Preface

This volume constitutes the third revision and codification of the General Ordinances of the City of Muscatine, Iowa, since 1918. It contains such Ordinances of a general and permanent nature enforced on December 17, 1981, as were found desirable for retention, except those especially saved from repeal by the adopting Ordinance.

The original Charter approved on February 1, 1851, was first revised and codified on January 19, 1956. The Code was subsequently revised and codified again on April 21, 1966. This, the third revision and codification, was adopted by the City on December 17, 1981. The two previous recodified Codes are available in the Clerk's Office for historical purposes.

This volume was codified and edited by the City staff and reviewed for content by the City Council and the City's various Boards and Advisory Commissions. Recognition is due to the City Council and City staff as follows:

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Steve Boka	Building and Zoning Administrator
Ray Childs	City Engineer
Don LeMar	Streets and Grounds Director
Bill McGonagle	Museum and Art Center Director
Carol F. Myhr	Police Chief
Craig Olson	Water Pollution Control Director
Jack Paetz	Housing Administrator
Deb Rauh	Finance Director
Paula Smith	Library Director
Kevin Whittaker	Planning Administrator
Arlen Wiggs	Community Development Director
Larry Wolf	Parks and Recreation Director
Paul Ziegenhorn	Fire Chief

Special recognition is expressed to Harvey G. Allbee, Jr., City Attorney, for his legal assistance throughout the codification process.

Soren Wolff
City Administrator

CITY OF MUSCATINE

CITY CODE

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ORDINANCE NO. 90768-0409
AN ORDINANCE ADOPTING THE CODE OF ORDINANCES
AND SUPPLEMENT OF THE CITY OF MUSCATINE, IOWA

Be It Enacted by the City Council of the City of Muscatine, Iowa:

SECTION 1. ADOPTION. Pursuant to Iowa Code Section 380.8, the City Council does hereby adopt the City Code of Muscatine, Iowa, and the Supplement No. 7 of Ordinances and Amendments to Ordinances including such ordinances and amendments to ordinances adopted through action of the City Council on or prior to December 31, 2008.

SECTION 2. OFFICIAL COPY. An official copy of the City Code and Supplements is on file in the office of the city clerk, together with standard codes adopted by reference in this code.

SECTION 3. PUBLIC COPIES. Loose-leaf copies of this code shall be kept in the city clerk's office available for public inspection and for sale at cost to the public.

SECTION 4. TITLE. This City Code may be cited by the short title "City Code of Muscatine, Iowa" for the purpose of prosecution in the courts.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED this 16th day of April, 2009.

First Reading: March 9, 2009
Second Reading: April 2, 2009
Third Reading: April 16, 2009
Publication April 24, 2009

Original City Charter 1851

The Charter of the City of Muscatine, Iowa.

Note. The original Charter of the City of Muscatine, Iowa, was approved February 1, 1851. Previous to the adoption of the 1857 state Constitution, amendments were made to it by the legislature as follows: Acts of 1853, page 137; Acts of 1855, page 76; Acts of 1856, page 49; Acts of 1857, pages 25 and 149.

The Charter of the City is set out herein just as it appears in the original, as amended. Some provisions of the Charter are still in effect and applicable to the City. Many sections of the Charter, however, have been superseded by subsequent state law and are no longer legally in effect or applicable to the City. These sections are set out herein for historical purposes.

ARTICLE I. TOWN OF MUSCATINE CREATED A CITY - BOUNDARIES OF CITY - DIVISION INTO WARDS.

Sec. 1. Be it enacted by the General Assembly of the State of Iowa, That the Town of Muscatine, (formerly the Town of Bloomington,) in the County of Muscatine, is hereby created a city by the name of the "City of Muscatine."

Sec. 2. The said City is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

Sec. 3. All the rights, powers, privileges, duties, liabilities, and property of the late Town of Muscatine are hereby transferred to and imposed upon the said City, except as repealed, or qualified herein, and the same may be enforced by or against the City, as they might have been by or against the town.

Sec. 4. The following shall be the boundaries of said City of Muscatine: Commencing at a point in the center of the main channel of the Mississippi River, where the south line of section ten, township seventy-six, north of range two west of 5th P.M. should strike - thence west and along said section line to the west line of said section ten; thence north, and along the section lines of sections ten, three, thirty-four, and twenty-seven, to the northwest corner of the southwest quarter of section twenty-seven, north of range two west of 5th P.M.; thence east through the center of sections twenty-seven, twenty-six and twenty-five, to a point where said lines strike the township line, between ranges one and two west, thence south and along said township line, to a point in the center of the main channel of the Mississippi River, thence along the center of said cannel, and with the course of the same, to the point of beginning.

Sec. 5. The said City is hereby divided into three wards as follows: That part of the City which lies south and west of the middle of Chestnut Street is the first ward; that part lying between the middle, of Chestnut Street and middle of Walnut Street is the second ward; that part lying north and east of the middle of Walnut Street is the third ward; but the City Council may create new wards and change the limits of those now or hereafter established.

ARTICLE II. ELECTIVE OFFICERS OF THE CITY.

Sec. 6. The elective officers of the City shall be a mayor, two aldermen from each ward, treasurer and wharfmaster, for the choice of whom an election shall be holden annually on the first Monday of March, and each of whom will hold his office for the term of one year, (except in the case of aldermen as hereafter provided) and until their successors are elected and qualified.

Sec. 7. Two aldermen shall be elected in each ward, and such one of the two as receives at the first election the highest number of votes, shall hold his office for the term of two years, and the other one year, and thereafter one shall be elected each year in each ward, to hold for the term of two years. If there be a tie in the above case, the matter is to be determined by lot.

ARTICLE III. DUTIES AND POWERS OF MAYOR - IS EX-OFFICIO JUSTICE OF THE PEACE - IS PRESIDING OFFICER OF COUNCIL -POWER TO APPOINT PRESIDENT PRO TEM. AND HIS POWERS.

Sec. 8. It is the duty of the mayor to see that the laws and ordinances of the City are executed, and their violations punished; to superintend and direct the official conduct of the subordinate officers; to keep the seal of the City and to sign and seal all commissions, licenses and permits granted by the city council, and perform such duties and exercise such powers as pertain to the office of a mayor of a city, and such as may be granted by the ordinances of the City, consistent with law.

Sec. 9. He is by virtue of his office, a justice of the peace, and is invested with exclusive original jurisdiction of cases arising under the ordinances of the City, with criminal jurisdiction of the offences against the laws of the state committed within the City, and with civil jurisdiction limited to the City in the same manner as that of justices is, or may be, limited to their townships, and he will not be disqualified to act in such judicial capacity by any proceeding being in the name of or in behalf of the City. He will be entitled to demand and receive in civil actions, and in actions for the breach of the laws of the state, such fees as are at the time allowed by the law to a justice of the peace.

Sec. 10. Appeals to the district court in the same county Shall be allowed (from) the judgment and decisions of the mayor in the same cases, time and manner as they are at the time allowed by law from those of other justices, and they shall be tried in the same manner.

Sec. 11. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie. In his absence, the council may appoint a president for the time being.

Sec. 12. In case of the absence of the mayor of the City of Muscatine from the City, and in case of his inability to act as a justice, any justice of the peace in the township of Bloomington may take cognizance of cases arising under the ordinances of the City; such absence or inability being made to appear upon the docket of the justice. And in like cases of the absence or inability of the mayor, the president of the council pro tempore shall have authority to sign ordinances and orders on the treasurer, and to administer oaths, and do all other things pertaining to the office of mayor, (except acting as justice of the peace,) stating, in connection with his signature, the absence or inability of the mayor.

ARTICLE IV. THE CITY COUNCIL - ITS POWERS AND AUTHORITY - DISABILITIES OF MEMBERS OF THE COUNCIL.

Sec. 13. The legislative authority of the City is vested in a city council, consisting of the mayor and a board of aldermen, composed of two from each ward of the City.

Sec. 14. The council may hold meetings as it sees fit, having stated times fixed, or having provided by ordinances for the manner of calling them. Its meeting shall be public.

Sec. 15. A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings, in such manner and by such penalties as it may adopt; and it shall cause a record of its proceedings to be kept.

Sec. 16. The council is invested with the following powers:

1st. To make ordinances to secure the inhabitants against fire, against violations of the law and the public peace; to suppress riots, drunkenness, gambling, and indecent and disorderly conduct; and, generally, to provide for the safety, good order, and prosperity of the City, and the health, morals, and convenience of the inhabitants.

2nd. To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the City, or by complaint before the mayor, as in the case of a complaint before a justice of the peace, and the laws of the state in relation to carrying into effect a judgment of a justice of the peace, under a complaint, shall be applied to judgments in the above cases, but the charges thereof must be borne by the City.

3rd. To establish and organize fire companies, and provide them with engines and other fire apparatus.

4th. To regulate the keeping and the sale of gunpowder within the City, and to provide that no building of wood shall be erected within such parts of the City as may be designated, and to declare such buildings a nuisance and cause their removal.

5th. To have the control of the landing on the Mississippi River, and build wharves and regulate the landing, wharfage, and dockage of boats and all watercrafts, goods, lumber and other things landed at, or taken (away) from the same; provided, nothing in this section shall be (so) construed as to affect the rights of the state or counties, nor to prevent the County of Muscatine from granting ferry charters in said county.

6th. To exercise exclusively the power to provide for the license, regulation, or prohibition of exhibitions, shows and theatrical performances, billiard tables, ball and ten-pin alleys, and places where any games of skill or chance are played. But this power extends to no exhibition of a properly literary, scientific, or artistical character - and when the law of the state permits license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the state at the time existing; and it may revoke or suspend any of the licenses above mentioned, when it considers that the good order and welfare of the City require it.

7th. To make all requisite ordinances in relation to the cleanliness and health of the City, and to require the owners of lots on which water becomes stagnant, to drain or fill up the

same, and in default thereof, after a reasonable notice, to cause the same to be done at the expense of the City and assess the cost of the specific lots, and cause them to be sold by the City collector, as in the case of unpaid taxes; but the owner may redeem the same as in that case.

8th. To regulate cartage and drayage within the City, and may license therefore; and may also make a prohibition of animals running at large within the City.

9th. To provide for the establishment and support of schools in the City when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

10th. To audit all claims against the City - to provide for the keeping of the public money of the City, and the manner of drawing the same from the treasury; and all officers of the City are accountable to the council in such manner as it directs - and it is the duty of the council to publish annually a particular statement of the receipts and expenditures of the City, and of all debts owing to or from the same.

11th. To establish the grades of the streets, alleys and wharfs, and to change that of wharfs at pleasure, and whenever they may deem it expedient for the public interests of the City, to alter the width, course or grade of any street or alley.

12th. To prescribe the manner of calling the meetings of the citizens, except for the election of officers.

13th. To appoint in such a manner as it determines and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable; and may prescribe their duties, powers and qualifications; and may provide for the election of any of those officers by the citizens.

14th. To cause the streets and alleys of the City to be paved, and the pavements to be repaired; and to that end it may require the owners of the lots adjacent to which it is to be done, to pave or repair one-half in width of the street contiguous to their respective lots; and in case of neglect after a reasonable time named in the order, the same may be done by the City, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefore as for a tax, subject to the same right or redemption.

15th. To borrow money for any object in its discretion, if at regularly notified meeting, under a notice stating distinctively the nature and object of the loan and the amount thereof, as nearly as practicable, the citizens determine in favor of the loan by a majority of two-thirds of the votes given at the election.

Note. For case quoting and construing this subsection, see Meyer v. The City of Muscatine, 68 U. S. 387, 17 L. Ed. 567.

16th. To fill vacancies occurring in any of the City offices by appointment of record, to hold, in case of elective officers, until the next regular election and the qualification of the successor.

Sec. 17. No member of the city council shall be eligible to any office in the gift of the council, during the term for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract, or job, or work, or service to be performed for the City.

ARTICLE V. ORDINANCES.

Sec. 18. Ordinances passed by the City Council shall be signed by the mayor and attested by the recorder, and before they take effect be published in one or more newspapers printed in the City at least ten days, or be posted in each ward for fifteen days; they shall be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

Sec. 19. An affidavit made by the recorder, marshal or mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the mayor or any justice of the peace in the County of Muscatine, and filed in the recorder's office, or made and signed on the face of the record of ordinances, shall be prima facie evidence of the publication therein stated.

ARTICLE VI. RECORDER AND MARSHAL.

Sec. 20. The council of the said City shall have authority to appoint the marshal and recorder of the City, which officers shall hold their respective offices during the pleasure of the council, and from whom or any of them, the council may, by general ordinance, require bond.

Sec. 21. The recorder is required to keep a true record of all the official proceedings of the council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

Sec. 22. The marshal is made a conservator of the peace; he is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the criminal laws of the state and of the ordinances of the City, may execute such process in any part of the county; he is invested with the same authority within the City to quell riot and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county. He shall perform such other duties as the council prescribe, and with its approval may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge; for services of legal process he will be entitled to the same fees as constable, and for services required by the council, such compensation as it may allow.

ARTICLE VII. ELECTIONS - HOW ELECTIONS ARE TO BE CONDUCTED - QUALIFICATION OF VOTERS - WHO ELIGIBLE AS OFFICERS - NOTICE OF ELECTION RETURNS.

Sec. 23. The election of the officers of the City shall be conducted in a manner as similar to that in which the elections are conducted in the townships as the nature of the case permits.

Sec. 24. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the City six months, and of the ward in which he offers to vote, ten

days next preceding a City election, is declared a citizen of said City, and is entitled to vote at all elections thereof.

Sec. 25. A person offering to vote may be challenged as in the election in the townships, and an oath may be administered to him under the circumstances, naming the qualifications herein prescribed.

Sec. 26. No person shall be eligible to any elective office mentioned in this act, unless he be a voter of the City and has been a resident thereof one year next preceding his election.

Sec. 27. For all elections for city officers, the mayor is directed to issue a proclamation to the voters of the City, or of the several wards, as the case may be, naming the time and place, or places, of the election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days before the election, or instead thereof, he may cause a copy to be published in a newspaper printed in the City, the same length of time.

Sec. 28. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon; within two days after the election, the judges of the election shall make their returns to the city council, who shall examine them, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

ARTICLE VIII. OFFICERS OF THE CITY TO TAKE OFFICIAL OATH AND GIVE BOND.

Sec. 29. The mayor, aldermen, marshal, treasurer, recorder, wharfmaster and assessor shall take an oath to support the Constitution of the United States and of the State of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability; the oath of office may be administered by the mayor or recorder when he is justified; and in the transaction of the business of the corporation, those officers and the president for the time being, may administer oaths, which shall be of the same effect as if administered by other officers authorized thereto.

Sec. 30. Such of the officers as the Council determines shall give bond in such penal sum, and with such condition, as may be prescribed, and to be approved as required.

Sec. 31. The duties of all the officers, (in addition to the duties herein prescribed,) shall be such as are provided by ordinances, and they will be entitled to such compensation for their services, and subject to such penalties and forfeitures for violation of duty, (except as herein provided,) as the ordinances may prescribe.

ARTICLE IX. ASSESSMENT, LEVY AND COLLECTION OF TAXES.

Sec. 32. The council shall appoint an assessor for the City who shall be sworn to perform the duties of his office faithfully and impartially, and whose duty it shall be to make an assessment of all the property within the City which is subject to taxation, including improvements on real property, and upon whose assessment the council is authorized to levy and collect annually taxes not exceeding one percent on the value of all such property. The council may also levy a tax on dogs, or prohibit their being kept in the City.

Sec. 33. The latest county assessment roll shall form the basis of the assessment, but the city assessor may add thereto any property omitted, assessing the same himself.

Sec. 34. The collector shall, before proceeding to collect the taxes, give thirty days' notice of the assessment and levy of the tax, and the rate thereof, in general terms, without names or the description of property, in a newspaper printed in the City, if there be one, and if none, ten by two written notices posted in public places in each ward.

Sec. 35. During the thirty days, any person aggrieved by his assessment of taxation, may appear before the council, which may correct the same, if found erroneous.

Sec. 36. The mayor shall affix his warrant to the tax list, in general terms, requiring the collector to collect the taxes therein according to law, and such warrant and list shall be a justification to the collector.

Sec. 37. When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same, as the county collector may sell in like cases.

Sec. 38. Taxes on real property shall be a lien thereon, and it may be sold therefore, (if no personal property be found,) when the taxes remain unpaid for four months after the publication of the notice of the tax; but demand of the tax must be made a reasonable time before sale, if the supposed (owner) be found in the City.

Sec. 39. Such sales must be at public auction, and there must be thirty days' notice prior thereto, given as above provided for notifying the assessment and tax; and in such sale, he who bids to pay the amount due for the least quantity of the land will be the highest bidder; and the manner of ascertaining the portion purchased shall be as directed in the state revenue law now or hereafter existing.

Sec. 40. The collector shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county on sales for county and state taxes under the law existing at the time. The land may be redeemed within one year from the day of the sale, by the payment of the purchase money and ten percent thereon, with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent, or the treasurer of the City.

ARTICLE X. STREETS AND ALLEYS

Sec. 41. That if any property holder shall be injured by any alteration made by council in width, course or grade of any street or alley, such person may make application to the board of commissioners for the assessment of damages (to be appointed as hereinafter provided) who, upon such application shall give ten days' notice in the newspapers published in said City in case the claimant be a resident of said City, or twenty days in case the claimant be a nonresident, stating the time and place of meeting, and the object of the same, and at the same time specified in said notice, said commissioners shall proceed to view and assess the damages done by reason of such alteration and improvement, and shall, within five days thereafter make an award and return the same to the county judge of Muscatine County, who shall enter judgment thereon, (if approved,) and said judgment shall be final.[9]

Sec. 42. That the said city council, or persons interested, may, whenever they may deem it necessary, make application to the county judge of said county, who shall appoint three disinterested property holders, resident in said City, who are hereby constituted a board of

commissioners for the assessment of damages, which board, or any member thereof may, for good cause shown, be removed and the vacancy occasioned thereby filled by said county judge.

Sec. 43. That in any case, where by reason of such alteration, any claim for damages may arise, and the . . . . . thereof shall neglect to apply to said commissioners, the city council may make such application and the proceedings thereon shall in all respects be the same as specified in the second section of this act.

Sec. 44. That all taxes hereafter levied and collected in the City of Muscatine for the purpose of improving the streets and alleys thereof, shall be expended in the different wards in proportion to the amount of tax levied and collected in such wards respectively.

Sec. 45. For the purpose of putting the above provision into execution, it shall be the duty of the city assessor to return to the city council, at the same time that he returns his assessment of property in said City, the total amount of the taxable property in each ward separately, which shall form the basis for making the apportionment of moneys to be expended in the respective wards.

Sec. 46. After paying all the current expenses and debts of said City due for the fiscal year, the excess of taxes collected in said City to be expended by the city authorities upon the streets and alleys, shall be divided and applied pro rata in the different wards thereof.

ARTICLE XI. AUCTIONEERS.

Sec. 47. The council shall be authorized to impose license upon all persons exercising the business or calling of an auctioneer within the said City, in such sum as the said council may determine, and upon such conditions as the said council may see proper to affix.

Sec. 48. That the said city council shall have the power to tax and regulate auctioneers in their calling, and to require each and every person so exercising the business of an auctioneer, as aforesaid, to execute to the said City a bond with security, to be approved by the said city council, conditioned that he will render a true account of all sales made by him, and promptly pay over to the said City all taxes which may become due to the said City from the sales so made by him as auctioneer. Provided, that nothing in this act shall be construed so as to charge any property in the City, upon which the City taxes for the current year have been paid with any additional tax.

Sec. 49. That said city council shall have full power and authority to pass all ordinances that may be necessary to give force and effect to this act; judicial sales made by a legal officer and sales of the property of a deceased person by his legal representative being exempted from its operation.

ARTICLE XII. AMENDMENT TO CITY CHARTER ENLARGING CITY BOUNDARIES, ETC., APPROVED JULY 14, 1856.

Sec. 50. That said City of Muscatine, as above bounded, may hereafter form two road districts, the boundaries of which shall be determined by the city council, and until so determined by said city council, it shall constitute one road district, and the road taxes assessed by the county authorities upon the persons and property in said City shall hereafter only be payable to such persons as the city council may authorize to receive the

same. And the county collector is hereby prohibited from paying said road taxes to any other person or officer than such as shall be authorized to receive and receipt for the same by the city council.

Sec. 51. That it shall be competent for the council of said City to take any steps which they may deem necessary to secure the extension of the present streets and alleys of the old city limits through the grounds which by this act are added thereto. Provided, that in no case shall such an extension be made and dedicated to the use of the public without the City being liable for full compensation to the owners of all such property as may be thus taken and dedicated.

Sec. 52. That it shall and may be lawful for the city council of said City to make any changes in the shape and width of any streets or alleys of said City, either in the old or new limits; to shut up old and make new streets and alleys. Provided, that in all and every such case the said City shall be liable to make full compensation at the fair cash value to the owners of all property which shall be thus taken for public use, and for all damages which the owners may sustain by any change which said city council may at any time see proper to make.

Sec. 53. That all lands lying within the territory hereby brought into the City, and riot laid out in lots or out-lots, shall not be assessed or taxed otherwise than by the acre, according to its value for agricultural, horticultural, mining or other purposes; but improvements thereon may be taxed their full value.

Sec. 54. The city council shall have full power to establish grades for contemplated streets and alleys in the new limits, and make such grades conform to the grades of the old limits of said City, or not, as they may deem advisable, and said City shall not be liable for any damage done to buildings by grading in the new limits, unless said buildings shall have been erected before the establishment of the grades in this section contemplated.

ARTICLE XIII. MISCELLANEOUS.

Sec. 55. On the passage of this act, the president and trustees of the Town of Muscatine are required to cause a vote to be taken on the acceptance of this Charter, in the manner in which the elections of the town are now called and holden, in which the vote shall be "for the charter," or "against the charter," and shall be taken by ballot; and if the vote be in favor of its acceptance, such result shall be declared and be entered on the record of the present town, and thenceforth the same is accepted.

Sec. 56. The existing authorities of the Town of Muscatine will continue until an election is holden for the choice of city officers, and the organization of the City, and the town authorities shall cause an election to be holden on the first Monday of March, 1851, for the election of city officers, but if this act does not take effect a day sufficiently early for the above proceedings to take place as early as the day above named, then the question above provided for may be taken after the said first Monday of March, but the officers then chosen will hold as if elected on the above named day, and the succeeding annual elections shall be holden as in this act before provided.

Sec. 57. This act shall be taken and may be pleaded as a public act.

Sec. 58. An act entitled "an act to incorporate the town of Bloomington," approved January 23rd, 1839; and act entitled "an act to amend an act entitled an act for the incorporation of

the town of Bloomington," approved February 18th, 1842, and an act entitled "an act to amend an act entitled (an act) to incorporate the town of Bloomington, approved January 2nd, 1836," approved January 14th, 1846; and an act entitled "an act to amend an act entitled an act for the incorporation of the town of Bloomington, approved January 23rd, 1839," approved January 12th, 1849, are hereby repealed; but the rights and privileges, duties, liabilities and obligations of individuals created or arising under the acts so repealed, are not to be affected by this repeal.

ORDINANCE NO. 91510-0111

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES
AND SUPPLEMENT OF THE CITY OF MUSCATINE, IOWA

Be It Enacted by the City Council of the City of Muscatine, Iowa:

SECTION 1. ADOPTION. Pursuant to Iowa Code Section 380.8, the City Council does hereby adopt the City Code of Muscatine, Iowa, and the Supplement No. 8 of Ordinances and Amendments to Ordinances including such ordinances and amendments to ordinances adopted through action of the City Council on or prior to December 31, 2010.

