencing and continuing the numbering of each block or square as the same appears recorded upon the plat of the City proper shall be by what is known as the "Philadelphia Plan", which is one hundred (100) to each block, the hundred indicating the block and the unit of ten (10), as the case may be, indicating the building. In numbering the additions to the City, the same plan shall be followed as far as practicable. In numbering the City proper, on streets running East and West the base line shall be Iowa Avenue, and on streets running North and South the base line shall be Front Street. In numbering South Muscatine to the corporate limits of the City, the base line shall be the Chicago, Rock Island and Pacific Railroad track. Iowa Avenue shall be the dividing line of the City proper, and including that portion of the City lying between Eighth Street and Fulliam Avenue, from which, upon all streets running at right angles thereto, all buildings shall be numbered "East" and "West" respectively, in the following manner: The parts of streets lying East of Iowa Avenue shall be known as "East Mississippi Drive", "East Second", and "East Third" streets, and so on, and the parts of streets lying West of Iowa Avenue shall be known as "West Mississippi Drive", "West Second", and "West Third" streets and so on. The even numbers shall be placed upon the South and West sides of the streets and the odd numbers on the opposite sides of the streets.

**8-6-9 Numbers Assigned.** In the numbering of buildings, residences, or stores, each main door or entrance to every building, residence, or store shall be assigned one number. On each block, in whole or in part occupied by businesses, houses, stores, etc., or by residences not detached but compacted together, the unimproved property shall be assigned numbers as deemed appropriate by the Community Development Department.

**8-6-10 Street Names.** The name of a newly constructed street segment must comply with all of the following criteria in order for it to be accepted as a public street:

- A. A newly developed street segment will assume the name of the one which it aligns and directly connects.
- B. A newly developed street segment may only share a name with an existing street if it aligns with the existing street and either connects with the existing street, or which plans for making a connection to the existing street exist.
- C. Once a street name in its current format is used, it may not be used in another format: e.g. Oak Street or Oak Drive, 1<sup>st</sup> Street or 1<sup>st</sup> Avenue, etc.
- D. Names that are the same, or are pronounced the same (homonyms) or similarly, with different spellings may only be used once: e.g. Smith Avenue or Smythe Avenue, Ellis Street or Aalice Street, Allen Drive or Alan Drive, etc.
- E. Either the singular form or plural form of a word may be used for a street name, but not both: e.g. Oak Drive or Oaks Street, Adam Street or Adams Street, etc.
- F. When applying Section C, D and E, the names of all streets within service area of all emergency responders serving Muscatine shall be considered.
- G. A street name shall not use special characters such as hyphens, apostrophes, or dashes.
- H. Directional shall not be used as street names: e.g. East Street, North Lane, West Avenue, etc.

- I. A street name should be easy to read so that children can use the name in an emergency situation.
- J. All streets shall be identified with an approved sign.

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 7 – MECHANICAL CODE**

SECTIONS:

8-7-1 Adoption of International Mechanical Code

8-7-2 Plans and Specifications

8-7-3 Inspections

8-7-4 Permits

**8-7-1 Adoption of the International Mechanical Code.** Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Mechanical Code”, 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Mechanical Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said Code is on file in the office of the City Clerk.

**8-7-2 Plans and Specifications.** Whenever it shall be deemed necessary by the Mechanical Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the heating, ventilation, and air conditioning of such building showing the type, size, and location of all mechanical equipment to be used which may be retained by the Mechanical Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

**8-7-3 Inspections.** The Mechanical Inspector must be notified when work is ready for inspection by the person doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Mechanical Inspector and upon notice of revocation being given, all work under such plans shall cease. The Mechanical Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective material must be removed and replaced with sound material. When the entire mechanical work is completed to the satisfaction of the Mechanical Inspector, he or she shall give his or her approval.

**8-7-4 Permits.** Before the Building Official issues a permit as required, the Mechanical Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of Council and set out in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D to this Code of Ordinances, except that no permit shall be required for the repair of mechanical equipment. No mechanical work will commence without the party performing the mechanical work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-7-1 may be made to the City Council.