SECTION 2. OFFICIAL COPY. An official copy of the City Code and Supplements is on file in the office of the city clerk, together with standard codes adopted by reference in this code.

SECTION 3. PUBLIC COPIES. Loose-leaf copies of this code shall be kept in the city clerk's office available for public inspection and for sale at cost to the public.

SECTION 4. TITLE. This City Code may be cited by the short title "City Code of Muscatine, Iowa" for the purpose of prosecution in the courts.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED this 20th day of January, 2011.

Richard W. O'Brien
Mayor

Attest:

Gregg Mandsager
City Clerk

First Reading: December 16,
Second Reading: January 6, 2011
Third Reading: January 20, 2011
Publication: January 27, 2011

Title 1 – Administrative
Chapter 1 – City Charter

SECTIONS:
1-1-1 Purpose
1-1-2 Charter
1-1-3 Form of Government
1-1-4 Powers and Duties
1-1-5 Number and Term of Council
1-1-6 Term of Mayor
1-1-7 Copies on File

1-1-1 Purpose. The purpose of this Ordinance is to provide for a Charter embodying the form of government existing in the City of Muscatine, Iowa, on August 17, 1972, in compliance with Section 47 of House File 574, Acts of the 64th General Assembly, Second Regular Session.

1-1-2 Charter. This Ordinance may be cited as the Charter of the City of Muscatine, Iowa.

1-1-3 Form of Government. The form of government of the City of Muscatine, Iowa, is the special charter form of government.

1-1-4 Powers and Duties. The Council and Mayor and other City officers have such powers and perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Muscatine, Iowa.

1-1-5 Number and Term of Council. The Council consists of two (2) Council members elected at large and one (1) Council member from each of five (5) wards, as established by ordinance, elected for four (4) year staggered terms.

1-1-6 Term of Mayor. The Mayor is elected for a term of two (2) years.

1-1-7 Copies on File. The City Clerk shall keep an official copy of this Charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of the State of Iowa, and shall keep copies of the Charter available at the City Clerk's Office for public inspection.

Title 1 – Administrative
Chapter 2 – City Code

SECTIONS:

1-2-1 Title
1-2-2 Definitions
1-2-3 Rules of Construction
1-2-4 General Penalty
1-2-5 Severability
1-2-6 Titles or Headlines of Sections
1-2-7 Penalties and Procedures for Municipal Infractions

1-2-1 Title. Upon adoption by the Governing Body, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Muscatine. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this City Code by title in any legal document.

1-2-2 Definitions. The following definitions shall be definitions of the words so defined unless the context of the section dictates otherwise:

A. "City" shall mean the City of Muscatine, in the County of Muscatine, in the State of Iowa.
B. "City Council" shall mean the City Council of the City of Muscatine.
C. "Code" shall mean the City Code of Muscatine, Iowa, and all amendments thereto.
D. "County" shall mean Muscatine County in the State of Iowa.
E. "In the City" shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers and regulatory functions.
F. "Month" shall mean one calendar month.
G. "Oath" shall be deemed to include an affirmation. "Sworn" shall be construed to include the word "Affirmed".
H. "Occupant" or "Tenant". When applied to a building or land, shall mean any person who holds a written or oral lease of, or actually occupies the whole or part of said building or land, either alone or with others.
I. "Owner". When applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or part of such building, land, or any property, either alone or with others.

1-2-3 Rules of Construction. The following rules of construction shall be used to interpret the City Code of the City of Muscatine, Iowa, unless the context dictates otherwise:

A. Computing Time. In computing time, the first day shall be excluded and the last day shall be included, unless the last day falls on a Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday.
B. Gender. Whenever the masculine gender is used, females as well as males shall be deemed to be included.
C. Joint Authority. Words purporting to give joint authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons, unless the context dictates otherwise.

D. Number. Whenever any words in any Section of this Code import the plural number, the singular shall be deemed to be included, and whenever the singular shall be used, it shall be deemed to include the plural.
E. And/Or. The use of the conjunctive "and" includes the disjunctive "or" and the use of the disjunctive "or" includes the conjunctive "and", unless the context clearly indicates otherwise.
F. Shall imposes a duty.
G. Must states a requirement.
H. May confers a power.
I. Tense. Words in the present tense shall include the future tense.
J. Other Definitions. Any words used in this Code shall have their common and ordinary meaning unless defined elsewhere, or the context indicates otherwise.

1-2-4 General Penalty. It is hereby declared to be unlawful for any person, as defined in this Code, to violate any part, provision, or section of this Code. The penalty for any violation of any part, provision, or section of this Code is hereby declared to be a simple misdemeanor, and any person convicted of any violation of this Code shall be subject to imprisonment not to exceed thirty (30) days or a fine not to exceed five hundred dollars ($500.00). Each day that such violation is continued shall constitute a separate and distinct offense.

1-2-5 Severability. If any section, subsection, sentence, clause, or phrase of this Code for any reason is held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Code. The Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

1-2-6 Titles or Headlines of Sections. The Headlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be deemed when any of such sections, including the catchlines, are amended or reenacted.

1-2-7 Penalties and Procedures for Municipal Infractions.

A. The following definition shall be definitions of the words so defined unless the context of the Section dictates otherwise:
    1. "Repeat Offense" is a recurring violation of the same section of the City Code.
B. Violations, penalties, and alternative relief.
    1. Any violation of the City Code, with the exception of any violation which is a felony or misdemeanor under state law, is a municipal infraction.
    2. Unless other civil penalty is provided elsewhere in this Code for a specific violation, a municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties: 1st offense, $100.00; 2nd offense, $200.00; and third and subsequent offense(s), $300.00.
    3. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.
    4. Seeking a civil penalty as authorized in this Section does not preclude the City from seeking alternate relief from the Court in the same action. Such alternative relief may include, but is not limited to an order for abatement, authorizing the City to abate or correct the violation providing that the City's costs for abatement or correction be entered as a personal judgment against the Defendant or assessed against the property where the violation occurred or both, or injunctive relief.

C. Civil Citation.

1. Any employee or other official authorized by the City to enforce the Code may issue a civil citation to a person who is alleged to have committed a municipal infraction.
2. The citation may be served by personal service, by certified mail return receipt requested, or by publication.
3. Two copies of the citation shall be filed with the Clerk of the District Court and one copy shall be delivered to the alleged violator.
4. The citation shall serve as notification of an allegation that a municipal infraction has been committed and shall contain the following information:
    a. The name and address of the alleged violator.
    b. The name or description of the alleged infraction, attested to by the officer issuing the citation.
    c. The location and time of the alleged infraction.
    d. The amount of civil penalty for the violation charged and the court costs, or the alternative relief sought, or both.
    e. The manner, location, and time in which the penalty may be paid.
    f. The time and place of court appearance.
    g. A statement of the penalty for failure to appear in court.

D. Criminal Penalties. This Section does not preclude a peace officer of the City from issuing a criminal citation for a violation of a City Code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted to exist by the Defendant, constitutes a separate offense.

Title 1 – Administrative
Chapter 3 – City Boundaries

SECTION:
1-3-1 Designation of Boundaries

1-3-1 Designation of Boundaries. The boundaries of the City of Muscatine are as follows:

Beginning at the intersection of the Steamboat Channel of the Mississippi River and the east line of Section 36 T 77N, R 2 W, of the 5th P.M. County of Muscatine, Iowa; thence north along the east line of Sections 36 and 25 to the north right-of-way line of Colorado Street; thence south 89° 49' 27" east 1071.60 feet along said line; thence south 10° 24' 32" east 45.80 feet; thence north 89° 16' 28" east 960.81 feet; thence south 17° 04' 57" east 111.33 feet; thence south 79° 40' 32" east 169.19 feet; thence south 13° 49' 33" east 280.96 feet; thence south 20° 10' 43" east 7.00 feet to the north right-of-way line of Iowa Highway #22; thence north 69° 49' 17" east 704.14 feet along said line to the westerly right-of-way line of county road; thence northwesterly along said line 1048.88 feet; thence south 89° 50' 06" west 1034.93 feet; thence north 00° 20' 38" east 1588.52 feet to the north line of Section 30; thence north 89° 33' 42" east 188.94 feet along said line; thence north 00° 14' 18" west 1323.20 feet; thence north 89° 56' 18" west 343.30 feet; thence north 00° 38' 18" west 1330.00 feet; thence south 89° 42' 42" west 545.40 feet; thence north 00° 43' 18" west 931.65 feet to the southerly right-of-way line of U.S. Highway #61; thence southwesterly along said line 1121.61 feet to the east line of Section 24; thence north along said east line of Section 24 to the northeast corner of Section 24; and the southeast corner of Section 13; thence north along the east line of Section 13, 552.39 feet; thence north 79° 15' 02" west 1364.54 feet; thence south 00° 00' 47" east 819.13 feet to the north line of Section 24; thence west along said north line of Section 24 to a line 102.00 feet east of the south 1/4 corner of Section 13; thence north 00° 19' 48" west along said line 537.97 feet; thence south 89° 30' 12" west 1139.05 feet to the east right-of-way line of relocated Highway #38; thence south along said line to the north line of Section 24; thence west along said north line of Section 24 to the northwest corner of Section 24:

> Excepting all the right-of-way of Old Highway #38 and relocated Highway #38 in the north 1/2 of the north 1/2 of Section 24; also a parcel bounded by said highways and a line 562 feet south of and parallel with the north line of Section 24.

Thence south along the west line of Section 24 to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 24; thence west along the centerline of the south 1/2 of Sections 23 and 22, to the east line of Section 21; thence south along said east line to the south line of Mulberry Manor Subdivision; thence south 89° 59' 50" west along said south line to the north-south centerline of Section 21; thence south along said north-south centerline of Sections 21, 28 and 33 of T 77N, R 2 W and Sections 4 and 9, T 76N, R 2 W to the south 1/4 corner of Section 9; thence west along the north line of Sections 16 and 17, T 76N, R 2 W to the north 1/4 corner of Section 17; thence south to the center of Section 17; thence west to the west 1/4 corner of Section 17; thence south to the southwest corner of Section 17; thence west along the north line of Section 19 to the northwest corner of said Section 19; thence south to the southwest corner of the northwest 1/4 of the northwest 1/4 of Section 19; thence west along the centerline of the north 1/2 of Section 24 to the northwest corner of southwest 1/4 of the northwest 1/4 of Section 24; thence south along the west line of Sections 24 and 25 to the southwest corner of northwest 1/4 of the northwest 1/4 of Section 15; thence east along the centerline of the north 1/2 of Sections 25 and 30 the centerline of the main track of the former Chicago, Rock Island, and Pacific

Railroad; thence northeasterly along the centerline of said railroad to the south line of Section 9, T 76N, R 2 W; thence east along the south line of Sections 9 and 10 to the east right-of-way line of Stewart Road; thence south 33° 20' west 514.7 feet; thence south 1° 05' 23" east 630.5 feet; thence north 88° 02' 53" east 1714 feet; thence south 0° 01' 39" east 606.7 feet; thence north 89° 58' 21" east 83.6 feet; thence south 0° 01' 39" east 583.36 feet; thence south 89° 58' 21" west 9.24 feet; thence south 0° 01' 39" east 484.76 feet; thence north 89° 55' 06" east 1247.4 feet; thence north 89° 47' 36" east 746.7 feet; thence south 0° 12' 24" east 247.9 feet; thence north 89° 47' 36" east to the Steamboat Channel of the Mississippi River; thence up said channel to the point of beginning.

Title 1 – Administrative
Chapter 4 – Precincts and Wards

SECTIONS:
1-4-1 Definitions
1-4-2 Precincts Established
1-4-3 Wards Established
1-4-4 Polling Places Established
1-4-5 Correction of Errors
1-4-6 Publication of Changes

1-4-1 Definitions. For the purposes of this Ordinance, unless the contest otherwise requires:

A. "Annexed territory" means territory annexed to the City after Census Day.
B. "Census Day" means April 1, 2000 the official date of the 2000 United States Decennial Census.
C. "City" includes all territory within the corporate limits of the City of Muscatine and all annexed territories.
D. "Commissioner of Elections" means the County Auditor of Muscatine County.
E. "Corporate limits" means the corporate limits of the City of Muscatine.
F. "Legislative district" means a district represented by a member of the House of Representatives of the General Assembly of the State of Iowa, as established by the Supreme Court of Iowa on March 31, 1971, in a supplemental opinion in cases numbered 55021, 55022 and 55023, particularly in Section 75 and 76 of "Appendix A" thereto, as amended. "Legislative district" means a district represented by a member of the House of Representatives of the General Assembly of the State of Iowa, as established by the Supreme Court of Iowa on March 31, 1971, in a supplemental opinion in cases numbered 55021, 55022 and 55023, particularly in Section 75 and 76 of "Appendix A" thereto, as amended.
G. Points of the compass are approximately unless otherwise stated.
H. "Street" or similar language means the centerline of the right-of-way and a straight extension of that centerline.
I. All names, boundaries, lines, features and fixtures are to be construed as they existed on Census Day.

1-4-2 Precincts Established. The City is hereby divided into ten (10) precincts as follows:

A. The First Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Mulberry Avenue and Bartlett Street, thence proceeding southwesterly along the centerline of Bartlett Street to the center of the intersection of Cedar Street, thence westerly along the centerline of Cedar Street to the center of the intersection with Fulliam Avenue, thence westerly along the centerline of Fulliam Avenue to the center of the intersection of Roscoe Avenue, thence southeasterly along the centerline of Roscoe Avenue to the center of the intersection with Lorenz Avenue, thence westerly along the centerline of Lorenz Avenue to the center of the intersection of Buell Street, thence northerly along the centerline of Buell Street to the center of the intersection of Dillaway Street, thence westerly along the centerline of Dillaway Street to the center of the intersection of Logan Street, thence northerly along the centerline of Logan Street to the center of the intersection with Cedar Street, thence westerly along the centerline of Cedar Street to the center of the intersection with Houser Street, thence southerly along the centerline of Houser Street to the center of the

intersection with Lucas Street, thence westerly along the centerline of Lucas Street to the Corporate limit, thence northerly and easterly along the Corporate limit line to the center of the intersection with Tipton Road, thence southerly along the centerline of Tipton Road to the center of the intersection with Mulberry Avenue, thence along the centerline of Mulberry Avenue to the point of beginning.

B. The Second Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Logan Street and Dillaway Street, thence extending in the southerly direction along the centerline of Logan Street to the center of the intersection of Lucas Street, thence westerly along the centerline of Lucas Street to the center of the intersection of Houser Street, thence north along the centerline of Houser Street to the center of the intersection of Cedar Street, thence easterly along the centerline of Cedar Street to the center of the intersection of Logan Street, thence southerly along the centerline of Logan Street to the point of beginning.

C. The Third Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Orange Street and Ninth Street, thence proceeding westerly along the centerline of Ninth Street to the center of the intersection of Cedar Street, thence northwesterly along the centerline of Cedar Street to the intersection of Tenth Street, thence westerly along the centerline of Tenth Street to the intersection of Iowa Avenue, thence northwesterly along the centerline of Iowa Avenue to the intersection of Eleventh Street, thence westerly along the centerline of Eleventh Street to the center of the intersection of Roscoe Avenue, thence northwesterly along the centerline of Roscoe Avenue to the center of the intersection with Lorenz Avenue, thence westerly along the centerline of Lorenz Avenue to the center of the intersection of Buell Street, thence northerly along the centerline of Buell Street to the center of the intersection with Dillaway Street, thence westerly along the centerline of Dillaway Street to the center of the intersection of Logan Street, thence southerly along the centerline of Logan Street to the intersection with Lucas Street, thence easterly along the centerline of Lucas Street to the center of the intersection with Eighth Street, thence easterly along the centerline of Eighth Street to the center of the intersection with Locust Street, thence southerly along the centerline of Locust Street to the intersection of Fifth Street, thence easterly along the centerline of Fifth Street to the center of the intersection with Chestnut Street, thence northwesterly along the centerline of Chestnut Street to the center of the intersection with Seventh Street, thence easterly along the centerline of Seventh Street to the center of the intersection with Orange Street, thence northwesterly along the centerline of Orange Street to the point of beginning.

D. The Fourth Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the main channel of the Mississippi River and Orange Street extended, thence northerly along the centerline of Orange Street to the center of the intersection of Seventh Street, thence westerly along the centerline of Seventh Street to the center of the intersection with Chestnut Street, thence southeasterly along the centerline with Chestnut Street to the center of the intersection with Fifth Street, thence westerly along the centerline of Fifth Street to the center of the intersection with Whicher Street, thence southeasterly along the centerline of Cherry Street to the center of the intersection with Third Street, thence westerly along the centerline of Third Street to the center of the intersection with Green Street, thence southerly along the centerline of Green Street becoming Grandview Avenue to the intersection with Canal Street, thence southeasterly along the centerline of Canal Street extended to the intersection of the main channel of the Mississippi River and easterly along the main channel of the Mississippi River to the point of beginning.

E. The Fifth Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Fifth Street and Cypress Street, thence northeasterly along the centerline of Cypress Street to the intersection of Isett Avenue, thence northeasterly along the centerline of Isett Avenue to the intersection of Woodlawn Avenue, thence westerly along the centerline of Woodlawn Avenue to the intersection of Mulberry Avenue, thence southerly along the centerline of Mulberry Avenue to the center of the intersection with Bartlett Street, thence westerly along the centerline of Bartlett Street to the intersection with Cedar Street, thence westerly along the centerline of Cedar Street to the intersection of Fulliam Avenue, thence westerly along the centerline of Fulliam Avenue to the center of the intersection of Roscoe Avenue, thence southeasterly along the centerline of Roscoe Avenue to the center of the intersection with Eleventh Street, thence easterly along the centerline of Eleventh Street to the center of the intersection with Iowa Avenue, thence southerly along the centerline of Iowa Avenue to the center of the intersection with Tenth Street, thence easterly along the centerline of Tenth Street to the center of the intersection with Cedar Street, thence southeasterly along the centerline of Cedar Street to the center of the intersection with Ninth Street, thence easterly along the centerline of Ninth Street to the center of the intersection with Orange Street, thence southeasterly along the centerline of Orange Street to the center of the intersection with Fifth Street, thence easterly along the centerline of Fifth Street to the point of beginning.

F. The Sixth Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Isett Avenue and Woodlawn Avenue, thence northeasterly along the centerline of Isett Avenue to the Corporate limits of the City, thence westerly along the Corporate limit line to the center of the intersection with Tipton Road, thence southeasterly along the centerline of Tipton Road to the center of the intersection of Mulberry Avenue, thence southeasterly along the centerline of Mulberry Avenue to the center of the intersection with Woodlawn Avenue, thence easterly along the centerline of Woodlawn Avenue to the point of beginning.

G. The Seventh Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the centerline of the main line of the railroad tracks and Canal Street, thence northwesterly along the centerline of Canal Street to the center of the intersection with Green Street-Grandview Avenue, thence northerly along the centerline of Green Street to the center of the intersection with Third Street, thence easterly along the centerline of Third Street to the center of the intersection of Cherry Street, thence northwesterly along the centerline of Cherry Street to the center of the intersection with Fifth Street, thence easterly along the centerline of Fifth Street to the center of the intersection of Locust Street, thence northwesterly along the centerline of Locust Street to the center of the intersection with Eighth Street, thence westerly along the centerline of Eighth Street to the center of the intersection with Lucas Street, thence westerly along the centerline of Lucas Street to the intersection with the Corporate limits of the City, thence southerly along the Corporate limit line of the City to the center of the Muscatine Slough, thence easterly along the centerline of the Muscatine Slough to the intersection of League Street extended, thence southerly along the centerline of League Street to the center of the intersection with Oneida Street, thence easterly along the centerline of Oneida Street to the center of the intersection with Division Street, thence southerly along the centerline of Division Street to the center of the intersection with Evans Street, thence northeasterly along the centerline of Evans Street to the center of the intersection of Bleeker Street, thence southeasterly along the centerline of Bleeker Street to the center of the intersection with Liberty Street, thence northeasterly along the centerline of Liberty Street to the

center of the intersection of Franklin Street, thence southerly along the centerline of Franklin Street to the intersection with the centerline of the main line of railroad tracks, thence northeasterly along the main line of railroad tracks to the point of beginning.

H. The Eighth Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the Muscatine Slough and the Corporate limit line of the City, which is a point on the boundary of the Seventh Precinct, thence following the Corporate limit line of the City southwesterly, thence bearing easterly and northerly along the perimeter of the Corporate limit line of the City to the intersection of the main channel of the Mississippi River, thence north and easterly along the main channel of the Mississippi River to a point which is the centerline of Canal Street extended and the boundary of the Fourth Precinct, thence westerly along the extended centerline of Canal Street to the center of the intersection with the main line of railroad tracks, thence southerly along the main line of railroad tracks to the center of the intersection with Franklin Street, thence westerly along the centerline of Franklin Street to the center of the intersection with Liberty Street, thence southerly along the centerline of Liberty Street to the center of the intersection with Bleeker Street, thence westerly along the centerline of Bleeker Street to the center of the intersection with Evans Street, thence southerly along the centerline of Evans Street to the center of the intersection with Division Street, thence northerly along the centerline of Division Street to the center of the intersection with Oneida Street, thence westerly along the centerline of Oneida Street to the center of the intersection with League Street, thence northerly along the centerline of League Street extended to the center of the Muscatine Slough, thence westerly along the centerline of Muscatine Slough to the point of beginning.

I. The Ninth Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the main channel of the Mississippi River and the extension of Orange Street, thence northwesterly along the centerline of Orange Street to the center of the intersection with Fifth Street, thence easterly along Fifth Street to the center of the intersection with Cypress Street, thence northwesterly along the centerline of Cypress Street to the center of the intersection with Isett Avenue, thence northerly along the centerline of Isett Avenue to the center of the intersection with Dale Street, thence easterly along the centerline of Dale Street to the center of the intersection with Walters Street, thence southerly along the centerline of Walters Street to the center of the intersection with Washington Street, thence easterly along the centerline of Washington Street to the center of the intersections with Fillmore Street, thence northerly along the centerline of Fillmore Street to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Lincoln Boulevard, thence northerly along the centerline of Lincoln Boulevard to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Park Avenue, thence northerly along the centerline of Park Avenue to the center of the intersection with Colorado Street, thence easterly along the centerline of Colorado Street to the center of the intersection with the Corporate limit line of the City, thence southerly along the Corporate limit line to the intersection with the Mississippi River, thence westerly along the main channel of the Mississippi River to the point of beginning.

J. The Tenth Precinct shall consist of: That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the Corporate limit line and Colorado Street, which is on the boundary of the Ninth Precinct, thence following the Corporate limit line easterly and northerly, westerly, and southerly to

the center of the intersection with Isett Avenue, thence southerly along the centerline of Isett Avenue to the center of the intersection with Dale Street, thence easterly along the centerline of Dale Street to the center of the intersection with Walters Street, thence southerly along the centerline of Walters Street to the center of the intersection with Washington Street, thence easterly along the centerline of Washington Street to the center of the intersection with Fillmore Street, thence northerly along the centerline of Fillmore Street to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Lincoln Boulevard, thence northerly along the centerline of Lincoln Boulevard to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Park Avenue, thence northerly along the centerline of Park Avenue to the center of the intersection with Colorado Street, thence easterly along the centerline of Colorado Street to the center of the intersection with the Corporate limit line of the City and the point of beginning.

1-4-3 Wards Established. The City is hereby divided into five (5) wards as follows:

A. The First Ward shall consist of the First and Second Precincts.
B. The Second Ward shall consist of the Third and Fourth Precincts.
C. The Third Ward shall consist of the Fifth and Sixth Precincts.
D. The Fourth Ward shall consist of the Seventh and Eighth Precincts.
E. The Fifth Ward shall consist of the Ninth and Tenth Precincts.

1-4-4 Polling Places Designated. The polling places for each of the precincts established by Section 1-4-1 of this City Code of Muscatine, Iowa, shall be designated by the Commissioner of Elections as provided by the Iowa Code.

A. The polling place for the First Precinct shall be at Mulberry Elementary School.
B. The polling place for the Second Precinct shall be at West Middle School.
C. The polling place for the Third Precinct shall be at Washington School.
D. The polling place for the Forth Precinct shall be at the Clark House.
E. The polling place for the Fifth Precinct shall be at the Central Middle School.
F. The polling place for the Sixth Precinct shall be at Grant School.
G. The polling place for the Seventh Precinct shall be at Franklin School.
H. The polling place for the Eighth Precinct shall be at Garfield School.
I. The polling place for the Ninth Precinct shall be at the former Lincoln School.
J. The polling place for the Tenth Precinct shall be at Madison School.

1-4-5 Correction of Errors. If this Ordinance fails to place any part of the City within a precinct established by this Ordinance, the Commissioner of Elections shall assign the omitted area to an adjacent precinct with the same legislative district. If this Ordinance places any part of the City in more than one precinct established by this Ordinance, the Commissioner of Elections shall assign that territory to an adjacent precinct within the proper legislative district. The Commissioner of Elections may also correct obvious clerical errors in this Ordinance.

1-4-6 Publication of Changes. The Commissioner of Elections is hereby directed to publish notice of the boundaries and polling places for the precincts and wards established by this

Ordinance pursuant to law. He or she shall also certify a copy of this Ordinance and a map drawn in conformance thereto to the Secretary of State within ten (10) days.

Title 1 – Administrative
Chapter 5 – Elections

SECTIONS:
1-5-1 Municipal Elections
1-5-2 Terms
1-5-3 Offices to be Filled
1-5-4 Nomination by Petition
1-5-5 Permanent Registration

1-5-1 Municipal Elections. All municipal elections shall be conducted as provided by the Code of Iowa, and shall be held on the Tuesday following the first Monday in November of odd numbered years.

1-5-2 Terms. All elected Municipal officers shall take office before noon of the second secular day of January following their election.

1-5-3 Offices to be Filled. There shall be elected every two (2) years, a Mayor; in 1983, one (1) Council member from each of Wards two (2) and four (4) and one (1) Council member at large shall be elected for two (2) years and in 1985, and thereafter, these Council members shall be elected for four (4) year terms; in 1983 and thereafter, one (1) Council member from each of Wards One (1), Three (3), and Five (5) and one Council member at large shall be elected for four (4) year terms. In 1983, the Council member at large who is elected with the highest number of votes shall be elected for a four (4) year term and the other Council member at large elected shall be elected for a two (2) year term. Thereafter, each Council member at large shall be elected for a four (4) year term.

1-5-4 Nomination by Petition. The City of Muscatine hereby chooses to have nominations made in the manner provided by Chapter 45 of the Code of Iowa, in lieu of a primary election or run-off election system.

A. Nominations for candidates for the office of Mayor and Council Members may be made by nomination papers signed by not less than 25 eligible electors, residents of the City or Ward.

1-5-5 Permanent Registration. There is hereby adopted the plan of permanent voter registration as provided by the Code of Iowa.

Title 1 – Administrative
Chapter 6 – Mayor and City Council

SECTIONS:

1-6-1 Powers and Duties of the Mayor
1-6-2 Salary of the Mayor
1-6-3 Mayor Pro Tem
1-6-4 Council and Council Members
1-6-5 Salary of Council Members
1-6-6 Meetings of the City Council
1-6-7 Qualifications of the Mayor and Council Members
1-6-8 Vacancies
1-6-9 Removal of the Mayor or Council member

1-6-1 Powers and Duties of the Mayor. The Mayor shall be the chief executive officer of the City; shall take care that the laws of the State of Iowa and the provisions of this City Code are duly respected, observed, and enforced within the City; shall preside at all council meetings, preserve order and decorum and shall decide all questions of order, subject to an appeal from the Council; shall from time to time give the Council information for its consideration on such measures as may be in the interest of the City; shall be the conservator of the peace and may call for the assistance of the police and, if necessary, any citizen of the City to aid in quelling or preventing any riot or unlawful assembly, or in preventing or restraining any breach of the peace and any such police officer or citizen, when so called upon, who shall refuse to obey the orders of the Mayor shall be deemed guilty of a misdemeanor; shall sign on behalf of the City all contracts between the City and any other party; and shall perform all duties required by the Charter, the provisions of this Code, resolutions of the City Council and all other acts which the good of the City may require.

1-6-2 Salary of the Mayor. The Mayor shall receive, in full compensation for his or her services, a salary of Six Thousand Five Hundred Dollars ($6,500) per year effective January 1, 2010.

1-6-3 Mayor Pro Tem. Immediately upon taking office, the Mayor shall designate one member of the City Council as Mayor Pro Tem, who shall perform the Mayor's duties when the Mayor is absent or unable to act, except that the Mayor Pro Tem may not appoint, employ, or discharge officers or employees without the approval of the Council. The Mayor Pro Tem retains all of the powers of a Council member.

1-6-4 Council and Council Members. The Council shall be the governing body of the City and is comprised of the aldermen as provided for in the City Charter. The City Council shall exercise a power by the passage of a motion, resolution, amendment, or an ordinance as prescribed by the laws of the State of Iowa.

1-6-5 Salary of Council Members. Each Council member shall receive, in full compensation for his or her services, a salary of Four Thousand Dollars ($4,000) per year effective January 1, 2000.

1-6-6 Meetings of the City Council. The City Council shall hold regular meetings, as may be designated by the Council, and special meetings called by the Mayor, City Administrator, or a majority of the Council members. A quorum of the Council shall be a majority of the members and no action may be taken by the Council unless a quorum is present. The Council shall prescribe its own rules of procedure by resolution which shall be in

conformance with the provisions of the laws of the State of Iowa.

1-6-7 Qualifications of the Mayor and Council Members. The Mayor shall be a resident of the City and the Council members shall be residents of the City and of the Ward which they are elected to represent at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

1-6-8 Vacancies. A vacancy in the office of the Mayor and the Council shall be filled in accordance with the provisions of the laws of the State of Iowa and all officers appointed or elected to fill such vacancies shall qualify within three (3) days.

1-6-9 Removal of the Mayor or Council Member. The Mayor or any Council Member may be removed from office by action of the City Council for any of the following reasons:

A. For willful or habitual neglect or refusal to perform the duties of his or her office.
B. For willful misconduct or maladministration in office.
C. For corruption.
D. For extortion.
E. Upon conviction of a felony.
F. For intoxication, or upon conviction of being intoxicated.
G. Upon conviction of violating the provisions of Chapter 56, Campaign Finance Disclosure, Code of Iowa.

Such removal shall be only after a hearing before the City Council based on written charges prepared and filed by the City Attorney, which removal can only be made by a two-thirds vote of the entire Council. Notice of such hearing shall be by personal service on the Mayor or City Council Member whose removal is being sought not less than ten (10) days before the date of such hearing.

Title 1 – Administrative
Chapter 7 – City Attorney

SECTIONS:
1-7-1 City Attorney
1-7-2 Powers, Duties and Compensation

1-7-1 City Attorney. There is hereby established the office of City Attorney, who shall be appointed by and hold office during the pleasure of the Council and shall be subject to removal of a majority vote of the Council.

1-7-2 Powers, Duties and Compensation. The City Attorney shall not be an employee of the City but shall be under the administrative direction of the City Administrator. The City Attorney shall be a graduate of a college of law and shall be a licensed Attorney authorized to practice in the State of Iowa upon employment. The City Attorney performs legal services for and on behalf of the City, its officers, boards, commissions, and departments; attends meetings of various official bodies and gives oral advice and opinions in writing when requested; performs the preparation and review of ordinances, resolutions, contracts, and other legal documents; tries cases and appears in other legal matters before courts, including district and appellate courts, boards, and commissions; confers with City officials on legal problems; performs research in connection with constitution, statutes, ordinances, decisions, rules, and regulations; prepares complaints, answers, and briefs for court cases; and performs additional administrative duties as assigned. The compensation of the City Attorney shall be such amount as may from time to time be fixed by the Council.

Title 1 – Administrative
Chapter 8 – City Administrator

SECTIONS:
1-8-1 City Administrator; Clerk
1-8-2 Record of Appointments on Boards
1-8-3 Issuance of Licenses
1-8-4 Powers and Duties Generally
1-8-5 Compensation
1-8-6 Excepted Appointment
1-8-7 Deputy City Clerk
1-8-8 Other Duties

1-8-1 City Administrator; Clerk. The office of the City Administrator is hereby created, which office shall be filled by a majority vote of the Council. The appointee shall hold office during the pleasure of the Council, and shall be subject to removal by a majority vote of the Council. He or she shall also be the City Clerk.

1-8-2 Record of Appointments on Boards. It shall be the duty of the Clerk to keep a record of all appointments to all City Advisory Commissions and Boards. Such record must show the name, the period of the appointment, the date of its commencement and ending, by whom appointed, and the name of the board to which the appointment is made.

1-8-3 Issuance of Licenses. Except as otherwise provided, any person desiring a license for any purpose from the City shall pay the requisite license fee to the Clerk, who shall thereupon issue the proper license.

1-8-4 Powers and Duties Generally.

A. The powers and duties of the City Administrator shall include:
    1. Enforcement of all City laws and regulations as directed by the Council.
    2. Administration of Council policies and directives.
    3. Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
    4. Preparation and administration of the City's annual operating budget.
    5. Supervision of the City's administrative policies and procedures, including personnel and purchasing.
    6. Keeping the Council informed on the progress of its programs and the status of its policies.
    7. Coordinating and directing all City services provided through the various departments.
    8. Appointment and removal of City employees in accordance with City policies regarding this activity.
    9. Study possible joint arrangements with City boards such as, but not limited to, Power and Water or any other independent board and make recommendations for such arrangements as are mutually acceptable.
    10. Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.
B. Any members of the City Council shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator solely, through the City Administrator, and Council Members shall not give orders to

any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator.

1-8-5 Compensation. The compensation of the City Administrator shall be such amount as from time to time shall be fixed by the Council.

1-8-6 Excepted Appointment. The City Administrator shall not be considered to be a Department Head and shall continue to be appointed by the Council.

1-8-7 Deputy City Clerk. The City Administrator shall nominate, for Council appointment, a Deputy City Clerk to perform the duties of the City Clerk in the Administrator's absence and to perform other duties as assigned to him or her.

1-8-8 Other Duties. The City Administrator shall perform such other duties as may be directed by the Council.

Title 1 – Administrative
Chapter 9 – City Departments

SECTIONS:
1-9-1 Departments Created
1-9-2 Department Heads
1-9-3 Duties
1-9-4 Other Departments
1-9-5 Creation of New Departments

1-9-1 Departments Created. There is hereby established the following City Departments:

- Community Development (Community Development Director)
- Finance (Finance Director-Treasurer)
- Fire (Fire Chief)
- Parks and Recreation (Parks and Recreation Director)
- Police (Police Chief)
- Public Works (Public Works Director)
- Water Pollution Control (Water Pollution Control Director)

1-9-2 Department Heads. The departments shall be headed by a Department Head appointed and removed by the City Administrator, except the appointment and removal of the Finance Director-Treasurer shall be subject to the approval of the City Council and the appointment and removal of the Fire Chief and Police Chief shall be by the Mayor, subject to the approval of the City Council.

All appointments shall be made to individuals with sufficient qualifications to perform the general duties of the office at a salary in accordance with the City's Pay Plan

1-9-3 Duties. Department Heads listed in Section 1-9-1 shall be subordinate and responsible to the City Administrator and shall have such duties and functions as from time to time are assigned by the City Administrator.

1-9-4 Other Departments. The following departments are established by the City Council through Title 2, Chapters 12 and 13 of the City Code:

- Library (Library Director)
- Museum and Art Center (Museum and Art Center Director)

These Department Heads shall be appointed and removed by the Library Board and Museum and Art Center Board respectively and shall be compensated in accordance with the City's Pay Plan. The two (2) Department Heads shall perform such functions and duties as are assigned by the respective boards.

All budget, personnel, and purchasing procedures must conform to the policies and procedures established by the City Council and shall be coordinated with the City Administrator.

1-9-5 Creation of New Departments. The City Council shall have the authority to create new or consolidate existing departments by resolution as shall be deemed appropriate and after full consideration and study by the City Administrator.

Title 1 – Administrative
Chapter 10 – City Budget Procedures

SECTIONS:
1-10-1 Fiscal Year
1-10-2 Budget Procedures
1-10-3 Content of Budget Document
1-10-4 Budget Hearing
1-10-5 Budget Adoption
1-10-6 Budget Transfers - Amendments
1-10-7 City Depositories
1-10-8 Independent Audit
1-10-9 City Finance Director-Treasurer
1-10-10 Borrowing and Bonds Generally
1-10-11 Property Assessments
1-10-12 Warrants

1-10-1 Fiscal Year. The fiscal year for the City shall commence on the first day of July and end on the 30th day of June of each year.

1-10-2 Budget Procedures. Each City officer and Department Head shall submit to the City Administrator an itemized estimate of the expenditures for the next fiscal year for the department or activities under his or her control. The information shall be submitted in the format and on the schedule as established by the City Administrator. The City Administrator shall prepare a complete itemized budget proposal for the next fiscal year of the City and shall submit it to the Council on or before the first Monday of February.

1-10-3 Content of Budget Document. The budget proposal shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

A. Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for the corresponding items for the current and the last preceding fiscal year with reasons for increases and decreases recommended.
B. Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, debt authorized and issued, and the conditions of sinking funds, if any.
C. Detailed estimates of all anticipated income of the City from sources, including taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
D. A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.
E. An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised for debt retirement, together with income from other sources which would be necessary to meet the proposed expenditures.
F. Such other supporting schedules and information as the Council may deem necessary.

1-10-4 Budget Hearing. Public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published in accordance with the State Code of Iowa. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the Office of the

Clerk for a period of not less than ten (10) days prior to such public hearing, and not less than twenty (20) days before the budget is certified by the County Auditor.

1-10-5 Budget Adoption. Not later than the fifteenth (15th) day of March, in accordance with the Code of Iowa, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, provide a tax levy of the amount necessary to be raised by taxes upon real and personal properties from municipal purposes, provided such tax levy shall not exceed the limits as established by the Iowa Code. The tax levy shall be certified to the County Auditor and collected by the County Treasurer as provided by the Iowa Code.

1-10-6 Budget Transfers - Amendments. The City budget, as finally adopted, shall constitute the City appropriation for each program and purpose specified therein until amended as provided as follows:

A. To permit the appropriation and expenditure of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
B. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation and which had not been anticipated in the budget.
C. To permit transfers from the Debt Service Fund, the Capital Improvement and Reserve Fund, the Emergency Fund, or other funds established by the State Law to any other City fund, unless specifically prohibited by State Law, and to permit transfers between programs within the General Fund as follows:
    1. Council Transfers. When the City Administrator determines that one or more appropriation accounts need added authorizations to meet required expenditures, he or she shall inform the Council or if the Council, upon its own investigation, so determines a need for additional appropriations, and another account within the same program area (i.e., community protection) has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpected appropriation which alone or with other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in appropriations and the reason for such transfers. Upon passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Administrator shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the Council. Thereupon the City Administrator shall cause the appropriations to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation to the program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased in a program except by a budget amendment made after notice and hearing as required by law for such amendments.
    2. Administrative Transfers. The City Administrator shall have the power to make transfers within a single activity (i.e., police operations) between objects of expenditures within activities without prior Council approval. The City Administrator shall have the power to make transfers between activities (i.e., police and fire operations) without prior Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out Council directives or to maintain a necessary service and provide the required appropriation balance. Such transfers shall not exceed the total appropriation to the program (i.e., community protection), except by budget

amendment made after notice and hearing, as required by law for such amendments. Administrative transfers shall be presented to the Council as a resolution for their consideration and passage as presented or as amended by the Council.

1-10-7 City Depositories. The Council shall designate the depository or depositories for the City and shall provide for the regular deposit of all City monies in accordance with the Iowa Code.

1-10-8 Independent Audit. An independent audit shall be made of all accounts of the City at least annually or more frequently if deemed necessary by the Council. Such audit shall be made by certified public accountants experienced in municipal accounting and shall be completed in a timely manner following the close of the fiscal year. As provided by the State Code of Iowa, the State Auditor shall be notified by the City within sixty (60) days after the close of the fiscal year by the filing of a resolution of the Council stating the engagement of independent certified public accountants to perform the audit.

The audit and the results of such audit shall be made public in accordance with the Code of Iowa by October 1st following the close of the fiscal year.

1-10-9 City Finance Director-Treasurer. The City Finance Director-Treasurer shall keep and shall be the custodian of all the books of accounts of the assets, receipts, and expenditures of all departments and boards of the City, except for the Power and Water Board of Trustees. It shall be the duty of all City officials and officers to pay directly to the City Treasurer all monies and fees collected through their offices. It shall be the duty of the Finance Director-Treasurer to keep a record of such monies and fees collected by such officials. Further, the Finance Director-Treasurer shall prescribe a method of keeping accounts for all departments and offices of the City, which method shall be uniform and shall conform to the laws of the State of Iowa.

1-10-10 Borrowing and Bonds Generally. Subject to the applicable provisions of the State Law of Iowa, the Council, by proper Ordinance or resolution, may authorize the borrowing of money on the credit of the City and the issuing of Bonds thereof for any purpose within the scope of its powers.

1-10-11 Property Assessments. The assessments of property in the City of Muscatine shall be performed by the County Assessor in accordance with the provisions of the Code of Iowa.

1-10-12 Warrants. All claims approved and ordered paid by the Council shall be paid by a warrant signed by the Mayor and attested by the City Clerk.

Title 1 – Administrative
Chapter 11 – Personnel Procedures

SECTIONS:
1-11-1 Declaration of Policy
1-11-2 Applicability
1-11-3 Civil Service Provisions
1-11-4 Union Contracts
1-11-5 Prohibitive Activities
1-11-6 Permitted Activities
1-11-7 Personnel Records
1-11-8 Rules and Regulations - Employee Benefits
1-11-9 Department Regulations
1-11-10 Classification Plan
1-11-11 Pay Plan
1-11-12 Grievance Procedures

1-11-1 Declaration of Policy. It is hereby declared the policy of the City that:

A. Employment and promotions in the Municipal Government shall be based on merit and fitness and predicated on the premise that qualified personnel are best able to render effective and efficient service.
B. Administration of all personnel policies established by this chapter shall be the responsibility of the City Administrator.
C. Appointments shall be free of personal and political considerations.
D. Incentives and conditions of employment consistent with those employed by business firms and governmental units in the community shall be practiced in order to maintain a confident, loyal work force interested in performing efficiently and in the interest of governmental economy.
E. A current position classification system shall be maintained and current Pay Plans providing for fair compensation of City employees shall be in effect.
F. Positions in the City service shall be classified and compensated on a uniform basis and keeping with the policy of "equal pay for equal work".
G. The City of Muscatine will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, ancestry, religion, age, or disability. Affirmative action's will be taken to implement this policy and assure non-discrimination in recruiting, training, placement, advancement, compensation, working conditions, demotions, layoffs, and termination.

1-11-2 Applicability. This chapter shall apply to all employees in the service of the City except those offices which are elective.

1-11-3 Civil Service Provisions. The City of Muscatine Shall operate its Personnel Program in accordance with the provisions of the State of Iowa Civil Service Code and the local Civil Service regulations, and the Civil Service requirements shall take precedence over this Ordinance.

1-11-4 Union Contracts. All City employees covered by Union Contracts shall perform in accordance with such contracts in respect to wages, hours, and such conditions of employment which are included in the contract. If this Ordinance is in conflict with the Union Contract, the Union Contract shall take precedence over this Ordinance. Where Union

Contracts are in conflict with State or local Civil Service Laws, the Civil Service Law shall take precedence over the Union Contract.

1-11-5 Prohibitive Activities. All employees shall be hired without regard to political considerations. In accordance with this policy, City employees shall:

A. Refrain from seeking or accepting to use any political endorsement or support in connection with appointment to a Civil Service or municipal position.
B. Refrain from using their influence publicly in any way for or against any candidate for elective office in the municipal government.
C. Not circulate petitions or publicly campaign on behalf of any local municipal elective official.

A Civil Service or municipal employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing thirty (30) days prior to any election and continuing until after the election, automatically be given a leave of absence without pay. An employee who is a candidate for an elective public office shall not campaign while on duty as a municipal employee. If elected, such employee is eligible to serve as a Civil Service or municipal employee only until qualification for the elective office, at which time the common law rule of conflict of interest would apply.

1-11-6 Permitted Activities. Nothing in Section 5 of this Chapter shall prevent employees from belonging to any political party, club, or organization; from attending political meetings; from expressing their political views in private or outside of working hours and off City premises; or from voting with complete freedom in any election.

1-11-7 Personnel Records. The City Administrator - City Clerk shall maintain the official Civil Service - Personnel Records for each employee. Such records shall include, but not be limited to, dates of initial appointments, promotions, job titles, salaries, evaluations, disciplinary actions, merit increases, leaves of any type taken, longevity, and employee adjustments according to pay and classification plans.

1-11-8 Rules and Regulations - Employee Benefits. The City Administrator shall develop rules and regulations on employee benefits and on working conditions, when required, in order to uniformly, effectively, and efficiently operate the City. The following rules, regulations, and employee benefits shall be approved by resolution of the City Council and any changes thereto shall be approved by resolution of the Council upon recommendation of the City Administrator:

- Residency Requirement
- Outside Employment
- Relative Hiring
- Physical Examination
- Probationary Period
- Transfers, Promotions, Demotions
- Hours of Work
- Overtime
- Compensatory Time
- Temporary Assignments
- Stand-by
- Jury Duty

- Holidays
- Vacation
- Bereavement Leave
- Personal Leave
- Maternity Leave
- Absence Without Leave
- Voting Leave
- Military Leave
- Sick Leave
- Leave of Absence Without Pay
- Workers Compensation
- Health Insurance
- Dental Insurance
- Life Insurance
- Education
- Program
- Longevity
- Retirement Benefits

1-11-9 Department Regulations. Nothing in this Ordinance shall prohibit the establishment and administration of departmental regulations not in conflict with this Ordinance.

1-11-10 Classification Plan. The City shall establish a classification plan which shall consist of a list of titles, descriptions of the nature and requirements of work in each class, and the official allocations of positions to appropriate classes. The titles in the classification plan are to be used as exclusive means of reference for all official records and personnel transactions.

A. Maintenance of Plan. The City Administrator shall maintain the classification plan.
B. Change in the Plan. The classification plan may be amended and positions reclassified by the City Administrator in accordance with the following procedures, and subject to Council approval:
    1. All requests for creation of new positions, abolishment or consolidation of present positions, reclassification of existing positions, and reallocation of classifications to new salary ranges shall be submitted to the City Administrator.
    2. Department Heads shall report organizational changes and requests for change in duty assignments to the City Administrator.
    3. An employee may submit a written request to the City Administrator for review of the duties and responsibilities of the employee's position. All requests shall be submitted through the Department Heads and shall include the employee's description of the duties and responsibilities of the position.
C. Abolishment of a Position. A position may be abolished by the City Administrator, with the approval of the City Council, and in accordance with the Civil Service Code of Iowa if applicable.