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 8 – MOVING BUILDINGS**

**SECTIONS:**

- 8-8-1 House Mover Defined
- 8-8-2 Permit Required
- 8-8-3 Application
- 8-8-4 Bond Required
- 8-8-5 Insurance Required
- 8-8-6 Permit Fee
- 8-8-7 Inspection; Structure to be Moved; Route
- 8-8-8 Reporting Application to Council
- 8-8-9 Supervision by Building Department
- 8-8-10 Damages
- 8-8-11 Permit Revocation

**8-8-1 House Mover Defined.** A “house mover” means any person or business who undertakes to move any house, building, structure or any part or parts thereof from one location to another when the moving of such house, building, or structure or part or parts of structures requires traveling upon, across, along or over any street, avenue, highway, thoroughfare, alley, sidewalk or other public ground in the City.

**8-8-2 Permit Required.** No person shall engage in the activity or business of house moving as defined in **Section 8-8-1** of this Code of Ordinances, unless such person or business shall have first applied for and obtained a permit to do so from the Council as hereinafter provided in this Chapter.

**8-8-3 Application.** Any person or business desiring a house moving permit as required herein shall file an application with the Office of the Building Official. Such application shall contain:

- A. The date or dates and time of moving the house, structure or building.
- B. The detailed statement setting forth the proposed route to be followed in moving the structure, the equipment to be used and specifying the person in charge of the moving operation.
- C. The location of the premises to which the structure is to be moved and the zoning classification thereof.
- D. The name of the owner of the structure and the name of the owner of the premises to which it is being moved showing that the applicant is entitled to move the house.
- E. A plot plan of the location to which the structure is to be moved, showing the exact proposed location of the structure, the boundaries of the lot upon which the structure is to be placed, and the dimensions of said lot.
- F. A statement showing the maximum length and width, including eaves, and loaded height of the structure to be moved.
- G. An agreement that the house mover shall indemnify and hold the City harmless from any claims or damages for injury to person or property resulting from the moving of the structure for which the permit is requested.

- H. An agreement that the applicant shall immediately report any damage done by the moving operation to any street, sidewalk, alley, curb, highway, tree or other public property and that the applicant will upon demand pay the cost of repair occasioned by said damage to the City.

**8-8-4 Bond Required.** The applicant for a house mover's permit shall file with the application a bond, with an approved corporate surety in the penal sum as set by resolution of City Council and set out in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D to this Code of Ordinances, conditioned that all work done under such permit shall be done in good and workmanlike manner, and that the applicant will pay to the City or to any person injured all damages for injuries to person or property, including but not limited to damages to any street, curb, sidewalk or any other public property caused by negligence, fault or mismanagement of cause, in doing work under such permit.

**8-8-5 Insurance Required.** Before the permit is issued, the applicant shall obtain and furnish to the City an insurance policy for public liability and property damage in the amount as set by resolution of City Council and set out in the **Schedule of Building Related Permits and Other Requirements** in Appendix D to this Code of Ordinances. Said insurance policy shall name the City and the applicant as insured and shall provide that said policy cannot be revoked, cancelled, or modified in any way until the City has been notified by certified mail at least ten (10) days prior to the proposed action.

**8-8-6 Permit Fee.** The fee for a house moving permit shall be the amount as set by resolution of Council and set out in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D to this Code of Ordinances and shall be paid at the time the application is filed.

**8-8-7 Inspection; Structure to be Moved; Route.** Before any permit is issued under the provisions of Sections 8-8-2 and 8-8-5 of this Chapter, the Building Official shall carefully inspect the structure proposed to be moved and shall determine whether such structure when moved will comply with the provisions of this Code and the Housing Laws of the State. The Building Official shall inspect the route proposed to be used in moving the structure and will insure that the applicant has secured estimates from owners of all wires, poles, or other property to be effected by the proposed moving of the structure.

**8-8-8 Reporting Application to Council.** The Building Official shall report the application for a permit to the Council at its next regular or special meeting and shall either recommend the permit be granted or otherwise. This Section shall not be construed as an assumption by the City of the payment of any sum to any person except the amounts deposited in accordance with this Section.

**8-8-9 Supervision by Building Official.** Any building or other structure moved under the provisions of this Chapter shall be moved under the supervision of the Building Official, and no building or other structure shall be moved during normal high traffic periods. This section shall not be construed to hold the house mover responsible for traffic or other delays caused by factors outside the house mover's control.