1-11-11 Pay Plan. It shall be the responsibility of the City Administrator to develop a compensation plan which will reflect fairly the differences in duties and responsibilities of the classifications established and which will assure, to the extent practicable, equal pay for equal work; which will reflect salary and wage rates which compare favorably with those in the area for comparable positions; and which provides a means of rewarding employees for continued good or outstanding service. The Pay Plan of the City shall be adopted annually

by resolution of the City Council and shall coincide with the City's fiscal year. Any changes in the Plan shall be by recommendation of the City Administrator with approval of Council by resolution.

The City Administrator shall establish rules and regulations for administering the Pay Plans for Supervisory - Management employees, Confidential and Library employees, Non-Union Permanent Part Time employees, Temporary employees, Blue and White Collar Union employees, Police Officers - Union employees, and Firefighters - Union employees. In such case where there is a conflict between the rules and regulations and the Union Contract, the Union Contract shall take precedence. The City Council, upon the recommendation of the City Administrator, may establish such other employee group Pay Plans as may be required.

1-11-12 Grievance Procedures. An employee of the City of Muscatine has the right to grieve matters in regard to the interpretation, application, or violation of the personnel system of the City. For all employees covered under Union Contracts, the grievance procedures set forth in such contract shall be adhered to. For all non-union employees, the following grievance procedures shall be followed:

Step (1). The grievance shall be discussed informally between the employee involved and the employee's immediate supervisor within three (3) working days after knowledge of the event giving rise to the grievance. The supervisor shall either adjust the grievance or deliver a written answer to the grieving employee within three (3) working days after such discussion. Failure of the supervisor to reply within set three (3) day period shall be deemed a denial of the grievance and may be appealed to the next step.

Step (2). If such grievance is not resolved by Step 1, the grieved employee may appeal. The employee shall within three (3) working days follow completion of Step 1, present the grievance in writing to the Department Head, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The Department Head, or his or her designated representative, shall investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. Failure of the Department Head, or his or her designated representative, to issue a written statement within five (5) working days shall be deemed a denial of the grievance and may be appealed to the next Step.

Step (3). If such grievance is not resolved in Step 2, the grieved employee may appeal. The employee shall within three (3) working days following completion of Step 2 present the grievance in writing to the City Administrator, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The City Administrator, or his or her designated representative, shall investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. The City Administrator's decision on these matters shall be final.

For issues within the jurisdiction of the Civil Service Commission, the grievance procedure as established by the Civil Service Commission and the Code of Iowa shall prevail.

Title 1 – Administrative
Chapter 12 – Purchasing Procedures

SECTIONS:
1-12-1 Creation
1-12-2 Organization - Purchasing Agent
1-12-3 Purchases by Department Heads
1-12-4 Quotations and Bids
1-12-5 Awarding of Bids
1-12-6 Contracts
1-12-7 Emergency Purchases
1-12-8 Surplus Equipment and Materials
1-12-9 Joint Purchases
1-12-10 Rules and Regulations

1-12-1 Creation. There is hereby created a department of purchasing for the control of purchasing activities and the making of contracts. The responsibility of purchases of the City shall fall within the duty of the Purchasing Agent, who is appointed by the City Administrator. Nothing herein shall preclude the City Administrator from assigning the purchasing function to an existing department of the City. The purchasing requirements, rules and regulations established as a result of this Ordinance shall be adhered to by all City departments and boards, including the Library and Art Center Board, but excluding the Board of Water and Light Trustees.

1-12-2 Organization - Purchasing Agent. The Purchasing Agent shall have such experience and capabilities as shall be required by the City Administrator. The City Administrator may appoint a Deputy Purchasing Agent who shall possess all the powers and authorities of the Purchasing Agent, except as such may be from time to time limited by the City Administrator.

The Purchasing Agent shall have the power and it shall be his or her duty to purchase or contract for all supplies, materials, equipment, and contractual services needed by all the departments of the City. The Purchasing Agent shall have the following functions and responsibilities:

A. Develop city-wide purchasing objectives, policies, programs, and procedures for the negotiation and acquisition of materials, equipment, and supplies.
B. Coordinate purchasing procedures throughout the City.
C. Act as the City's spokesperson on matters pertaining to purchasing.
D. Institute the reports necessary to permit analysis of the performance of centralized purchasing.
E. Disseminate to other departments information necessary to promote efficient operation of their purchasing activities.
F. Consolidate purchases of like or common items to obtain the maximum economical benefits.
G. Purchase equipment and supplies for City use in such a manner that the maximum value will be obtained for the money expended. Purchases shall be made from qualified manufacturers whose reputations, financial positions, and price structures are sufficiently adequate for consideration as logical sources of supply.
H. Study markets to analyze prices paid for materials and equipment, generally define how to obtain savings through improved specifications and supervision of supply

sources, and recommend changes in quantities to be ordered when conditions warrant.

I. Utilize known contracts and sources to expedite deliveries of needed materials and equipment.
J. Work with other departments of the City to promote better customer and supplier relations.
K. Work towards standardization of materials and supplies used throughout the City.
L. Purchase or assist in the purchase of specialized materials, equipment, supplies, and services for departments when requested to do so.
M. Such other functions and responsibilities which may be assigned by the City Administrator.

1-12-3 Purchases by Department Heads. Department Heads may make purchases directly only in accordance with the rules and regulations as established in Section 1-12-10 of this Chapter.

1-12-4 Quotations and Bids. The Purchasing Agent, subject to budgetary appropriations, is authorized to make purchases for supplies, materials, equipment, or services in accordance with the following provisions:

A. Purchases between the amounts of $500.00 and $10,000.00 shall be made only after obtaining a minimum of two quotations, except in the case where only one supplier is available. Purchases under $500.00 may be made without quotations.
B. On all items in excess of $10,000.00, formal bids are required.
C. No bids shall be required for professional services.
D. Sealed bids shall be opened and read by the Purchasing Agent in public, at the time and place stated in the public notice, and thereafter tabulated. Sealed bids received after the established deadline shall be returned unopened to the bidder submitting the same.
E. All public improvement projects of $25,000.00 or more must be bid in accordance with the provisions of the Code of Iowa.

1-12-5 Awarding of Bids. The City Council shall approve bids or quotations over $5,000.00 for capital improvements or equipment; however, Council approval is not required for budgeted purchases involving routine repairs and maintenance and normal operating expenditures.

1-12-6 Contracts. When it is determined that it is in the best interest of the City to enter into contracts for purchases involving capital improvements or equipment, such contracts shall be approved by the City Council, however, Council approval is not required for budgeted routine repairs and maintenance contracts and normal budgeted operating expenditures. Council approval of contracts shall authorize the Mayor and Clerk to execute the contract on behalf of the City.

1-12-7 Emergency Purchases. An emergency purchase can be made where due to unforeseen circumstances or to protect public health, as a result of accidents or mechanical failure of equipment which occur, or when supplies, materials, equipment, and/or contractual services are essential. This type of purchase may involve an item or items not budgeted for. The City Administrator shall establish rules and regulations for emergency purchases.

1-12-8 Surplus Equipment and Materials. Any City equipment or other property, other than real property, or any abandoned property in the custody of the City that cannot be utilized by the City, must be declared surplus property by the City Administrator, or his or her designee, and disposed of at public auction or by sealed bid. Any public auction or sealed bid must first be preceded by advertising in a newspaper of general circulation in the City of Muscatine by at least one (1) publication in such newspaper not less. than four (4) days nor more than twenty (20) days prior to such sale. Any material of no useful value to the City may be declared junk and sold to a scrap dealer for the scrap value without notice.

1-12-9 Joint Purchases. Whenever feasible to do so, the City will encourage joint purchases with other governmental entities, such as other Cities, Counties, Schools, utilities, etc.

1-12-10 Rules and Regulations. The City Administrator shall prescribe rules and regulations, not inconsistent with this City Ordinance, to implement and carry out the intent and purposes of this Article. The Purchasing Agent shall be responsible for the implementation of such rules and regulations.

Title 1 – Administrative
Chapter 13 – Public Improvements Procedures

SECTIONS:
1-13-1 Capital Improvements Plan
1-13-2 Financing of Public Improvements
1-13-3 Special Assessment Procedures
1-13-4 Initiation of Projects
1-13-5 Contract Letting Procedures
1-13-6 Annual Report

1-13-1 Capital Improvements Plan. The City shall annually prepare and adopt a five (5) year Capital Improvements Plan with the first year of such plan to cover the same period as the City's annual fiscal year. The City Council shall hold a public hearing on the Capital Improvements Plan before adopting, by resolution, the plan.

The Capital Improvements Plan shall include projects of a major non-recurring expenditure, or any expenditure for physical facilities, in excess of $10,000.00. The Capital Improvements Plan shall include, but not be limited to, the following: construction, reconstruction, improvement, or rehabilitation of public facilities, public parks, on site, or other improvements such as streets and alleys, sidewalks, sewers, airports, and flood and drainage facilities. Routine replacement of vehicles or equipment is not considered a capital improvement project for the purposes of the Capital Improvements Program.

The Capital Improvements Plan shall be a guide which systematically develops the public improvement needs of the City of Muscatine.

1-13-2 Financing of Public Improvements. The City Council shall have the power to authorize any public works project or any public improvements by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to authorize such work by contract duly let in accordance with the bidding procedures as prescribed by the Code of Iowa. The Council shall also have the power to authorize any public works project or any public improvements project under any legally constituted plan under which labor is furnished by any other government unit, department, or agency of the United States, of the State of Iowa, or which is wholly or in part financed by any other government unit.

The City Council shall determine the necessity of any local public works or public improvement projects and shall determine that the whole or any part of the expense shall be defrayed by special assessment, general obligation bonds, or revenue bonds in accordance with the provisions of the Code of Iowa. The City Council may establish a Capital Improvement Reserve fund as provided by the Code of Iowa.

1-13-3 Special Assessment Procedures. The City Council may special assess, in accordance with the procedures outlined in the Code of Iowa, any private property owner for public improvements as authorized by the Code of Iowa. The City Council shall adopt, by resolution, special assessment formulas to be utilized for streets, curbs and gutters, sidewalks, sanitary sewers, and for such other improvements for which the City Council decides to special assess the private property owners.

1-13-4 Initiation of Projects. The City Council may, by majority of vote of Council, initiate a public works or public improvements project or property owners may initiate such projects for a public improvement by petition in accordance with the Code of Iowa.

1-13-5 Contract Letting Procedures. All public improvement projects to be performed by contract shall be awarded in accordance with the provisions of the Code of Iowa.

1-13-6 Annual Report. Annually the City Administrator shall provide the City Council an update on the status and accomplishment of various public improvement projects, as outlined in the five (5) year Public Improvements Plan.

Title 2 – Boards and Commissions
Chapter 1 – Airport Advisory Commission

SECTIONS:
2-1-1 Creation
2-1-2 Appointment and Terms
2-1-3 Removal - Vacancies
2-1-4 Residence Requirements
2-1-5 Responsibilities and Duties

2-1-1 Creation. There is hereby created and organized an Airport Advisory Commission, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-1-2 Appointment and Terms. The Airport Advisory Commission shall consist of five (5) members to be appointed by the Mayor, with the consent of the Council. The term of office of such members shall commence with their appointment, one of which members shall be appointed for a term to expire on July 1, 1979, one of which members shall be appointed for a term to expire on July 1, 1980, one of which members shall be appointed for a term to expire on July 1, 1981, one of which members shall be appointed for a term to expire on July 1, 1982, one of which members shall be appointed for a term to expire on July 1, 1983, and thereafter each member shall be appointed for a term of five (5) years beginning on July first. All members of the Airport Advisory Commission shall remain on the Commission until their successors are appointed. The City Administrator, or his or her designated representative, shall be an ex-officio member and shall serve as Secretary for the Commission. No individual shall serve more than two (2) full consecutive terms on the Commission.

2-1-3 Removal - Vacancies. The Council may, at any time, remove any member of the Airport Advisory Commission after showing of due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission by removal or otherwise.

2-1-4 Residence Requirements. Each member of the Airport Advisory Commission shall be a resident of the City of Muscatine, Iowa.

2-1-5 Responsibilities and Duties. The Airport Advisory Commission shall confer with and assist the City Administrator, or his or her designated representative, in preparation of the airport budget, recommend procedures and policies in connection with the administration of the airport, pursue matters and investigate means by which the airport can be improved, and make recommendations for the long range needs of the airport.

Title 2 – Boards and Commissions
Chapter 2 – Board of Fire and Police Pension Trustees

SECTIONS:
2-2-1 Creation
2-2-2 Appointment and Terms
2-2-3 Vacancies
2-2-4 Residence Requirements
2-2-5 Responsibilities and Duties

2-2-1 Creation. There is hereby created and organized a Board of Fire and Police Pension Trustees, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-2-2 Appointment and Terms. The chief officer of the Fire Department, the City Treasurer, two (2) fire fighters elected by secret ballot by the members of the Fire Department who are entitled to participate in a fire fighter's pension fund established by law, and three (3) citizens who do not hold any other public office, who shall be appointed by the Mayor with the approval of the Council, shall constitute the members of the Board of Trustees of the Fire Retirement System. The chief officer of the Police Department, the City Treasurer, two (2) police officers elected by secret ballot by the members of the Police Department who are entitled to participate in a policemen's pension fund established by law, and three (3) citizens who do not hold any other public office, who shall be appointed by the Mayor with the approval of the Council, shall constitute the members of the Board of Trustees of the Police Retirement System. The three (3) citizens appointed by the Mayor shall serve on both of said Boards, one of whom shall serve until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until, the first Monday in April of the fourth year. Thereafter, appointments shall be made for four-year terms. One (1) of the members of each department elected shall serve until the first Monday in April of the second year and one (1) until the first Monday in April of the fourth year upon the taking of effect of this Chapter, and thereafter each such department shall every second year on such date and in such manner as shall be prescribed by said Board of Trustees elected by ballot, one (1) such member to serve for a term of four (4) years.

2-2-3 Vacancies. If a vacancy occurs in the office of Trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

2-2-4 Residence Requirements. Each member, except the police officers or fire fighters, of the Board of Trustees shall be a resident of the City of Muscatine, Iowa.

2-2-5 Responsibilities and Duties. The Boards of Fire and Police Pension Trustees shall exercise all the responsibilities and duties as prescribed by the Code of Iowa for such Boards.

Title 2 – Boards and Commissions
Chapter 3 – Board of Fire Health

SECTIONS:
2-3-1 Creation
2-3-2 Appointment and Terms
2-3-3 Vacancies
2-3-4 Residence Requirements
2-3-5 Responsibilities and Duties

2-3-1 Creation. There is hereby created and organized a Board of Health, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-3-2 Appointment and Terms. The Board of Health shall consist of five (5) members to be appointed by the Council, at least one of whom shall be licensed in Iowa as doctor of medicine and surgery or as an osteopathic physician and surgeon, as defined by law, two of whom shall be a member of the Council and the Mayor, who shall serve as Chairman, for a term of three (3) years. All members of the Board of Health shall remain on the Board until their successors are appointed. Each term shall commence on the first day of July. The City Administrator, or his or her designated representative, shall be an ex-officio member and shall serve as Secretary for the Board. No individual shall serve more than two (2) full consecutive terms on the Board.

2-3-3 Vacancies. Vacancies due to death, resignation or other cause shall be filled as soon as possible after the vacancy exists, by appointment of the Council, for the unexpired term of the original appointment.

2-3-4 Residence Requirements. Each member of the Board of Health shall be a resident of the City of Muscatine, Iowa.

2-3-5 Responsibilities and Duties. The Board of Health shall exercise all the responsibilities and duties as prescribed by the Code of Iowa for local boards of health and as prescribed in Title 9, Chapter 1 of the City Code

Title 2 – Boards and Commissions
Chapter 4 – Cable Television Advisory Commission

SECTIONS:
2-4-1 Creation
2-4-2 Appointment and Terms
2-4-3 Removal - Vacancies
2-4-4 Residence Requirements
2-4-5 Responsibilities and Duties

2-4-1 Creation. There is hereby created an organized Cable Television Advisory Commission, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-4-2 Appointment and Terms. The Cable Television Advisory Commission shall consist of five (5) members to be appointed by the Mayor, with approval of the Council. The term of office of such members shall commence with their appointment and they shall serve a term of five (5) years provided, however, that appointments to the first Commission shall be for one, two, three, four and five year terms respectively. All members of the Commission shall remain on the Commission until their successors are appointed. Each term shall commence on the first day of July. The City Administrator, or his or her designated representative, shall be an ex-officio member and shall serve as secretary for the Commission. No individual shall serve more than two (2) full consecutive terms on the commission.

2-4-3 Removal - Vacancies. The Council may, at any time, remove any member of the Cable Television Advisory Commission after showing a due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission by removal or otherwise.

2-4-4 Residence Requirements. Each member of the Cable Television Advisory Commission shall be a resident of the City of Muscatine, Iowa.

2-4-5 Responsibilities and Duties. The Cable Television Advisory Commission shall confer with and assist the City Administrator, or his or her designated representative, in preparation of the CATV budget, recommend procedures and policies in connection with the administration of the Cable System, pursue matters and investigate means by which the Cable System can be improved, and make recommendations for the long range needs of the Cable System. In addition, the Commission shall perform the following functions:

A. Advise the Council on applications for franchises.
B. Advise the Council on matters which might constitute grounds for revocation of the franchise.
C. Attempt to resolve disagreements among Franchisee and public and private users of the System.
D. Review the Franchisee's efforts in providing consulting services to facilitate government, educational, community, group, and individual use of the access channels.
E. Determine general policy relating to the service provided to subscribers and the operation and use of access channels, with a view to maximizing the diversity of programs and services to subscribers. The use of access channels shall be allocated on a first-come, first-served basis, subject to limitations on monopolization of

channel time or prime times. This policy should be designed to insure that the access channels are free from any governmental control over programming content.

F. Encourage use of access channels among the widest range of institutions, groups, and individuals within the City.

G. Submit an annual report to the Council, including, but not limited to, the total number of hours of utilization of access channels, a review of any plans submitted during the year by Franchisee for development of new services, and hourly subtotals for various programming categories. The annual report shall include the following programming categories:
    1. Local education uses, including library, public and private schools, and the Muscatine Community College.
    2. Public Access for local programming under public control.
    3. Local Government Access.
    4. Channel time use for lease for pay TV.
    5. Channel time use for lease for business uses.
    6. Other channel uses.

H. Cooperate with other systems and encourage interconnection of systems.

I. Maintain knowledge of current developments in cable communications.

J. Submit a budget request to the Council to cover expenses incurred for performance of the Commission functions specified by this Chapter. The primary source of Commission funds shall be derived from the franchise fee charged by the City. Budget requests may include funds to be used for development of the use of access channels, including production grants to users and the purchase and maintenance of equipment not required to be provided by the Franchisee.

K. Review all of the records that Title 5, Chapter 18 requires the Franchisee to make and keep and, at the Commission's discretion, require the Franchisee to keep and disclose such additional records as may assist in the orderly administration of the Commission's functions.

L. Make recommendations to the Council for amendments to Title 5, Chapter 18 of the franchise agreement. Such recommendations are to be submitted to the Council thirty (30) days prior to the scheduled review sessions, as required in Title 5, Chapter 18.

M. Employ, subject to Council approval, a technical consultant to assist in the analysis of any matter relative to any franchise.

N. Perform such additional functions as the Council may specify.

Title 2 – Boards and Commissions
Chapter 6 – Civil Service Commission

SECTIONS:
2-6-1 Creation
2-6-2 Appointment and Terms
2-6-3 Vacancies
2-6-4 Residence Requirements
2-6-5 Responsibilities and Duties

2-6-1 Creation. There-is hereby created and organized a Civil Service Commission, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-6-2 Appointment and Terms. The Civil Service Commission shall consist of three (3) members to be appointed by the Mayor, with the approval of the Council, one (1) year after the regular municipal election. The term of office of such members shall commence with their appointment, one (1) of which members shall serve until the first Monday in April of the second year, one (1) of which members shall serve until the first Monday in April of the fourth year, and one (1) of which members shall serve until the first Monday in April of the sixth year, whose successors shall be appointed for a term of six (6) years. All members of the Civil Service Commission shall remain on the Commission until their successors are appointed. The Chairman of the Commission for each biennial period shall be the member whose term first expires.

The City Administrator, or his or her designated representative, shall be an ex-officio member of the Commission and shall serve as Secretary for the Commission. The Chairman of the Human Rights Commission shall also serve as an ex-officio member of the Commission. No individual shall serve more than two (2) full consecutive terms on the Civil Service Commission.

2-6-3 Vacancies. The Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission for the unexpired term of the appointment.

2-6-4 Residence Requirements. Each member of the Civil Service Commission shall be a resident of the City of Muscatine, a citizen of Iowa, an eligible elector, and shall serve without compensation.

2-6-5 Responsibilities and Duties. The Civil Service Commission shall exercise all the responsibilities and duties in accordance with the provisions of the Code of Iowa for Civil Service Commissions.

Title 2 – Boards and Commissions
Chapter 7 – Recreation Advisory Commission

SECTIONS:
2-7-1 Creation
2-7-2 Appointment and Terms
2-7-3 Removal - Vacancies
2-7-4 Residence Requirements
2-7-5 Responsibilities and Duties

2-7-1 Creation. There is hereby created and organized a Recreation Advisory Commission to be appointed as hereinafter provided with duties and responsibilities as set forth in this Chapter.

2-7-2 Appointment and Terms. The Recreation Advisory Commission shall consist of seven (7) members to be appointed by the Mayor with the approval of the Council. The term of office of such members shall commence with their appointment and shall be for three (3) years, except to fill vacancies provided, however, that appointments to the first Commission shall be three (3) members for one (1) year, three (3) members for two (2) years and one (1) member for three (3) years. Each term shall commence on the first day of July. All members of the Recreation Advisory Commission shall remain on the Commission until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Recreation Advisory Commission.

2-7-3 Removal - Vacancies. The Council may, at any time, remove any member of the Commission after showing of due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Commission by removal or otherwise.

2-7-4 Residence Requirements. Each member of the Recreation Advisory Commission shall be a resident of the City of Muscatine, Iowa.

2-7-5 Responsibilities and Duties. The Recreation Advisory Commission shall confer with and assist the City Administrator, or his/her designated representative, in preparation of the budgets, recommend rules, procedures and policies in connection with the administration, pursue matters and investigate means by which improvements can be made, and make recommendations for the long range needs of the cemetery, parks, riverfront, levee and all land owned by the City along the Mississippi River, municipal golf course and all other recreation facilities owned and/or operated by the City.

Title 2 – Boards and Commissions
Chapter 8 – Muscatine Housing Advisory Agency

SECTIONS:
2-8-1 Creation
2-8-2 Appointment and Terms
2-8-3 Removal - Vacancies
2-8-4 Residence Requirements
2-8-5 Responsibilities and Duties

2-8-1 Creation. There is hereby created and organized a Muscatine Housing Advisory Agency, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-8-2 Appointment and Terms. The Muscatine Housing Advisory Agency shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council. The term of office of such members shall commence with their appointment, one of which members shall be appointed for a term to expire on July 1, 1979, one of which members shall be appointed for a term to expire on July 1, 1980, one of which members shall be appointed for a term to expire on July 1, 1981, one of which members shall be appointed for a term to expire on July 1, 1982 and one of which members shall be appointed for a term to expire on July 1, 1983. Thereafter each member shall be appointed for a term of five (5) years. All members of the Agency shall remain on the Agency until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Agency.

2-8-3 Removal - Vacancies. The Council may, at any time, remove any member of the Agency after showing of due cause, and the Mayor, with the approval of the City Council, shall fill the vacancies occurring in the Agency by removal or otherwise.

2-8-4 Residence Requirements. Each member of the Agency shall be a resident of the City of Muscatine, Iowa.

2-8-5 Responsibilities and Duties. The Agency shall confer with, advise, and assist the City Council in long range housing needs of the City, housing rehabilitation, housing code enforcement, and carrying out the Council's powers in connection with housing projects as set out in Chapter 403A of the Code of Iowa, as amended, particularly including, but not limited to, Section 403A.3 Powers.

A. To prepare, carry out, and operate housing projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any housing project or any part thereof.
B. To undertake and carry out studies and analyses of the housing needs and of the meeting of such needs (including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages, and other factors affecting the local housing needs and the meeting thereof) and to make the results of such studies and analyses available to the public and the building, housing and supply industries; and to engage in research and disseminate information on housing and slum clearance.
C. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in

this Chapter or in any other provision of law) to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or the payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

D. To lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project and (subject to the limitations contained in this Chapter with respect to the rental of dwellings in housing projects) to establish and revise the rents or charges thereof; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to insure or provide for the insurance, in any stock or mutual company, of any real or personal property or operations of the municipality against any risks or hazards; to procure or agree to the procurement of federal or state government insurance or guarantees of the payment of any bonds or parts thereof issued by a municipality, including the power to apply premiums on any such insurance.

E. To invest any funds held in connection with a housing project in reserve or sinking funds, or any fund not required for immediate disbursement, in property or securities which banks designated as state depositories may use to secure the deposit of state funds; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than such redemption price, all bonds so redeemed or purchased to be canceled.

F. To determine where slum areas exist or where there is unsafe, unsanitary, or overcrowded housing; to make studies and recommendations relating to the problem of clearing, replanning, and reconstructing slum areas and the problem of eliminating unsafe, unsanitary, or overcrowded housing and providing dwelling accommodations for persons of low income; and to cooperate with any state public body in any action taken in connection with these problems.

G. To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or unsanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare.

H. To, within its area of operation, enter into any building or property in any municipal housing area in order to make inspections, surveys, appraisals, soundings, or test borings; and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

I. To exercise all or any part or combination of powers herein granted. No provision of law with respect to the acquisition, operation, or disposition of property by public bodies shall be applicable to a municipality in its operations pursuant to this Chapter, unless the legislature shall specifically so state.

J. To cooperate with the Iowa housing finance authority, to participate in any of its programs, to use any of the funds available to the municipality for the uses of this Chapter to contribute to such programs in which it participates, and to comply with the provisions of Sections 220.1 to 220.36 and the rules of the Iowa housing finance authority.

Title 2 – Boards and Commissions
Chapter 9 – Housing Advisory and Appeals Board

SECTIONS:
2-9-1 Creation
2-9-2 Appointment and Terms
2-9-3 Removal - Vacancies
2-9-4 Residence Requirements
2-9-5 Responsibilities and Duties

2-9-1 Creation. There is hereby created and organized a Housing Advisory and Appeals Board, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-9-2 Appointment and Terms. The Housing Advisory and Appeals Board shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council, who are not employees of the City. The term of office of such members shall commence with their appointment and shall be for two (2) years, except to fill vacancies. Each term shall commence on the first day of July. Appointments shall be made every year, with three (3) members and two (2) members being replaced alternately so as to stagger the terms. All members shall remain on the Board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board. The Building Official shall be an ex-officio member of and shall act as secretary of the Board.

2-9-3 Removal - Vacancies. The City Council may, at any time, remove any member of the Board after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-9-4 Residence Requirements. Each member of the Housing Advisory and Appeals Board shall be a resident of the City of Muscatine, Iowa.

2-9-5 Responsibilities and Duties. The Housing Advisory and Appeals Board shall exercise all the responsibilities and duties as prescribed by the Muscatine Housing Code, which is Title 8, Chapter 5 of the City Code of Muscatine.

Title 2 – Boards and Commissions
Chapter 10 – Human Rights Commission

SECTIONS:
2-10-1 Creation
2-10-2 Appointment and Terms
2-10-3 Removal - Vacancies
2-10-4 Residence Requirements
2-10-5 Compensation - Expenses
2-10-6 Election of Officers
2-10-7 Meetings - Rules - Quorums
2-10-8 Public Meetings, Records, and Confidentiality
2-10-9 Appointment of Staff
2-10-10 Powers and Duties
2-10-11 Declaration of Policy

2-10-1 Creation. There is hereby created and organized a Human Rights Commission, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-10-2 Appointment and Terms. The Human Rights Commission shall consist of seven (7) members to be appointed by the Mayor, with the approval of the Council. The term of office of such members shall commence with their appointment, all of which shall be for a term of two (2) years. Each term shall commence on the first day of July. All members of the Human Rights Commission shall remain on the Commission until their successors are appointed. The Human Resources Administrator shall be an ex-officio member of the Commission and shall serve as Secretary for the Commission. No individual shall serve more than two (2) consecutive terms on the Commission.

2-10-3 Removal - Vacancies. The Council may, at any time, remove any member of the Human Rights Commission after showing of due cause, which shall include failure to maintain a reasonable record of attendance at regular meetings, and the Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission by removal or otherwise.

2-10-4 Residence Requirements. Each member of the Human Rights Commission shall be a resident of the City of Muscatine, Iowa.

2-10-5 Compensation - Expenses. The members of the Commission shall serve without compensation, provided that they may receive actual and necessary expenses incurred within the limits established in the City budget.

2-10-6 Election of Officers. The Commission shall elect from its own membership at its regular January meeting its Chairperson and Vice-Chairperson, each to serve for a term of one (1) year. It shall at its regular January meeting elect a Secretary, who may be, but need not be, a member of the Commission. The Commission shall fill vacancies among its officers for the remainder of the unexpired term.

2-10-7 Meetings - Rules - Quorums.

A. The Commission shall hold at least one regular meeting during each calendar month at a time and place to be determined by its rules.
B. The Chairperson, the Vice-Chairperson, or any four (4) members of the Commission may call a special meeting by giving at least one (1) clear day notice to every member of the Commission. The call for a special meeting shall include an agenda, and only matters included in that agenda may be discussed at the meeting.
C. A quorum of the Commission shall be five (5) members. A majority of the members present and voting shall be necessary for the passage of any motion. The Chairperson shall vote as a member of the Commission.
D. The Commission may adopt, amend, or rescind such rules as may be necessary for the conduct of its business.

2-10-8 Public Meetings, Records, and Confidentiality.

A. In accordance with Chapter 28A of the Code of Iowa, all meetings of the Commission shall be public meetings, except:
    1. The Commission may hold a closed session by affirmative vote of two-thirds (2/3) of its members present, the votes on such motion being recorded in the minutes by yeas or nays, when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment or discharge, is under consideration, but any motion decided in such session shall be voted on by yeas and nays and shall be recorded in the minutes as per subsection B.2 of the section.
    2. The Commission shall hold a closed session for consideration of any complaint of discrimination or report concerning investigation or conciliation of said complaint, as provided in the Human Rights Ordinance, Title 4, Chapter 4, of the City Code.
B. All records of the Commission shall be public, except:
    1. Complaints of discrimination, reports of investigations, statements, and other documents or records obtained in investigation of any charges shall be closed records, unless public hearing is scheduled or district court action is commenced as provided in this Chapter.
    2. The minutes of any session which is closed under the provisions of said Human Rights Ordinance shall be closed records.
C. No member of the Commission or of its staff shall disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation, or persuasion, unless such disclosure is made in connection with the conduct of an investigation or after public hearing is scheduled or district court action is commenced upon a complaint filed as provided in this Chapter. This section does not prevent any complainant, respondent, witness, or other person from publicizing the filing of a complaint or the matter therein complained of. Any violation of this section shall be punishable by a fine not to exceed one hundred dollars ($100.00).

2-10-9 Appointment of Staff. The City Administrator shall appoint the necessary staff to assist the Commission in performing its duties and responsibilities.

2-10-10 Powers and Duties. The Commission shall have the powers and duties as set forth in the Human Rights Ordinance, Title 4, Chapter 4, of the City Code.

2-10-11 Declaration of Policy. The Human Rights Commission of the City shall cooperate with the Iowa State Civil Rights Commission, the United States Civil Rights Commission, the

Federal Equal Employment Opportunity Commission, and other agencies with similar purposes.

Title 2 – Boards and Commissions
Chapter 11 – Historic Preservation Commission

SECTIONS:
2-11-1 Purpose
2-11-2 Definitions
2-11-3 Muscatine Historic Preservation Commission
2-11-4 Appointment and Terms
2-11-5 Removal/Vacancies
2-11-6 Qualifications
2-11-7 Compensation
2-11-8 Chairperson and Secretary
2-11-9 Meetings and Quorum
2-11-10 Responsibilities and Duties

2-11-1 Purpose. The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance; safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance; stabilize and improve property values; foster pride in the legacy of beauty and achievements of the past; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided; strengthen the economy of the city; and promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the City.

2-11-2 Definitions.

A. "Commission" means the Muscatine Historic Preservation Commission, as established by this ordinance.
B. "Historic District" means an area which contains a significant portion of archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and 1) embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or 2) is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or 3) possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area; or 4) is associated with the lives of persons significant in our past; or 5) has yielded, or may be likely to yield, information important in prehistory or history.
C. "Historic Site" means an archaeological or historic site, object, structure or building which 1) is associated with events that have made a significant contribution to the broad patterns of our history; or 2) is associated with the lives of persons significant in our past; or 3) embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or 4) has yielded, or may be likely to yield, information important in prehistory or history.

2-11-3 Muscatine Historic Preservation Commission. There is hereby created and organized the Muscatine Historic Preservation Commission to be appointed as hereinafter provided with duties and responsibilities as set forth in this Chapter.

2-11-4 Appointment and Terms. The Commission shall consist of seven (7) members to be appointed by the Mayor, with the approval of the Council. The term of office of such members shall commence with their appointment, two (2) of which members shall be appointed for a term to expire on July 1, 2001, two (2) of which members shall be appointed for a term to expire on July 1, 2002 and three (3) of which shall be appointed for a term to expire on July 1, 2003. Thereafter, each member shall be appointed for a term of three (3) years. All members of the Commission shall remain on the Commission until their successors are appointed. No one individual shall serve for more than two (2) full consecutive terms on the Commission.

2-11-5 Removal/Vacancies. The Council may, at any time, remove any member of the Commission after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Commission by removal or otherwise.

2-11-6 Qualifications. Members shall demonstrate a positive interest in historic preservation; should be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent that such professions are available; and may include other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines.

2-11-7 Compensation. The members of the Commission shall serve without compensation.

2-11-8 Chairperson and Secretary. The Commission shall elect a Chairperson who shall preside over all Commission meetings. The City Administrator or his/her designee shall serve as secretary who shall be responsible for maintaining written records of the Commission's proceedings.

2-11-9 Meetings and Quorum. The Commission shall meet at least three (3) times a year and a simple majority of the Commission shall constitute a quorum for the transaction of business.

2-11-10 Responsibilities and Duties. The Commission may do the following:

A. Conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this ordinance, proceed at its own initiative or upon a petition from any person, group, or association, and shall maintain records of all studies and inventories for public use.
B. Make a recommendation to Council to recommend to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
C. Investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
D. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
E. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.

F. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
G. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
H. Contract with the approval of the Council, with the state or the federal government or other organizations.
I. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
J. Provide information for the purpose of historic preservation to the Council.
K. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

Title 2 – Boards and Commissions
Chapter 12 – Library Board of Trustees

SECTIONS:
2-12-1 Creation
2-12-2 Appointment and Terms
2-12-3 Removal - Vacancies
2-12-4 Residence Requirements
2-12-5 Powers and Duties
2-12-6 Power to Contract With Others for the Use of the Library
2-12-7 Termination of Contracts
2-12-8 Library Account
2-12-9 Report
2-12-10 Removal of Library Materials

2-12-1 Creation. There is hereby created and organized a Library Board of Trustees, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter. Further, it is the purpose of this Chapter to retain all applicable Ordinances and to adopt as Ordinances all applicable State statutes to assure the continued functioning of the Board of Library Trustees in the Musser Public Library pursuant to Section 196, Chapter 1088 of the Laws of the 64th G.A. Second Session.

2-12-2 Appointment and Terms. The Board of Library Trustees shall consist of nine (9) members to be appointed by the Mayor, with the approval of the Council. The terms of office of such members shall be appointed for a term of six (6) years and appointments made every two (2) years or one-third (1/3) the total number, as near as possible, to stagger the terms. Each term shall commence on the first day of July. All members of the Board of Library Trustees shall remain on the Board until their successors are appointed. No individual is to serve more than two (2) full consecutive terms on the Board.

2-12-3 Removal - Vacancies. The Council may, at any time, remove any member of the Board of Library Trustees after showing of due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise. A trustee absent for six (6) consecutive regular meetings of the Board, except in a case of sickness or temporary absence from the City, without due explanation of absence shall render such office as trustee vacant.

2-12-4 Residence Requirements. Eight (8) of the members of the Board shall be residents of the City of Muscatine and shall not be less than eighteen (18). The board shall consist of one (1) County resident who is not a resident of the City of Muscatine, and who shall be appointed by the Mayor with the approval of the Muscatine County Board of Supervisors.

2-12-5 Powers and Duties. The Board shall have and exercise the following powers:

A. To meet and organize by the election of one of their number as President of the Board, and by the election of a Secretary and such other officers as the Board may deem necessary.
B. To have charge, control, and supervision of the Public Library, its appurtenances and fixtures, and rooms containing the same, and directing and controlling all the affairs of such Library.

C. To employ a Library Director for the proper management of said Library and to fix his or her compensation; but, prior to such employment, the compensation of such Library Director shall be fixed in accordance with the Pay Plan of the City.
D. To remove such Library Director by a vote of two-thirds (2/3) of such Board for misdemeanor, incompetency, or inattention to the duties of such employment.
E. To select and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, furniture, fixtures, stationery, supplies for such Library, and such other Library materials deemed appropriate.
F. To authorize the use of such libraries by non-residents of the City and to fix charges therefore.
G. To make, adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such Library and the business of said Board, fixing and enforcing penalties for the violation thereof.
H. To authorize the expenditures of all monies allocated for Library purposes by the Council; and of the expenditure of all monies available by gift or otherwise for the erection of Library buildings.
I. To accept gifts of real property, personal property, or mixed property and devises and bequests, including trust funds; to take title to said property in the name of said Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts for the improvement of said Library.
J. All budget and accounting procedures, personnel policies, purchasing procedures, and public improvement procedures established by the City Council shall be adhered to by the Board.
K. Said Board shall keep a record of its proceedings.

2-12-6 Power to Contract With Others for the Use of the Library. Contracts may be made between the Board and other boards of trustees of free public libraries; any city, school corporation, township, or county; or with the trustees of any county library district for use of the Musser Public Library by their respective residents. Such use shall be accomplished by one or more of the following methods, in whole or in part:

A. By lending the books of the Library to such residents on the same terms and conditions as to residents of the City.
B. By the establishment of depositories of books of the Library to be loaned to such residents at stated times and places.
C. By the transportation of books of the Library by mobile or other conveyance for lending the same to such residents at stated times and places.
D. By the establishment of branch libraries for lending books to such residents.

2-12-7 Termination of Contracts. The contracts authorized in Section 2-12-6 of this Chapter may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the electors, represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of electors in a number not less than five percent (5%) of those who voted in the area for governor at the last general election.

The proposition may be submitted at any election provided by law which covers the area of that seeking to terminate the contract. The petition shall be presented to the governing body not less than forty (40) days before the election at which the question is to be submitted.

2-12-8 Library Account. All money appropriated by the Council from the General Fund for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary, or their designated representatives. The warrant writing officer is the City Clerk or Deputy City Clerk.

2-12-9 Report. The Board of Trustees shall, after the close of each Municipal fiscal year, make to the Council a report containing a statement of the condition of the Library, the number of books and other Library material added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as required by the Council.

2-12-10 Removal of Library Materials. Any person who takes from the public Library any book, pamphlet, periodical, paper, or other property, except in accordance with the rules of such Library; or who takes or borrows from such Library any book, pamphlet, periodical, paper, or other property and neglects or refuses to return the same within one week after receiving notice to do so; or who shall willfully cut, mutilate, mark, tear, write upon, deface, or otherwise destroy or injure any book, pamphlet, periodical, map, document, picture, or other property of such Library; or who violates any other rules of said Library; or disturbs the peace and quiet thereof by disorderly conduct, shall be deemed guilty of a simple misdemeanor.

Title 2 – Boards and Commissions
Chapter 13 – Art Center Board of Trustees

SECTIONS:
2-13-1 Creation
2-13-2 Appointment and Terms
2-13-3 Removal - Vacancies
2-13-4 Residence Requirements
2-13-5 Responsibilities and Duties
2-13-6 Establishment of Art Center

2-13-1 Creation. There is hereby created and organized an Art Center Board of Trustees, to be appointed as hereinafter provided, with the duties and responsibilities as set forth. in this Chapter.

2-13-2 Appointment and Terms. The Art Center Board of Trustees shall consist of nine (9) members to be appointed by the Mayor, with the approval of the Council. The terms of office of such members shall commence with their appointment and shall be three (3) years, except to fill vacancies. Each term shall commence on the first day of July. Appointments shall be made every year with three (3) members to be appointed so as to stagger the terms. All members of the Art Center Board of Trustees shall remain on the Board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board.

2-13-3 Removal - Vacancies. The Council may, at any time, remove any member of the Art Center Board of Trustees after Showing of due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission by removal or otherwise.

2-13-4 Residence Requirements. Each member of the Art Center Board of Trustees shall be a resident of the City of Muscatine, Iowa.

2-13-5 Responsibilities and Duties.

A. To meet and organize by the election of one of their number as president of the board, and by the election of a secretary and such other officers and committees as the board may deem necessary.
B. To have charge, control, and supervision of the art center, its work of art, appurtenances, fixtures, and buildings or rooms containing the same, directing and controlling all the affairs of such Art Center.
C. To employ a Director for the management of said Art Center and fix his or her compensation; but, prior to such employment, the compensation of such director shall be fixed in accordance with the Pay Plan of the City.
D. To remove such Director by a vote of two-thirds (2/3) of such board for misdemeanor, incompetency, or inattention to the duties of such employment.
E. To accept, on behalf of the City, gifts or works of art; to select and make purchases of pictures, portraits, paintings, statuary, relics, and other objects of art, in the original and in replicas or copies, books, periodicals, papers, and journals on the subject of art, furniture, fixtures, stationery, and supplies for such Art Center.
F. To receive, hold, and dispose of all gifts, donations, devises, and bequests that may be made to the City for the purpose of establishing, increasing, or improving such Art Center; but when any such gift, donation, devise, or bequest shall be conditioned

upon any act of the City, the City Council must first determine whether such condition can or shall be complied with.

G. To make, adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such Art Center and the business of said board, fixing and enforcing penalties for the violation thereof.

H. To authorize the expenditures of all monies allocated by the Council for the purposes, as provided by law, and of the expenditure of all monies available by gift, or otherwise, for the erection of art buildings or for the promotion of such art centers and of all other money belonging to the art center fund, provided however all budget and accounting procedures, personnel policies, purchasing procedures, and public improvements procedures established by the City Council shall be adhered to by the Board.

2-13-6 Establishment of Art Center. The City of Muscatine, Iowa, hereby establishes the following described real estate, to-wit:

Lot thirty-five (35), the southerly fifty-five feet (55') of lot twenty-four (24), all of lot twenty-five (25), and all of lot twenty-six (26), except part thereof conveyed to Fox Security Company by warranty deed recorded in Book 55 of Lots, page 169, of the records of the Recorder of Muscatine County, Iowa, all in Fletcher & Deshlers Addition No. One (1), to the City of Muscatine, Iowa,

as the Muscatine Art Center and that the original dwelling and building located on the real estate described above be named and maintained hereafter as the Laura Musser Museum and that the new center erected upon the real estate above described and donated by C. Maxwell Stanley and Elizabeth Stanley to the City of Muscatine, Iowa, be designated the Stanley Gallery, said Art Center, Museum, and Gallery to be maintained and operated in accordance with the provisions of this Chapter.

Title 2 – Boards and Commissions
Chapter 14 – New Construction Appeal and Advisory Board

SECTIONS:
2-14-1 Creation
2-14-2 Appointment and Terms
2-14-3 Removal - Vacancies
2-14-4 Residence Requirements
2-14-5 Responsibilities and Duties

2-14-1 Creation. There is hereby created and organized a New Construction Appeal and Advisory Board, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-14-2 Appointment and Terms. The New Construction Appeal and Advisory Board shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council, who are qualified by experience and training to pass upon matters pertaining to building construction. The term of office of such members shall commence with their appointment and shall be for three (3) years, except to fill vacancies. Each term shall commence on the first day of July. All members shall remain on the Board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board.

2-14-3 Removal - Vacancies. The City Council may, at any time, remove any member of the Board after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-14-4 Residence Requirements. Each member of the New Construction Appeal and Advisory Board shall be a resident of the City of Muscatine, Iowa.

2-14-5 Responsibilities and Duties. The New Construction Appeal and Advisory Board shall exercise all the responsibilities and duties as prescribed by the Uniform Building Code, which is Title 8, Chapter 1, the National Electric Code, which is Title 8, Chapter 3, the Uniform Mechanical Code, which is Title 8, Chapter 7, and the Uniform Plumbing Code, which is Title 8, Chapter 9 of the City Code of Muscatine.

Title 2 – Boards and Commissions
Chapter 16 – Planning and Zoning Commission

SECTIONS:
2-16-1 Creation
2-16-2 Appointment and Terms
2-16-3 Residence Requirements
2-16-4 Removal - Vacancies
2-16-5 Compensation of Members
2-16-6 Relation to Planning Administrator
2-16-7 Responsibilities and Duties

2-16-1 Creation. Under and by virtue of the authority conferred by the Code of Iowa, a City Planning and Zoning Commission is hereby created and established.

2-16-2 Appointment and Terms. The Planning and Zoning Commission shall consist of seven (7) members to be appointed by the Mayor, with the approval of the Council. Members appointed to the Commission should be, by knowledge or experience, qualified to act reasonably in matters pertaining to the growth management policies of the City, development and refinement of the Comprehensive Plan, Zoning matters, and City real estate vacation requests. Members appointed to the Commission shall not hold any elective office in the municipal government. The term of office of the members of the Commission shall be five (5) years each. Any member who does not maintain a reasonable record of attendance may be recommended for removal. Each term shall commence on the first day of July. All members of the Planning and Zoning Commission shall remain on the Commission until their successors are appointed. The Planning and Community Development Director shall be an ex-officio member of the Commission and shall serve as Secretary for the Commission. No individuals shall serve more than two (2) consecutive terms on the Commission.

2-16-3 Residence Requirements. Each member of the Commission shall he a resident of the City of Muscatine, Iowa.

2-16-4 Removal - Vacancies. The Council may, at any time, remove any member of the Commission after showing due cause, and the Mayor, with the approval of the City Council, shall fill the vacancies occurring on the Commission by removal or otherwise.

2-16-5 Compensation of Members. All members of the Planning and Zoning Commission shall serve without compensation.