**8-8-10 Damages.** The house mover shall report any damages done to any street highway, alley, sidewalk, curb, tree, telephone or light poles or wires, or to any other public or private property, except property owned by the house mover or the structure being moved, to the Public Works Director within twelve (12) hours after the occurrence. The house mover shall, upon demand, pay any damages resulting from an injury to any person or property. Nothing herein shall be construed to prevent the house mover from contesting any claim in good faith in any court.

**8-8-11 Permit Revocation.** Any permits granted under Section 8-8-2 of this Chapter may be revoked at any time by the Council upon showing being made that the permit holder has violated the provisions of this Chapter.

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 9 – PLUMBING CODE**

SECTIONS:

8-9-1 Adoption of International Plumbing Code

8-9-2 Plans and Specifications

8-9-3 Inspections

8-9-4 Permits

**8-9-1 Adoption of the International Plumbing Code.** Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Plumbing Code”, 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Plumbing Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said Code is on file in the office of the City Clerk.

**8-9-2 Plans and Specifications.** Whenever it shall be deemed necessary by the Plumbing Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the drainage of such building, showing the size and kind of pipes, the traps, closets, and fixtures to be used, which may be retained by the Plumbing Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

**8-9-3 Inspections.** The Plumbing Inspector must be notified when work is ready for inspection by the plumber doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Plumbing Inspector and upon notice of revocation being given, all work under such plans shall cease. The Plumbing Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective pipe or fittings must be removed and replaced with sound pipe and fittings. When the entire plumbing work is completed to the satisfaction of the Plumbing Inspector, he or she shall give his or her approval.

**8-9-4 Permits.** Before the Building Official issues a permit as required, the Plumbing Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of City Council and set out in the **Schedule of Building-Related Permits and Other Requirements** in Appendix D to this Code of Ordinances, except that no permit shall be required for any replacement of existing plumbing or plumbing fixtures unless such replacement requires a physical relocation, addition, or expansion of the same. No plumbing work will commence without the party performing the plumbing work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-9-1 may be made to the City Council

**TITLE 8 – BUILDING REGULATIONS  
CHAPTER 10 – RESIDENTIAL CODE**

SECTIONS:

8-10-1 Adoption of the International Residential Code

8-10-2 Amendments

**8-10-1 Adoption of the International Residential Code.** Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Residential Code”, 2015 Edition, together with Appendix Chapters F and J, as amended and published by the International Code Council, is hereby adopted by reference as the Residential Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this ordinance. An official copy of said code is on file in the office of the City Clerk.

**8-10-2 Amendments:** That the International Residential Code, adopted by the City of Muscatine, Iowa, be amended by:

- A. Climatic and Geographical Design Criteria. Table R301.2(1) is amended by insertion of the following criteria and the addition of footnotes n, o, and p. Footnotes a-m remain as printed in the International Residential Code.

**TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost line depth	Termite					
20	115	No	No	No	A	Severe	42"	Moderate to heavy	-5	Yes	n, o, p	2,000	50.7

n. Date of National Flood Insurance Program - 8/25/1981

o. Date of Flood Insurance Study - 7/18/2011 & 4/16/2013

p. Panel Numbers - Flood Insurance Rate Map - 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D.

- B. Deletion of Section R313, Automatic Fire Sprinkler Systems.

- C. Deletion of Section P2904, Dwelling Unit Fire Sprinklers.

- D. One-story wood or metal frame accessory buildings associated with a Group R Division 3 Occupancy and not used for human occupancy with a floor area not to exceed two hundred (200) square feet may be constructed on a four inch (4") concrete slab utilizing anchor bolts on six foot (6') centers, or other anchoring systems as may be approved by the Building Official.
- E. One-story wood or metal frame accessory buildings with a height not exceeding sixteen (16') and side walls not exceeding twelve feet (12') associated with a Group R Division 3 Occupancy and not used for human occupancy or exceeding one thousand (1,000) square feet in floor area may be constructed on a floating slab provided there is a perimeter footing one foot (1') deep and one foot (1') wide which requires the installation of one (1) number four (4) reinforcing steel bar centrally located throughout the footing.
- F. A single family dwelling not more than one story in height may be constructed on eight inch (8") wide trenched footings provided they are forty two inches (42") below grade and are reinforced with a minimum of two (2) number four (4) reinforcing steel bars running horizontally through the top one-third (1/3) and the bottom one-third (1/3) of the foundation wall.