2-16-6 Relation to Planning Administrator. The Planning Administrator, appointed by the City Administrator, shall report to the Planning and Zoning Commission on activities of his or her office concerning land use planning, the formulation of growth management policy, and those other activities corresponding with the public health, safety, and welfare of the community. The Planning Administrator shall also advise the Commission of his or her considered judgment concerning matters before the Commission, or on matters which he or she feels should come before the Commission.

2-16-7 Responsibilities and Duties. Duties, powers and guidelines of the Planning and Zoning Commission, in accordance with the provisions of applicable law, are hereby established for the conduct of Commission activities.

A. Meetings. The Commission shall conduct regular meetings to review land use proposals and formulate positions or policies related to the activities the Commission has under consideration.

B. Chairman. The Commission shall choose annually at its first regular meeting one of its members to act as Chairman.

C. Making of Plans, Surveys, Maps, and Other Appropriate Material. The City Planning and Zoning Commission shall have full power and authority to make, or cause to be made, such surveys, studies, maps, plans, or charts of the whole or any portion of the City or any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan, and shall bring the same to the attention of the Council. The Commission may publish its studies and recommendations.

D. Approval of Designs and Locations of Proposed Structures. No statuary, memorial, or work of art in a public place, and no public building, bridge, viaduct, street fixture, or public structure or appurtenances shall be located or erected, or a site therefore obtained, nor shall any permit be issued by any department of the City government for the erection or location for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Planning and Zoning Commission and its recommendations thereon obtained.

E. Recommendation Concerning Plans, Plats, etc. All plans, plats, or replats of subdivisions or resubdivisions of land embraced in the City, or within two (2) miles of the City corporate limits thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public shall first be submitted to the Planning and Zoning Commission and its recommendations obtained before approval by the Council.

F. Approval of Plans. No plan for any street, park, parkway, boulevard, traffic way, riverfront, or other public improvement affecting the City shall be finally approved by the City, or the character or location thereof determined, unless such proposal shall first have been submitted to the Planning and Zoning Commission.

G. Purpose of Comprehensive Plan. For the purpose of making a Comprehensive Plan for the physical development of the City,the Planning and Zoning Commission shall make careful and comprehensive studies of present conditions and future growth with due regard to its relations to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

H. Procedure for Adoption of Comprehensive Plan. Before adopting a Comprehensive Plan, or any part of it or any substantial amendment thereof, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than ten (10) nor more than twenty (20) days before the date of the hearing.

I. Adopt a Comprehensive Plan for the City of Muscatine by successive resolutions adopting successive elements of the Plan, said elements corresponding with, but not limited to land use, transportation, community facilities, parks, recreation and open space, neighborhoods, schools, economic development, central business district, utilities, and administrative procedures. Such Comprehensive Plan and each element thereof shall be a public record and aid the Planning and Zoning Commission in the performance of its duties. The adoption of the Comprehensive Plan and each element thereof shall be by resolution and be carried by the affirmative votes of not less than a majority of all the members of the Planning and Zoning Commission. An attested copy thereof shall be certified to the City Council, and the Council may approve the

same, and when such Plan or any modification or amendment thereof shall receive the approval of the Council, the Plan shall constitute the official Comprehensive Plan of Muscatine.

J. Amendment or Modification of Comprehensive Plan. When such Comprehensive Plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Planning and Zoning Commission for its recommendation. If the Commission disapproves the proposed change, it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

Title 2 – Boards and Commissions
Chapter 17 – Plumbers Board of Examiners

SECTIONS:
2-17-1 Creation
2-17-2 Appointment and Terms
2-17-3 Removal - Vacancies
2-17-4 Residence Requirements
2-17-5 Responsibilities and Duties

2-17-1 Creation. There is hereby created and organized a Plumbers Board of Examiners, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter.

2-17-2 Appointment and Terms. The Plumbers Board of Examiners shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council. The Board shall consist of the following members: a member of the local Board of Health, who shall be Chairman of the board, a practical master plumber, a practical journeyman plumber, the Plumbing Inspector and a Council member. The members shall hold office for two (2) years, but the term of the last three (3) named members shall not expire in the same year. Each term shall commence on the first day of July. The members of the Board shall serve without pay. All members of the Board shall remain on the Board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board except for the Plumbing Inspector.

2-17-3 Removal - Vacancies. The Council may, at any time, remove any member of the Plumbers Board of Examiners after showing of due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-17-4 Residence Requirements. Each member of the Plumbers Board of Examiners shall be a resident of the City of Muscatine, Iowa.

2-17-5 Responsibilities and Duties. The Plumbers Board of Examiners shall perform the duties as provided in Title 8, Chapter 9, of the City Code.

Title 2 – Boards and Commissions
Chapter 18 – Transportation Advisory Commission

SECTIONS:
2-18-1 Creation
2-18-2 Appointment and Terms
2-18-3 Removal - Vacancies
2-18-4 Residence Requirements
2-18-5 Responsibilities and Duties

2-18-1 Creation. There is hereby created and organized a Transportation Advisory Commission, to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-18-2 Appointment and Terms. The Transportation Advisory Commission shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council. The term of such members shall commence with their appointment, two (2) of which members shall be appointed for a term to expire on July 1, 1982, and three (3) members shall be appointed to a term to expire on July 1, 1983, and thereafter such member shall be appointed for a term of two (2) years. All members of the Commission shall remain on the Commission until their successors are appointed. The City Administrator, or his or her designated representative, shall be an ex-officio nonvoting member of and shall serve as secretary to the Commission. No individual shall serve more than two (2) full consecutive terms on the Commission.

2-18-3 Removal - Vacancies. The Council may, at any time, remove any member of the Commission after showing of due cause, and the Mayor, with the approval of the City Council, shall fill the vacancies occurring in the Commission by removal or otherwise.

2-18-4 Residence Requirements. Each member of the Commission shall be a resident of the City of Muscatine, Iowa.

2-18-5 Responsibilities and Duties. The Transportation Advisory Commission shall confer with and assist the City Administrator, or his or her designated representative, in the preparation of the transit system budget; recommend administrative policies and operational procedures; investigate methods for improving the system; and make recommendations for the development of long range plans of the transit system.

Title 2 – Boards and Commissions
Chapter 19 – Board of Water, Electric and Communications Trustees

SECTIONS:
2-19-1 Creation
2-19-2 Appointment and Terms
2-19-3 Compensation
2-19-4 Removal - Vacancies
2-19-5 Trustee Requirements
2-19-6 Responsibilities and Duties

2-19-1 Creation. The City of Muscatine, Iowa, is the owner of a City water utility, a City electric utility and a City communication utility. The management, control and operation of the three utilities, is vested in the board of trustees. The Board of Trustees is referred to as the Board of Water, Electric and Communications Trustees of the City of Muscatine, Iowa. The Board is vested with the powers and duties conferred in Chapter 388, Iowa Code.

2-19-2 Appointment and Terms. The Board of Water, Electric and Communications Trustees of the City of Muscatine, Iowa, shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council. The terms of office of such members shall be for six (6) years, one (1) member to be appointed each year to stagger the terms of the members. All members of the board shall remain on the board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board. Each term shall commence on the first day of July.

2-19-3 Compensation. The salary of each Trustee appointed to and serving on the Board of Water, Electric and Communications Trustees shall be one hundred dollars ($150.00) per month.

2-19-4 Removal - Vacancies. Members of the Board of Water, Electric and Communications Trustees may be removed in accordance with the Iowa Code. The Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-19-5 Trustee Requirements. Each member of the Board of Water, Electric and Communications Trustees shall be a resident of the City of Muscatine, Iowa. A public officer or a salaried employee of the City may not serve on the Utility Board.

2-19-6 Responsibilities and Duties. The Board of Water, Electric and Communications Trustees shall have such powers and responsibilities as are prescribed by the Code of Iowa.

Title 2 – Boards and Commissions
Chapter 20 – Zoning Board of Adjustment

SECTIONS:
2-20-1 Creation
2-20-2 Appointment and Terms
2-20-3 Removal - Vacancies
2-20-4 Residence Requirements
2-20-5 Responsibilities and Duties

2-20-1 Creation. There is hereby created and organized a Zoning Board of Adjustment, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter.

2-20-2 Appointment and Terms. The Zoning Board of Adjustment shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council. The terms of office of such members shall commence with their appointment and shall be for terms of five (5) years. Each term shall commence on the first day of July. One (1) member of the Board shall be a member of the Planning and Zoning Commission. All members of the Board shall remain on the Board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board.

2-20-3 Removal - Vacancies. The Council may, at any time, remove any member of the Zoning Board of Adjustment after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-20-4 Residence Requirements. Each member of the Zoning Board of Adjustment shall be a resident of the City of Muscatine, Iowa.

2-20-5 Responsibilities and Duties. The Zoning Board of Adjustment shall have such responsibilities and duties as are prescribed by the Iowa Code and by Title 10, Chapter 22.

Title 2 – Boards and Commissions
Chapter 21 – Electrical Licensing Advisory Board

SECTIONS:
2-21-1 Creation
2-21-2 Appointment and Terms
2-21-3 Removal - Vacancies
2-21-4 Residence Requirements
2-21-5 Responsibilities and Duties

2-21-1 Creation. There is hereby created and organized an Electrical Licensing Advisory Board, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter.

2-21-2 Appointment and Terms. The Electrical Licensing Advisory Board shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council. The Board shall consist of the following members: an employee of Muscatine Power & Water, Electrical Division; a licensed Master Electrician; a licensed Residential Electrician; a citizen appointed at large, and the Electrical Inspector, who shall serve as secretary to the Board. The members shall hold office for three (3) years, but the terms of the Electrical Contractors and the citizen at large shall not expire in the same year. Each term shall commence on the first day of July. The members of the Board shall serve without pay. All members of the Board shall remain on the Board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board except for the Electrical Inspector and utility company representative.

2-21-3 Removal - Vacancies. The Council may, at any time, remove any member of the Electrical Licensing Advisory Board after showing due cause, and the Mayor, with the consent of Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-21-4 Residence Requirements. The Master Electrician, Residential Electrician, and Citizen of the Electrical Licensing Advisory Board shall be a resident of the City of Muscatine, Iowa.

2-21-5 Responsibilities and Duties. The Electrical Licensing Advisory Board shall perform the duties as provided in Title 8, Chapter 3 of the City Code.

Title 2 – Boards and Commissions
Chapter 22 – Fire Code Appeal and Advisory Board

SECTIONS:
2-22-1 Creation
2-22-2 Appointment and Terms
2-22-3 Removal - Vacancies
2-22-4 Residence Requirements
2-22-5 Responsibilities and Duties

2-22-1 Creation. There is hereby created and organized a Fire Code Appeal and Advisory Board to be appointed as hereinafter provided, with duties and responsibilities as set forth in this Chapter.

2-22-2 Appointment and Terms. The Fire Code Appeal and Advisory Board shall consist of five (5) members to be appointed by the Mayor, with the approval of the Council, who are qualified by experience and training to pass upon matters pertaining to fire safety. The term of office of such members shall commence with their appointment, one (1) of which members shall be appointed for a term to expire on July 1, 1991, one (1) of which members shall be appointed for a term to expire on July 1, 1992, one (1) of which members shall be appointed for a term to expire on July 1, 1993, and (1) of which members shall be appointed for a term to expire on July 1, 1994, and one (1) of which members shall be appointed for a term to expire on July 1, 1995. Thereafter, each member shall be appointed for a term of five (5) years. All members of the Board shall remain on the Board until their successors are appointed. No individual shall serve more than two (2) full consecutive terms on the Board.

2-22-3 Removal - Vacancies. The City Council may, at any time, remove any member of the Board after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-22-4 Residence Requirements. Each member of the Fire Code Appeal and Advisory Board shall be a resident of the City of Muscatine, Iowa.

2-22-5 Responsibilities and Duties. The Fire Code Appeal and Advisory Board shall exercise all the responsibilities and duties as prescribed by the Uniform Fire Code, NFPA 101 Life Safety Code, NFPA 13 Standard for the Installation of Sprinkler Systems, which are Title 6, Chapter 3 of the City Code of Muscatine.

Title 3 - Public Ways and Property
Chapter 1 - City Cemeteries

SECTIONS:
3-1-1 Scope
3-1-2 Sale of Lots
3-1-3 Perpetual Care
3-1-4 Special Trust Funds
3-1-5 Trespass
3-1-6 Hours of Operation
3-1-7 Dogs Prohibited

3-1-1 Scope. This Chapter applies to all City owned Cemeteries to provide for the efficient regulations and operations of the City Cemeteries.

3-1-2 Sale of Lots. The City shall sell Cemetery lots for cash or by an installment method upon such terms and conditions as the City may prescribe. Whenever the City shall have sold a lot or lots in Cemeteries under its control and shall have received full payment therefore, it shall certify that fact to the Mayor and Clerk, whereupon it shall be the duty of such officers to execute and deliver to the purchaser, in the name of the City, a deed conveying the lot or lots so sold to the purchaser, which deed shall reserve to the City the right of care and control over the lot or lots thereby conveyed. All such deeds shall be recorded by the Clerk in a book kept by him for that purpose, without expense to the grantees therein.

3-1-3 Perpetual Care. The perpetual care of the Cemetery and lots therein and all monies collected for perpetual care, either by donation or monies paid for said care, shall be done in the following manner:

A. The Mayor and City Clerk are authorized to enter into a contract on behalf of the City with any person, lodge, or other association for the perpetual care of any lot or lots in the Cemeteries under the control of the City, at and for a price or sum of money to be fully paid in advance, as fixed and determined by the City and, in such cases, shall issue a certificate evidencing the contract.
B. All sums of money received by the City for the perpetual care of lots shall be, by such City, paid over at .least once in each week to the Treasurer for the credit of the existing fund known as the "Cemetery Trust Fund" and such money shall not be disposed of except as provided in this Chapter.
C. Whereas, under prior ordinances, rules, and regulations, the City has entered into contracts with certain persons for the perpetual care of certain lots in the Cemeteries, in consideration of certain sums of money paid to it in advance which are deposited in or invested in the Cemetery Trust Fund, it is hereby the duty of the City to care for such lots and maintain the same in a neat and attractive condition without expense to the owners.
D. All monies heretofore or hereafter paid for the perpetual care of lots in the Cemeteries shall be kept by the Treasurer in a fund now known as the Cemetery Trust Fund, and none of the money, as to the principal thereof, shall ever be withdrawn or paid out of the Fund, except for investment as the Council may from time to time by resolution authorize or direct in the manner prescribed by Section 566.15 of the Code of Iowa and any amendments thereto.
E. All income earned from the investments of the principal of the Cemetery Trust Fund shall be appropriated by the City Council to the City's general fund to assist in the

funding of the operation and improvement of the City Cemeteries in accordance with Chapter 566 of the Code of Iowa.

3-1-4 Special Trust Funds. The City Council may accept or reject Special Trust Funds offered to the City by individuals, corporations, or associations for the purpose of maintaining certain Cemetery lots under special conditions. If such trust funds are accepted by the City Council, an administrative service fee shall be charged to the trust fund, and the fee shall be established and adjusted from time to time by the City Administrator.

3-1-5 Trespass. Any person who shall trespass upon the City's Cemetery or any Cemetery by destroying, injuring, or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or any belongings to such Cemeteries, shall be deemed guilty of simple misdemeanor and shall be liable for any and all damages done.

3-1-6 Hours of Operation. City owned cemeteries shall be opened daily one-half hour before sunrise until one-half hour after sunset. It shall be unlawful for any person to be in any City owned cemeteries during any hours in which the cemeteries are not opened to the public, except with express permission of the Parks and Recreation Department.

3-1-7 Dogs Prohibited. It shall be unlawful for any person or persons, firm, association or corporation owning, keeping, sheltering, or harboring a dog to permit such dog to be in any city owned or operated cemetery at any time or under any conditions. However, this provision shall not apply to a certified and licensed service or guide dog while assisting a person with a disability or any police service dog used by the police department in the functions or duties of the police department.

Title 3 – Public Ways and Property
Chapter 2 – Drains and Drainage

SECTIONS:
3-2-1 Natural Water Courses
3-2-2 Owner to Construct Draining
3-2-3 Authority of City
3-2-4 Failure to Construct Drain
3-2-5 Penalty

3-2-1 Natural Water Courses. No person shall obstruct a natural water course so as to endanger personal property or cause a returning or prevention of the natural flow of surface water.

3-2-2 Owner to Construct Draining. The Council shall have the power and authority to require the owner or leasee of any lot, part of lot, or tract of ground extending into, across, or bordering upon any natural water course for the drainage of surface water or a water course of any kind who shall, by grading or filling such lot, part of lot, or tract of ground, obstruct the ordinary flow of water through such ravine or water course, to build or construct, to the extent of such lot or filling, such a drain or passage way for water as will readily carry off and discharge such water naturally flowing thereon.

3-2-3 Authority of City. When the owner or leasee of any lot shall grade or fill said lot, part of lot or tract of ground extending into, across, or bordering on any hollow or ravine so as to obstruct the flow of water, the City Council shall have the power to order such owner or leasee to construct such drain within a reasonable amount of time to be designated by the City Council. Said order shall be served upon the owner or leasee of the said lot, part of lot, or tract of ground by certified mail with return receipt. If the owner or leasee of said tract of ground shall fail or refuse to construct said drain within the time and in the manner required, the City Engineer shall at once proceed to build such drain and report the expense thereof, with all costs arising there from, to the Council, whereupon the Council may, by resolution, whereupon the Council may, by resolution, levy and assess such sum as a special tax upon the property in which such drain is constructed.

3-2-4 Failure to Construct Drain. In all cases where the owner or leasee of any lot, part of lot, or tract of ground extending into, across, or bordering on any hollow or ravine which constitutes a drain for surface water, or water course of any kind, shall, without constructing a suitable drain, fill or grade such lot, part of lot, or tract of ground so as to obstruct the flow of water through such water course or ravine, and cause such water to accumulate on any street, alley, public place, private lot, or private ground, shall be considered to have caused a nuisance and shall be deemed guilty of a simple misdemeanor.

3-2-5 Penalty. Any person who violates any Section of this Chapter shall be deemed guilty of a simple misdemeanor and subject to a fine of not to exceed one hundred dollars ($100.00), or imprisonment not to exceed thirty (30) days, and shall be liable for any and all damages caused to public properties.

Title 3 – Public Ways and Property
Chapter 3 – Excavation, Street and Curb Cuts

SECTIONS:
3-3-1 Definitions
3-3-2 Excavations; Compliance
3-3-3 Permit Required
3-3-4 Application for Permit
3-3-5 Franchise; License Contract Required; Bonds
3-3-6 Pre-Construction Conference
3-3-7 Emergency Excavations
3-3-8 Emergency Detours and Closings
3-3-9 Steel Tracks; Cleated Equipment
3-3-10 Tunneling Under Street
3-3-11 Interfering With Access to Vital Equipment
3-3-12 Protect Adjoining Property
3-3-13 Supervision of Connections and Repairs
3-3-14 Backfilling Excavation
3-3-15 Permits May be Examined
3-3-16 Street Repair
3-3-17 Traffic Control Devices and Their Uses
3-3-18 Excavation Material
3-3-19 Curb Cuts
3-3-20 Penalty

3-3-1 Definitions. For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory and not merely directory.

A. "Excavation" shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which opening into said structure is flush with the adjoining surface of the public place and so constructed as to permit frequent openings or access without injury or damage to the public place.
B. "Public place" shall mean any public street, alleyway, place, nark square, plaza, or any other public property owned or controlled by any governmental agency in a governmental capacity, excepting here from governmental agencies of the United States of America, the State of Iowa, and the County of Muscatine.
C. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
D. "Traveled portion of the street" shall mean that part of a public place which is hard surfaced for vehicular traffic.

3-3-2 Excavations; Compliance. Excavations made in public places within the City shall be made according to and in compliance with the provisions of this Chapter, unless otherwise provided by the Council for a specific instance.

3-3-3 Permit Required. No person, except those authorized by the City Council or a contractor performing necessary work under a contract with the City and under the supervision and direction of the City Engineer, shall make or cause to be made any

excavation in any public place for any purpose whatsoever without having first obtained a permit from the City.

A permit fee in accordance with Title 5, Chapter 15 of this Code shall be collected from each applicant, other than public utilities, for each permit issued.

3-3-4 Application for Permit.

A. Each application for an excavation permit shall state:
    1. The name and residence of the applicant.
    2. The purpose for which the excavation is to be made.
    3. The name and address of the person for whom the excavation is to be made.
    4. The location of the proposed excavation.
    5. When traffic control devices are used as part of the excavation, the name and telephone number of a person who can be reached twenty-four (24) hours a day, seven (7) days a week.
    6. Utilities have been notified of proposed excavation for the purpose of scheduling locations.
B. The applicant shall begin the excavation within twenty-four (24) hours of the granting of the permit. Failure to begin excavating within twenty-four (24) hours will cause the permit to become null and void, provided, however, that another permit may be applied for and granted for one-half (1/2) of the original fee and in accordance with all other provisions contained herein.
C. No backfilling of the excavation shall be commenced until such time as the City has had an opportunity to inspect the work performed.
D. Upon approval of the work performed under the excavation permit, the applicant shall cause the excavation to be back-filled within twenty-four (24) hours unless the applicant can demonstrate in writing to the satisfaction of the City why an additional amount of time is necessary to complete the required backfilling and receives the written approval of the City.
E. The applicant shall only cut the concrete or asphalt of a City street or sidewalk with a concrete saw, remove all surplus materials of whatever nature from the excavation site, and restore the site to as good or better condition as that which existed before commencing excavation.
F. If the excavation is to be in the traveled portion of the street, the restoration of the street shall be performed by the City of Muscatine after the excavation has been properly backfilled by the applicant. The applicant shall pay to the City a fee as established by the City for the street restoration. Such fees shall reflect the cost of restoring the street, including labor, equipment, and material, and the fees shall be based on a per square foot cost with a fee for concrete, asphalt, sealcoat, or rock as required.
G. The applicant shall comply with all technical and engineering requirements as shall be set forth by the City Engineer.
H. The applicant shall agree to hold and save. harmless the City, its Agents, Officers, and Employees from any liability or responsibility for damage to any person or property injured by the performance of any excavation work performed by an applicant or by the negligence of the applicant, his employees, or agents in carrying out the excavation permitted under this Chapter.

3-3-5 Franchise; License Contract Required; Bonds. In addition to such deposit of cash or certified check as required, no permit shall be issued to any person, for excavating in any public place, not holding and having a franchise, license, or contract for which satisfactory

bonds have been given to protect and hold harmless the City, its officers, agents, and employees, until such person shall execute and deliver to the City a good and sufficient bond in the amount specified in Title 5, Chapter 15 of the City Code to hold and save harmless the City, its officers, agents, and employees to assure performance of all work in accordance with the provisions of this Code.

3-3-6 Pre-Construction Conference. The City may require a pre-construction conference before the issuance of a permit. The conference may involve representatives of the Street Department, Police and Fire Departments, City Engineer, utility companies, and the construction agency representative.

3-3-7 Emergency Excavations. Emergency excavations are excavations for the repair of such vital utilities as gas, water, sewer, and electricity, which by their nature necessitate immediate action.

3-3-8 Emergency Detours and Closings.

A. If the emergency occurs during normal office hours, eight o'clock (8:00) A.M. to five o'clock (5:00) P.M. weekdays, the agency doing the work shall first notify the City and obtain approval of said work. The applicant shall obtain the permit in person at the permit office before the close of the next work day.
B. During normal working hours, emergency detour routes may be requested by telephoning the City Engineer, or his or her designee.
C. If the emergency occurs during other than normal working hours, the applicant shall call the police dispatcher and give the dispatcher the location and nature of the emergency before starting the work. The applicant is then required to get said permit before noon of the next work day.
D. On other than normal working hours, emergency street closing and detours shall be reported by notifying the dispatcher at the Public Safety Building.

3-3-9 Steel Tracks; Cleated Equipment. Under no circumstances shall steel tracked or steel cleated equipment or machinery be permitted on any street, alley, sidewalk, or way unless authorized in writing by the City.

3-3-10 Tunneling Under Street. No person shall be permitted to tunnel under any street, alley, sidewalk, road, pavement, or way or public place unless authorized in writing by the City Engineer, or his or her designee.

3-3-11 Interfering With Access to Vital Equipment. Excavation work done by any person shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, hospitals, underground vaults, valve housing structures, and any and all other vital equipment designated by the City.

3-3-12 Protect Adjoining Property. Any person making an excavation shall at all times and at his own expense preserve and protect from damage or injury all adjoining property of any nature by providing proper foundations, sheeting, bracing, shoring, and drainage, as well as such other protective measures as shall be required by the Engineer. The person making the excavation shall be solely responsible for all damages to public or private property resulting from or occasioned by the excavation.

3-3-13 Supervision of Connections and Repairs.

A. All excavations entailing connections, extensions, replacement, or repairs to sewers in any public place, as well as the connections, extensions, replacement, or repairs themselves, shall be made under the direction of the City Engineer, or his or her designee.
B. All excavations for installation of new sewers shall be made only in conformity with a set of plans which shall have been approved by the City Engineer.
C. Plans are to be submitted to the City Engineer by the person, or his agent, who shall desire to have the new sewer constructed, whenever such sewer shall then or thereafter be located in, under, within, or upon any public place.
D. No person shall hereafter install, lay, bury, place, or replace in or upon any ditch, trench, drainage ditch, driveway, field entrance, or public place any pipe, sewer, drain, watermain, culvert, or conduit unless it shall be of durable material such as cast iron, clay, concrete, copper, or steel.
E. However, the City Engineer may approve and authorize any alternative material other than the herein mentioned durable materials, such approval and authorization of alternate material shall be in writing, shall be a specific installation and not for general usage of the alternate material, and shall be kept on file in the office of the City Engineer.

3-3-14 Backfilling Excavation. The trench shall be hand backfilled and tamped around the pipe to a height of one foot (I') above the pipe. The remainder of the trench shall then be backfilled in lifts not to exceed six inches (6"), each lift to be thoroughly compacted with a machine tamper before the succeeding lift is applied. No frozen material or foreign material which may decompose shall be used for backfilling. No sand or rock shall be used unless approved by the City Engineer.

3-3-15 Permits May be Examined. All permits and written authorizations issued by the City shall at all times be kept by an individual at the excavation site and shall be surrendered for examination upon the demand of any officer of the City.

3-3-16 Street Repair.

A. The street shall be cut in straight lines with a concrete saw to a depth of two inches (2"). After the excavation has been backfilled and compacted as specified, the street shall be replaced by the City in accordance with Section 3-3-4(F) of this Code.

3-3-17 Traffic Control Devices and Their Uses.

A. The permit holder shall provide and maintain all signs required under the provisions of this Ordinance.
B. All traffic control devices used on street construction or excavation work shall conform to the applicable specifications of this Ordinance and the Manual on Uniform Traffic Control Devices for the State of Iowa. All devices not specifically covered in this Ordinance or the Uniform Manual shall be approved by the City Engineer, or his or her designee.
C. Traffic control devices shall be set up prior to the start of construction or excavation and shall be properly maintained during the time such conditions exist. They shall remain in place only as long as they are required by the permit and shall be removed immediately thereafter. When operations are performed in stages, there shall be in place only those devices that apply to the condition present during the stage in process.

D. All barricades and sign supports shall be neatly constructed and shall be repaired and cleaned or repainted as needed to maintain their appearance.
E. Adequate traffic control devices must be used whenever a motorist is required to change his path of travel. During hours of darkness, traffic control devices must be reflectorized or illuminated.

3-3-18 Excavation Material. The person making the excavation shall haul away all excess excavated material and backfill the excavation at the expense of the person making the excavation. The City shall require material to be imported for backfill of any excavation whenever it is evident that adequate backfill cannot be obtained for lack of care, workmanship, or equipment to properly place the backfill material or whenever the type of material is of such nature that it is unsuitable for backfill. Failure of a person making an excavation to backfill the excavation as directed by the City shall be a violation of this Chapter.

3-3-19 Curb Cuts. No person shall make or cause to be made any curb cut for driveways or any other purpose without first obtaining a curb cut permit from the City and pay a fee in accordance with Title 5, Chapter 15 of this Code.

A. Curb cuts shall be made in conformance with the specifications as established by the City. If the individual is not qualified to perform the curb cut work, the City will perform the work and bill the property owner accordingly.
B. Curb cut locations shall be established with the assistance of the City Engineer to maximize traffic safety.
C. Curb cuts in the Central Business District (C-2 zoning districts) shall require the approval of the City Council after review and recommendations by the City staff.
D. Curb cut permits along designated State highways shall be processed through the Iowa Department of Transportation.

3-3-20 Penalty. Any person violating any provision of this Chapter, or failing or neglecting to comply with any requirement, shall be deemed guilty of a separate misdemeanor for each and every day during any part of which such violation or noncompliance occurs. Any person who violates any provision of this Chapter may further be refused any permits until he shall have complied with the provisions of this Chapter. Any incidence of violation of this chapter shall be cause for the City to immediately revoke or suspend an excavation permit without prejudice to other action on the violation.

Title 3 – Public Ways and Property
Chapter 4 – Levees

SECTIONS:
3-4-1 Permit Required
3-4-2 Application
3-4-3 Fees
3-4-4 Approval of Use
3-4-5 New Permit
3-4-6 Injuring or Diverting - Damages
3-4-7 Anchoring, Mooring or Tying-up Along Riverbank
3-4-8 Penalty

3-4-1 Permit Required. No person shall build upon, alter, deface, destroy, move, injure, or obstruct by fastening vessels thereto or otherwise or in any manner whatsoever use or occupy the Mississippi or Mad. Creek levees lying within the City limits, without having first received a permit from the City in accordance with Title 5, Chapter 15 of the City Code.

3-4-2 Application. Application for a permit to use or occupy the Mississippi or Mad Creek levees shall be in writing and shall describe in detail the use to which the levee is to be put, type of structure to be placed thereon, and the time the applicant intends to occupy or use such levee.

3-4-3 Fees. A permit to use or otherwise occupy the Mississippi or Mad Creek levees and the river front may be granted by the City Council to any person upon the payment of such sum as may be deemed proper.

3-4-4 Approval of Use. A permit to use or occupy the Mississippi or Mad Creek levees shall only be issued after the City Council has been satisfied that the use of such levee by the applicant will not in any way impair the levee and will not interfere with the general public use of the levee.

3-4-5 New Permit. No person who has secured a permit to use or occupy the Mississippi or Mad Creek levees shall change or alter his occupancy or use of the levee without having first secured a new permit showing the alteration intended by him, which permit shall be granted by the City Council after it is satisfied that the use or occupancy of the levee will not be impaired, upon the payment of such sum as may be deemed proper.

3-4-6 Injuring or Diverting - Damages. Any person who shall willfully break down or through or injure any levee or bank of a settling basin, or who shall dam up, divert, obstruct, or willfully injure any ditch, drain, or other drainage improvement authorized by law shall be liable to the person or persons owning or possessing the lands for which such improvements were constructed in double the amount of damages sustained by such owner or person in possession; and in case of a subsequent offense by the same person, he shall be liable in treble the amount of such damages.

3-4-7 Anchoring, Mooring or Tying-up Along Riverbank. No person shall anchor, moor or tie-up along the right bank of the Mississippi River between Mad Creek and Pine Street, both extended to the right edge of the channel of the river, any towboat, barge, excursion boat, commercial boat, or any other boat or vessel without the permission of the City acting through the City Administrator or designee of the City Administrator.

3-4-8 Penalty. Any person who violates any Section of this Chapter shall be deemed guilty of a simple misdemeanor and subject to a fine of not to exceed one hundred dollars ($100.00), or imprisonment not to exceed thirty (30) days.

Title 3 – Public Ways and Property
Chapter 5 – Monument Markers

SECTIONS:
3-5-1 Placement of Markers

3-5-1 Placement of Markers. Uniform standard monument markers shall be placed at all new subdivisions and block boundary corners as established upon initial surveys and at all existing subdivision and block corners when re-surveys are made. Boundary corners for blocks and subdivisions shall be the intersection of two straight boundary lines. The standard marker shall be provided or approved by the City Engineer to registered surveyors and shall be installed under his or her supervision. All land surveyed, which embraces any existing boundary corner, shall have placed thereon the standard markers and the location shall be referenced to at least three (3) permanent objects, said references shall be recorded with the office of the Engineer.

Title 3 – Public Ways and Property
Chapter 6 – Public Parks

SECTIONS:
3-6-1 Scope
3-6-2 Enforcement
3-6-3 Hours of Operation
3-6-4 Regulate Activities
3-6-5 Amusements
3-6-6 Assemblies
3-6-7 Permits
3-6-8 Traffic
3-6-9 Animals
3-6-10 Other Regulations

3-6-1 Scope. This Chapter applies to all City parks, greenbelts, and recreational facilities for efficient regulation of conduct in City parks. For the purpose of this Chapter, "Park" shall include all public parks, greenbelts, and recreational facilities owned by the City of Muscatine, except that the riverfront from Mad Creek to Orange Street extended and from Cedar Street extended to Linn Street extended between Mississippi Drive and the Mississippi River and the roadway known and identified as Harbor Drive between Orange and Cedar Streets extended is hereby designated as Riverfront Recreation and Tourism Area. The riverfront from Orange Street extended to Cedar Street extended between the southeasterly edge of the roadway known and identified as Harbor Drive and the Mississippi River is designated as Riverside Park.

3-6-2 Enforcement. The Police Department shall assist the Parks and Recreation Department in enforcing all ordinances and regulations relating to all parks and recreational facilities under the City's jurisdiction.

3-6-3 Hours of Operation. The parks, exclusive of the swimming pools, and that portion of the Riverfront Recreation and Tourism Area between Mad Creek and Cedar Street extended shall be open daily to the public between the hours of five o'clock (5:00) A.M. and eleven o'clock (11:00) P.M. of any one day. It shall be unlawful for any person to be in said parks and that portion of the Riverfront Recreation and Tourism Area herein designated during any hours in which the parks are not open to the public, except with permission of the Parks and Recreation Department. The Council may by resolution change the hours indicated above.

3-6-4 Regulate Activities. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all.

3-6-5 Amusements. No amusement or other events for gain or for which a charge is made shall be conducted in a park without obtaining a permit in accordance with City policy.

3-6-6 Assemblies. No person shall engage in, participate in, aid, form, or organize any assembly or group of people or make any speeches, or conduct any musical program or festival, in any park unless a permit has been obtained in accordance with City policy. This Section shall not apply to educational activities under the immediate direction and supervision of school authorities.

3-6-7 Permits. Applications for park permits shall be filed with the Parks and Recreation Department on the form provided not less than twenty (20) days nor more than one hundred eighty (180) days before the date on which it is proposed to conduct this activity. The City of Muscatine may require the posting of a bond by the permittee in such amount as is necessary to protect the City of Muscatine against loss of and damage to public property and to indemnify against public liability.

3-6-8 Traffic. No person in a park shall:

A. Ride or drive an automobile, motorcycle, moped, mini-bike, go-cart, snowmobile, or other vehicle, except upon the established roads and ways.
B. Exceed a speed limit of fifteen (15) miles per hour at any time or such lower speed limits as posted in designated areas of the parks.
C. Fail to obey all posted traffic signs.
D. Leave a motor vehicle unattended in any park after closing. Any motor vehicle left unattended in any park after closing shall be deemed abandoned and the City of Muscatine shall cause the same to be towed from the Park and the same shall not be redeemed by the owner or the person responsible therefore until reasonable towing and storage charges are paid.
E. Parking of trucks that are wider than eighty inches (80"), self propelled motor homes, buses, mobile homes, or any motor vehicle with trailer attached are prohibited in Weed Park from nine o'clock (9:00) A.M. on Friday to eleven o'clock (11:00) P.M. on Sunday.
F. Operate or park semi-tractors and/or semi-trailers at anytime, except when engaged in delivery, pick-up, loading, or unloading equipment and goods as approved by the Department of Parks and Recreation.

3-6-9 Animals. It shall be unlawful to:

A. Kill, trap, tease, annoy, disturb, or interfere with any animal, bird or other fowl, or fish kept in any Park except as permitted by the City of Muscatine.
B. Disturb the nest of any bird or any other fowl.
C. Bring any dangerous animal into any Park.
D. Permit any dog to be in a park unless such dog is on a leash not more than six feet (6') long.
E. Permit a horse to be in a park, except in designated areas.
F. Any unattended animal, or animal not in the designated areas, shall be impounded and its owner may redeem the same upon paying the reasonable costs of such impoundment.

3-6-10 Other Regulations. It shall be unlawful to:

A. Operate radio controlled equipment in the Parks, except as authorized by the Parks and Recreation Department.
B. Move benches, seats, and tables from their places, except on picnic grounds within designated areas.
C. Loaf in any Park workshop or interfere with any Park employee performing his or her duties.
D. Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline, or other public utility or part thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post or other boundary marker, or other structure or

equipment, facility, park property, or appurtenance whatsoever, either real or personal.

E. Throw discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park, any substance, matter of thing, liquid, or solid which will or may result in the pollution of said waters.

F. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be left anywhere on the grounds, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

G. Pick or cut, break, or in any way injure or deface any tree, shrub, or plant; remove any wildflower, flower, tree, shrub, plant, or any soil or material of any kind; dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any park area.

H. Light or make use of any fire in the parks, except such portions thereof as may be designated by the Parks and Recreation Department for such purpose.

I. Post, paste, fasten, paint, or affix any placard, bill, notice, or sign upon any structure, tree, stone, fence, or enclosure, unless approved by the Parks and Recreation Department and provided such is not in violation of the City's sign ordinance.

J. Distribute, cast, throw, or place any handbill, pamphlet, circular, advertisement, or notice of any kind.

K. Sell or offer for sale any article or service without a permit as required by the City of Muscatine.

L. Beg or solicit alms.

M. Carry any firearms, air or pellet guns, bows and arrows, rockets, weapons, firecrackers, fireworks, or other explosives, except as permitted by the City of Muscatine.

N. Carry, possess, drink alcoholic beverages, including beer, except at the municipal golf course and special events at the river front from Mad Creek to Linn Street extended between the Mississippi Drive and the Mississippi River, when a permit has been issued by the City Council pursuant to Title 5, Chapter 3 of the City Code.

O. Possess, use, or transfer any controlled substance.

P. Disturb the peace.

Q. Endanger the safety of any person by any conduct or act.

R. Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore and in compliance with such regulations as are permitted by the City of Muscatine.

S. Fish in the lagoon, unless such person is age fourteen (14) or under.

Title 3 – Public Ways and Property
Chapter 7 – Sidewalks

SECTIONS:
3-7-1 Permit Required
3-7-2 Duty of Owners; Repairing Sidewalks
3-7-3 Notice to Repair
3-7-4 Reconstruction of Nonconforming Sidewalks
3-7-5 Police to Investigate Injuries
3-7-6 Concrete Sidewalks; Specifications
3-7-7 Street and Grade Lines to be Obtained; Width
3-7-8 Joints; Construction in Business Areas
3-7-9 Applicability
3-7-10 Steps; First Floor
3-7-11 New Sidewalks
3-7-12 Compliance with Chapter

3-7-1 Permit Required. No person shall construct or repair any sidewalk upon the streets of the City, unless such person shall first have obtained a permit therefore in accordance with Title 5, Chapter 15 of this Code.

3-7-2 Duty of Owners; Repairing Sidewalks. It shall be the duty of every owner of a lot or piece of ground fronting on any street to keep and maintain in repair any sidewalks, whether permanent or temporary, which are Or shall be laid along such street in front of such lot or piece of ground. Without limiting the generality of the foregoing, when one or more of the following conditions exists, sidewalks shall be replaced or repaired as indicated:

A. If more than forty percent (40%) of the surface of any four foot (4') square section has spalled out leaving a rough, uneven surface, that four foot (4') square section shall be replaced.
B. If any four foot (4') square section has cracked into sections less than one square foot in area, that four foot (4') square section shall be replaced.
C. If sections have settled or heaved to the extent that the resulting displacement at cracks and joints exceeds three-quarters inch (3/4") and/or creates a hazardous condition, such section or sections shall be replaced to eliminate such displacement or condition.
D. If sidewalks have settled and adjacent soil has built up higher than the sidewalk or drainage is otherwise impeded to the extent that water accumulates on the sidewalk to a depth exceeding one-half inch (1/2") over an area of two (2) square feet or more, that section of sidewalk shall be replaced or the drainage otherwise improved to eliminate such accumulation of water.

3-7-3 Notice to Repair. The City Engineer shall, at his or her discretion, cause the notice to repair, replace, or reconstruct sidewalks to be given in accordance with Iowa Code Section 364.12.

3-7-4 Reconstruction of Nonconforming Sidewalks. The City Engineer may order the reconstruction of apy sidewalks not constructed in conformity with this Chapter. The costs of such reconstruction may be assessed against the abutting property owner by proceeding under Iowa Code Section 364.12.

3-7-5 Police to Investigate Injuries. The Chief of Police, or his or her designee, shall investigate any injury alleged to have occurred on account of a defect in a sidewalk or crosswalk and shall make a written report thereon to the City Attorney.

3-7-6 Concrete Sidewalks; Specifications. Sidewalks upon the streets of the City shall be constructed as follows: An excavation shall be made the full width of the sidewalks to a depth of four inches (4") below the finished grade of the walk; the subgrade shall be thoroughly compacted by rolling or hand tamping, and in such excavation shall be placed a concrete mix reaching four thousand (4,000) PSI compression strength in twenty-eight (28) days according to ASTM C-39. The foregoing base may be surfaced with new, nonporous bricks which are free of irregularities, provided the joints are mortared and set to true and even grade as established by the City Engineer and further provided that the approval of the City Engineer is obtained prior to the issuance of a permit under Section 3-7-1 of the City Code.

3-7-7 Street and Grade Lines to be Obtained; Width. No concrete sidewalk shall be constructed without first procuring the street and grade lines from the City Engineer, and such sidewalks shall then be constructed in accordance with such lines and the width of all such concrete sidewalks shall be four feet (4') unless otherwise specifically ordered and directed by the Council.

3-7-8 Joints; Construction in Business Areas. Whenever a concrete sidewalk is constructed adjacent to a curb in a business area, a joint shall be constructed parallel to and at a distance of eighteen inches (18") from the back of such curb, such joint to be continuous through the entire depth of the concrete.

3-7-9 Applicability. Sections 3-7-5 through 3-7-7 of this Chapter shall apply to and include all persons constructing concrete sidewalks for hire, or under contract, as well as to property owners constructing their own concrete sidewalks upon streets adjacent to their property.

3-7-10 Steps; First Floor. No steps from the sidewalk to the first floor above the ground of any building shall hereafter be erected upon any part of the sidewalk, provided that this Section shall not apply to the building designated as the "Old County Jail" located in the 400 block of East Fourth Street and the "McKibben-Fryberger Building" located in the 100 block of Walnut Street, both in the City of Muscatine, Iowa.

3-7-11 New Sidewalks. In areas of the City where there are no sidewalks, they shall be installed as follows:

A. New Subdivisions. New sidewalks shall be installed in accordance with Title 11 of this Code.
B. Other Areas. The City Council shall determine the necessity of installing sidewalks in the areas of the City where none exist after holding a public hearing in accordance with the special assessment provisions of the Code of Iowa.
C. Cost of Installation. The abutting property owners shall share the cost of installing new sidewalks with the City of Muscatine in accordance with the special assessment rules and regulations for sidewalks as adopted by the City Council.

3-7-12 Compliance With Chapter. Every person who shall directly or indirectly construct, relay or reconstruct any sidewalk contrary to the provisions of this Chapter shall be deemed guilty of a misdemeanor.

Title 3 – Public Ways and Property
Chapter 8 – Snow and Ice Removal - Sidewalks

SECTIONS:
3-8-1 Owners; Occupants; Removal By
3-8-2 Removal by City; Cost
3-8-3 Removal Notification Procedure
3-8-4 Proof of Service
3-8-5 Cost of Work Done by City

3-8-1 Owners; Occupants; Removal By. The occupant(s) of each and every building, dwelling, structure, or the owner of any unoccupied lot fronting upon any street or sidewalk, shall clear the entire public sidewalk in front of such building, dwelling, structure, or unoccupied lot, as the case may be, of all snow or ice within twenty-four (24) hours of termination of the last snowfall, and cause the same to be kept clear of snow and/or ice. If such ice is smooth and hard and not easily removed, such ice shall be covered with ashes, salt, sawdust, or other non-slippery substance sufficient enough to make the public sidewalk a safe passageway.

3-8-2 Removal by City; Cost Whenever any snow or ice shall be allowed to remain upon any public sidewalk, permanent or temporary, within the City of Muscatine for more than a twenty-four (24) hour period of time, the City will attempt to notify the adjoining property owner of the violation as outlined in Title 3, Chapter 8, Section 3. If this attempt is unsuccessful or the owner fails to comply with the order of the City, the City shall cause the public sidewalk to be cleared, or made safe for passage by either private contract or City employees and equipment.

3-8-3 Removal Notification Procedure. If the owner of the property adjoining a public sidewalk fails to remove either snow or ice as stated in Section 3-8-1 of this Chapter, the City shall attempt to notify the owner by personal service or by telephone within twenty-four (24) hours of the last snowfall. Nothing shall prevent the City from causing snow and/or ice to be removed from a public sidewalk, and assessing the costs to the abutting property owner, if the City has attempted to make contact with the owner as described herein; except that when known and in the opinion of the public official charged with responsibility of enforcing this section, a public sidewalk is in such a condition that it creates an immediate and threatening danger to pedestrian traffic. If such a condition exists, the official shall cause the public sidewalk to be made safe for passage as soon as it may be practical.

3-8-4 Proof of Service. In addition to the notice set out in Section 3-8-3, the City shall notify property owners concerning the requirements of this Chapter by publishing a public notice concerning the same in a newspaper of general circulation, preferably before the first snowfall of the year, advising the owners of property within the City of their responsibility to remove snow and/or ice from public sidewalks that adjoin their property as outlined in Section 3-8-1 of this Chapter.

3-8-5 Cost of Work Done by City. The City Clerk shall submit an itemized statement to the City Council for all work performed under this Chapter. The itemized statement shall include the costs of removing and/or treating the public sidewalk in a manner that will comply with the requirements of this Chapter; to include labor, equipment costs, and reasonable administrative costs. Upon receipt of the itemized statement, the Council shall audit it, and if allowed, shall by resolution assess the cost as a special assessment against the property.

The City Clerk shall certify the assessment to the County Treasurer, to be collected as any other special assessment.

Title 3 – Public Ways and Property
Chapter 9 – Street Obstructions

SECTIONS:
3-9-1 Throwing Dangerous Substances Into Streets
3-9-2 Location of Steps, Cellarways, Spouts
3-9-3 Placing Goods, Wares on Streets
3-9-4 Erecting or Maintaining Wires
3-9-5 Dumping of Snow
3-9-6 Penalty

3-9-1 Throwing Dangerous Substances Into Streets. It shall be unlawful for any person to throw, cast, or permit to be thrown or cast upon in any of the public streets, alleys, parks, or spaces, anything made of iron, steel, tin or other metal, or glass in any of its forms, whether broken or not, or any other substance dangerous to the tires of vehicles or the feet of animals and pedestrians.

3-9-2 Location of Steps, Cellarways, Spouts. If any person shall erect or cause to be erected in any street or public alley, any step, cellar door, or cellarway more than four feet (4') from the line of the street into the sidewalk or street, or more than three feet (3') from the line in any alley into the same, and if any person shall erect any porch, bulk, jut window, or other encumbrance, or shall so place or cause to be placed any spouts or gutters whereby the passage of any street or alley shall be obstructed, he shall be deemed guilty of a misdemeanor and shall immediately cause such step, cellar door, cellarway, porch, bulk, jut window, or other encumbrances, spouts, and gutters to be removed. Nothing in this Section shall be construed to authorize the use of any part of any street, sidewalk, or alley for the erection of stairs, steps, or other modes of access to the second stories to buildings, or to authorize the enclosure by rail or otherwise of any portion of any sidewalk, street, or alley, or the erection of any railing upon any sidewalk, street, or alley as a means of obtaining access or a passageway to the cellar or basement by occupying part of the sidewalk for that purpose. Such railings already existing, while not hereby legalized, shall not be abated, unless upon the special direction of the Council.

3-9-3 Placing Goods, Wares on Streets. No person shall set, place, cause to be set or placed, or permit to remain any goods, wares, merchandise, or other property of whatsoever kind on any street, alley, or way without prior Council approval.

3-9-4 Erecting or Maintaining Wires. It shall be unlawful for any person to erect or maintain any wire for any purpose in, on, above, or across any street, alley, or public place, unless such person has been previously authorized to do so under and by virtue of a right or franchise granted, held, or owned pursuant to law.

3-9-5 Dumping of Snow: It shall be unlawful for any person to throw, push or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks or driveways onto the traveled way of streets so as to obstruct gutters or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district, if it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed within forty-eight (48) hours by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonable short time.

3-9-6 Penalty: A violation of any sections of this chapter shall be a municipal infraction pursuant to the provisions of Section 1-2-7 of the Muscatine City Code.

Title 3 – Public Ways and Property
Chapter 10 – Trains

SECTIONS:
3-10-1 Blocking Highways; Streets, or Alleys
3-10-2 Penalty

3-10-1 Blocking Highways, Streets, or Alleys. A railroad corporation, or its employees, shall not operate a train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of ten (10) minutes except:

A. When necessary to comply with signals affecting the safety of the movement of trains.
B. When necessary to avoid striking any object or person on the track.
C. When the train is disabled.
D. When necessary to comply with governmental safety regulations.

3-10-2 Penalty. Any officer or employee of a railroad corporation violating any provision of this Chapter shall, upon conviction, be subject to a fine of not to exceed one hundred dollars ($100.00), or imprisonment not to exceed thirty (30) days. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors, such guilt shall then be with the railroad corporation.

Title 3 – Public Ways and Property
Chapter 11 – Trees and Shrubs

SECTIONS:
3-11-1 Removal and Trimming of Dangerous Tree; Compliance
3-11-2 Abutting Property Owners
3-11-3 Notice to Trim; Failure to Comply
3-11-4 Trimming by City; Recovery of Cost
3-11-5 Liability Insurance; Tree Removal
3-11-6 Obstructing Streets; Barricades
3-11-7 Removal of Debris
3-11-8 Street Trees (Existing)
3-11-9 Street Trees (New)
3-11-10 New Street Trees (City Program)
3-11-11 Injuring; Defacing; Removing
3-11-12 Reserved

3-11-1 Removal and Trimming of Dangerous Tree; Compliance.

A. If the City deems any shade, ornamental, or other tree situated on private property in the City to be diseased or dead, it shall cause to be served a notice upon the owner, in accordance with the most recently enacted Code of Iowa, if known within the City, or if not, then upon the occupant of the lot, to cut down such tree and remove the same and all debris therefrom. Said tree and debris shall be hauled to an area designated or approved by the City and/or the Iowa Department of Water, Air, and Waste Management.
B. If such notice is not complied with within ten (10) days, the City shall cause to be cut down or remove such tree and the cost of cutting down and removing shall be certified to the County Treasurer and be assessed against the real estate in the same manner as a property tax.
C. All diseased trees shall be sprayed, if required by the City, at the site of their cutting down or removal before being hauled or transported through the City to an approved disposal site.
D. The General Manager of any utility shall have the authority to trim any tree which interferes with utility property and equipment, after notification and approval by the City.
E. The City shall have authority to trim any tree, located on private property, which interferes with the proper distribution of light from street lights or signs following notification to the property owner in accordance with Sections 3-11-3 and 3-11-4 of this Chapter.

3-11-2 Abutting Property Owners. Any person owning any real estate within the City with trees located upon said real estate or located in the street right-of-way (including parkings) adjacent to said real estate, shall trim such trees in such manner that no overhanging branches thereof shall in any way obstruct any such street or sidewalk below the height of ten feet (10') above the surface of the sidewalk and fourteen feet (14') from the surface of the street.

3-11-3 Notice to Trim; Failure to Comply. Any person or owner of property as described in this Chapter who shall have been served by the City with a notice by Certified Mail, and shall not comply with the notice within ten (10) days of the receipt of the notice, shall be

guilty of a misdemeanor and subject to penalty of a fine not to exceed one hundred dollars ($100.00), or by imprisonment not to exceed thirty (30) days.

3-11-4 Trimming by City; Recovery of Cost. When the owner or occupant of real property in the City having trees upon or in front of the same, the branches of which overhang the street or any part thereof, and having had notice to trim the same and fails or refuses to comply therewith for more than ten (10) days after service of notice, then it shall be lawful for the City to trim such trees to the height provided in Section 3-11-2 of this Chapter and certify the cost of the same to the County Treasurer to be assessed against the real estate in the same manner as a property tax.

3-11-5 Liability Insurance; Tree Removal. All persons and/or corporations engaged in removal of trees within the City R.O.W. shall obtain a license in accordance with Title 5, Chapter 15 of this Code and present a copy of an insurance policy for liability insurance in the amount prescribed in Title 5, Chapter 15 of this Code.

3-11-6 Obstructing Streets; Barricades.

A. Before any street or thoroughfare can be shut off or blocked in any way for tree removal, permission must be granted by the City.
B. Streets when barricaded or shut off muss be barricaded by proper barricades appropriately marked and readily seen by all.
C. All persons, and/or corporations barricading any street or thoroughfare for the purpose of trimming or removing any tree shall first notify the City of Muscatine Police and Fire Departments stating the location and time period that such street or thoroughfare will be closed.
D. No street or thoroughfare shall be closed for the purpose of removing any tree unless the required permit is secured as provided in this Chapter.

3-11-7 Removal of Debris. Removal of debris, stumps, logs, etc. shall be made upon or in trucks and no hauling shall be allowed hanging from outside by booms or dragging from such vehicle.

3-11-8 Street Trees (Existing).

A. All existing trees located within the public right-of-way as of the effective date of this Section shall be the responsibility of the adjacent property owner.
    1. Exception. Any street tree which is diseased, dead, or otherwise poses an immediate threat to the public health and welfare shall be the responsibility of the City.
B. It shall be the duty and right of the adjacent property owner to trim, remove, treat, or otherwise maintain all existing street trees in a manner that promotes the public health, safety, and welfare and in accordance with the provisions of this Chapter.
C. Any person or corporation removing any existing street tree shall obtain a permit to do so from the City in accordance with Title 5, Chapter 15 of this Code for the purpose of initiating a City-wide inventory. The Tree Removal Permit shall be provided at no charge to the applicant.
D. Nothing contained in this Chapter shall be construed so as to prevent the immediate removal and/or trimming by officers of the City of any tree from the streets, when in the judgment of the City, such removal or trimming is necessary for the purpose of making street improvements or to eliminate obstructions of public signs which, by design, promote safety of persons or property.

3-11-9 Street Trees (New).

A. As of the effective date of this Section, all proposals to plant trees in the public right-of-way shall require a permit from the City in accordance with Title 5, Chapter 15 of this Code.
B. The permit application provided by the City shall state the applicant's name, address, type of tree to be planted, exact location, and any additional information that may be needed by the City to determine whether the application should or should not be approved.
C. The application shall be recommended for approval or disapproval by the City prior to issuance. Failure to secure a positive recommendation by the City shall constitute a denial of the application.
D. Permit Requirements:
    1. The permit shall state that the applicant agrees to plant the street tree(s) in accordance with the requirements of this Chapter.
    2. The permit shall state that the applicant will plant a specific type of tree which shall be an approved species for street trees; a list of which shall be provided to the applicant upon request.
    3. The permit shall state that once the street tree is planted, it becomes the property of the City of Muscatine and the applicant agrees to relinquish all interest in said tree. The permit shall state that the owner agrees to donate the tree to the City, at the applicant's expense, and that the applicant agrees to adhere to the provisions of Title 3, Chapter 11, Section 8 of this Code.
    4. The permit shall include a provision which indemnifies the City from any and all claims for damage to private and public property as a result of the permit to plant a street tree.

3-11-10 New Street Trees (City Program).

A. The City may, at its discretion and with the approval of the City Council, initiate a program for the purpose of planting, maintaining, trimming, and removal of new street trees.
B. It shall be the policy of the City to notify abutting property owners before planting any street tree in front of any residential structure in the City.
C. The owner of the abutting property shall he required to sign a permit in accordance with Section 11 of this Chapter, except the, tree will be planted by the City at no expense to the abutting residential property owner.

3-11-11 Injuring; Defacing; Removing. Any person who shall willfully, maliciously, or negligently, in any manner, injure, deface, remove, or destroy any street tree or boxing placed around the same, or any shrub upon any public grounds and right of ways shall be deemed guilty of a misdemeanor, and shall reimburse the City for any costs incurred by such action if directed to do so by the Iowa District Court for Muscatine County.

3-11-12 Reserved.

Title 3 – Public Ways and Property
Chapter 12 – Utility Connections

SECTIONS:
3-12-1 Duty of Abutting Owners Generally
3-12-2 Connections After Improvement is Made
3-12-3 Connections to be Made by Resolution
3-12-4 Publication and Form of Notice of Resolution Requiring Connection
3-12-5 Procedure When Abutting Property Owner Fails to Make Connection Generally
3-12-6 Cost; Expense Collection; Lien
3-12-7 Assessment Resolution; Notice

3-12-1 Duty of Abutting Owners Generally. Whenever the City Council shall order the permanent improvement of any street, highway, avenue, or public ground or place, by paving, graveling, or macadamizing the same, it shall be the duty of the owners of property abutting thereon to make connections from gas, water, sewers, and underground electric connections to the curb line of the abutting property before such ordered improvement is made.

3-12-2 Connections After Improvement is Made. In any case, where connections as referred to in Section 3-12-1 of this Chapter are not made before the improvement is made, no permit shall be permitted which shall require the cutting or displacement of any paving, graveling, or macadamizing as provided in such connections for a period of five (5) years from the date of the notice provided for in Section 3-12-4 of this Chapter, unless such connection is for an emergency or is deemed necessary by the City Engineer.

3-12-3 Connections to be Made by Resolution.

A. Connections as referred to in Section 3-12-1 of this Chapter shall be made, one for each utility connection required by the resolution of the Council, for each lot of record owned be each property owner in residential districts and for each lot of record owned by each property owner in business districts; provided, however, that at least one of each utility connection of such connections required by the resolution of the Council shall be made for each buildable parcel of land abutting upon the street or other public place ordered improved.
B. Whenever the Council shall have ordered the permanent improvement of any street, highway, avenue, alley, or public ground or place, by paving, graveling, or macadamizing the same and the connections from the gas, water, sewers, and underground electrical connections have not been made therefrom to the curb line for the abutting property to the extent and in the manner required by this Chapter, the Council shall by resolution declare the necessity of making such connections as it deems advisable, which resolution shall require all owners of property abutting upon the streets and other public places to be improved, naming and describing such streets, parts of streets, and public places as accurately as may be, to make the connections required on or before a day to be stated in such resolution and shall require water connections to be made in the manner required by the rules of the Water and Light Board of Trustees of the City and the other connections to be made in the manner required by the laws of the State of Iowa, the provisions of this Code, and other Ordinances of the City relating thereto.

3-12-4 Publication and Form of Notice of Resolution Requiring Connection. Upon the adoption of the resolution provided for in Section 3-12-3, the Clerk shall give notice to each

property owner by certified mail and one publication in some newspaper of general circulation published in the City at least twenty (20) days prior to the time fixed in the resolution and the notice by which the making of such connections must be completed. Such notice shall be substantially in the following form:

NOTICE TO PROPERTY OWNERS

To owners of property abutting upon the following named and described streets, parts of streets, highways, avenues, alleys, and public grounds and places, in the City of Muscatine, to-wit:

You and each of you are hereby notified that the City Council of the City of Muscatine, Iowa, has ordered the permanent improvement of the above named and described public places by paving the same and that you and each of you are required, on or before the ___ day of _____ , 19 , to make connections from the _____ upon said public places to the curb line of your abutting property, one utility connection for each lot of record if in a residential district and for each lot of record in a business district, but at least one utility connection for each buildable lot or parcel of land.

All connections with water pipes shall be made in the manner required by the rules of the Water and Light Board of Trustees of the City and all other connections in the manner required by the laws of the State of Iowa, the provisions of the City Code of Muscatine, Iowa, and other Ordinances of the City of Muscatine relating thereto.

Should you fail to make said connections in the manner, of the kind and number, and by the date above mentioned, the City of Muscatine will cause the same to be made and will levy and assess the cost and expense thereof against the property in front of which they are made.

No permit will be hereafter issued for a period of five (5) years for the making of said connections which will require the cutting or displacement of the pavement after the same is laid, unless on an emergency basis as determined by the City.

Given by order of said City Council this _____ day of _____, 19_____.

_____
City Clerk

3-12-5 Procedure When Abutting Property Owner Fails to Make Connection Generally. If the owner of any lot, part of lot, or parcel of land abutting upon any street, highway, avenue, or public ground or place ordered to be improved as provided in the preceding Sections of this Chapter shall refuse, fail, or neglect to make the connections of the kinds and number and in the manner and by the date prescribed in the resolution and the notice thereof, the water connections required shall be made by the Water and Light Board of Trustees and the actual cost thereof shall be by such Board certified to the Council, and the Council shall cause the other connections required to be made and the actual cost and expense thereof, together with the actual cost of making the water connections as certified to it shall be by the Council in the manner hereinafter set out, levied and assessed as a special tax against the property in front of which such connections are made as above provided. In the making of such connections the Council may, if it deems best, contract for the making of all such

connections as are made necessary by the improvements ordered to be made at any one time. If the Council shall determine to contract for the making of such connections, it may advertise for bids thereon, stating the amount of work to be done and the manner thereof, but reserving the right to reject any and all bids.

3-12-6 Cost; Expense Collection; Lien. The cost and expense of the connections made or caused to be made by the City under this Chapter shall be paid by the City and the Council shall then levy and assess against the several lots, parts of lots, and parcels of land in front of which such connections are made, the cost and expense of making the same. The amount of money so levied and assessed against such lots, parts of lots, and parcels of land, with interest thereon at the rate established by the City Council, shall be a lien upon the real estate so assessed until paid and shall be certified for collection as other special assessments.

3-12-7 Assessment Resolution; Notice. Assessments as referred to in Section 3-12-6 of this Chapter shall be by resolution of the Council and shall be substantially in the following form:

RESOLUTION

Be it resolved by the City Council of the City of Muscatine, Iowa: That there is hereby assessed against the following described lots, parts of lots, and parcels of land in the City of Muscatine, Iowa, owned as hereinafter stated, special taxes in the amounts hereinafter indicated for the cost and expense of making connections from _____ to the curb line of the property described below and which the owners of said property have refused, failed, or neglected to make as heretofore ordered by the City Council.

Owner	Description of Property	Tax
_____	_____	_____

That this resolution be set for its consideration and passage at the next regular session of the Council and the Clerk be directed to give notice thereof accordingly.

Title 3 – Public Ways and Property
Chapter 13 – Public Demonstrations

SECTIONS:
3-13-1 Definitions
3-13-2 Use of Sidewalks for Picketing and Demonstrating
3-13-3 Interference with Business or Public Facility
3-13-4 Focused Residential Picketing and Protesting Prohibited
3-13-5 Advance Notice of Proposed Picketing, Protesting or Demonstrating
3-13-6 Duty to Disperse as Directed by Police
3-13-7 Criminal Trespass for Obstruction of Public Ways, Buildings or Property

3-13-1 Definitions.

A. Picket - A person or persons protesting through the use of signs, placards or similar devices.
B. Protestor - A person or persons protesting or advocating some idea, position or policy.
C. Demonstration - A gathering together of a group of persons on a public sidewalk, public walkway or any other public property, to advocate or discuss political, social, civil, or religious policies or ideas. Demonstrations include picketing and protesting.
D. Public Way - Any public street, alley, roadway, walkway, right-of-way, or any other public way or property designed for vehicular, bicycle or pedestrian travel or congregation, and dedicated to public use.

3-13-2 Use of Sidewalks for Picketing and Demonstrating. Picketing, protesting and demonstrations shall be conducted only on public sidewalks maintained by the City or other public walkways. No picketing, protesting or demonstrating shall be conducted on that portion of the streets used primarily for vehicular traffic.

3-13-3 Interference with Business or Public Facility. Picketers, protesters and demonstrators shall not block or obstruct free passage of any pedestrian or vehicular traffic, or interfere with ingress or egress to any business or public facility.

3-13-4 Focused Residential Picketing and Protesting Prohibited. No person or persons shall engage in picketing, protesting or demonstrating before or about a residence or dwelling where the picket, protest or demonstration focuses solely on the residence or dwelling of a particular, identifiable individual.

3-13-5 Advance Notice of Proposed Picketing, Protesting or Demonstration. Any person or persons planning to picket, protest or demonstrate shall give the Chief of Police or his/her designees at least twenty-four (24) hours written notice prior to the event. This written notice shall include:

A. Name, address and telephone number of the organization or individuals planning to picket or demonstrate.
B. The location of the demonstration, protest or picket, including street address, and or map.
C. Date, starting time, hours, and duration of the picket, protest or demonstration.
D. Estimated number of persons participating in the picket, protest or demonstration. For purposes of this Article, the Chief of Police or his/her designee shall be deemed

notified upon receipt of the written notice at the Muscatine Police Department located at 312 East 5th Street, Muscatine, Iowa 52761.

3-13-6 Duty to Disperse as Directed by Police.

A. Police officers are authorized to disperse persons who are picketing, protesting, or demonstrating whenever such picketing, protesting or demonstration is in violation of this Title or poses a threat to public health, safety or the orderly flow of vehicular and/or pedestrian traffic.
B. It shall be unlawful for any person to refuse to disperse or move on when so directed by a police officer, as herein provided.

3-13-7 Criminal Trespass for Obstruction of Public Ways, Buildings or Property. Whenever the free passage of any street, sidewalk, public way, public building or property in the City of Muscatine is obstructed by picketers, protestors or demonstrators, and such obstruction continues after a police officer has requested dispersal and removal, such obstruction shall constitute the public offense of criminal trespass.

Title 3 – Public Ways and Property
Chapter 14 – Parades, Marches and Public Entertainment

SECTIONS:
3-14-1 Definitions
3-14-2 Permit
3-14-3 Permit Application
3-14-4 Application Form
3-14-5 Standards for Issuance
3-14-6 Grant or Denial of Permit
3-14-7 Appeals
3-14-8 Revocation

3-14-1 Definitions.

A. Parade - A march or procession of persons, vehicles or other forms of transportation such as bicycles in or upon a public street, alley, sidewalk, park or public way when that march or procession necessitates or results in the exclusion or disruption of use of the public way by others.
B. Public Entertainment - Any activity or event which features music, drama, theater, fireworks, road or boat race events, athletic events, displays, exhibitions, circus or carnival events, amusements, etc. whose primary purpose is to amuse, educate, entertain or provide an exhibition, and which takes place or is intended to take place on or about a public street, public property, alley, sidewalk, park or other public way, facility, or building, when the activity necessitates or results in the exclusion of use thereof by others.
C. Public Way - Any public street, alley, sidewalk, roadway, walkway, right-of-way or public way designed for vehicular, bicycle or pedestrian travel and dedicated to public use. Pickets, protests and demonstrations using public sidewalks which are conducted in accordance with the provisions of Chapter 13 of this Title are exempt from the provisions of this Chapter 14. Funeral processions are exempt from the provisions of this Chapter.

3-14-2 Permit.

A. It shall be unlawful for any person or group constituting a parade, march or public entertainment to occupy, march, or proceed upon or along any sidewalk, street, alley, park, public place or other public way, public property or public building in the City of Muscatine without first having obtained a permit from the City Administrator, as provided in this Division.
B. All parades, marches and public entertainment shall be conducted in accordance with the permit issued by the City Administrator, and shall be in compliance with all applicable state and local laws.

3-14-3 Permit Application.

A. An application for a permit containing the information required herein shall be filed with the City Administrator by any group desiring to use any street, alley, sidewalk, park, public way, place, building or facility as provided in this Division. All completed applications shall be filed at least thirty (30) days in advance of the date of the requested use. Applications shall be made on forms prepared and decided by the City Administrator, and shall require the information required by this Division. The City

Administrator shall have a reasonable time to grant or deny the permit. The length of time which is reasonable shall be determined by the type of use requested; the information supplied; the time of filing of the application; and the extent of the advance preparation and planning demonstrated and reasonably required.

B. If timely requested as provided above, and in the event no action has been taken by the City Administrator by the day of the event, the permit shall be deemed granted.

C. The City Administrator shall grant or deny the permit in writing, according to the standards set forth in Section 3-14-5 herein, and shall mail the written decision to the applicant by regular mail or personal delivery, at least (3) working days prior to the event. The City Administrator shall immediately forward the grant or denial of the permit to the City Council.

3-14-4 Application Form.

A. The application form for the use of any street, sidewalk, roadway, alley, park, public way, property or facility, shall contain the following information:
    1. Name and address of the applicant and the sponsoring organization, if any.
    2. The type of event that is planned, namely parade, march, public entertainment, or type of public display.
    3. Proposed location or locations.
    4. Expected size of the group.
    5. Date, time and expected length of use.
    6. Names, addresses and telephone numbers of any person or persons to be in charge of the proposed use at the specified location.
    7. Names and addresses of any persons to be featured as entertainers or speakers.
    8. List of mechanical or electronic equipment to be used.
    9. Number and type of any motor vehicles or other forms of transportation to be used, including bicycles, boats, carriages and golf carts.
    10. Number and types of any animals to be used.
    11. A description of any sound amplification to be used.
    12. Proposed monitoring of the group and or activity, including the number of people who will direct traffic, set up, clean up and maintain order if necessary. If in the opinion of the Chief of Police, special duty police are required, the Chief of Police shall so inform the applicant as to the number, location, duties and times when special duty police will be required. In no event shall any person who has not been certified by competent authority as having been trained to direct or control vehicular or pedestrian traffic do so on any property owned or controlled by the City of Muscatine. Competent authority shall be determined by the Chief of Police.
    13. All plans for the provision of security for any event shall be approved by the Chief of Police.
    14. The Chief of Police or his/her designees shall maintain control and authority over any event which under permit is conducted on any street, alley, sidewalk, park, public way, property or facility.

B. The application shall include an agreement pursuant to which the applicant shall agree to indemnify, defend and save harmless the City of Muscatine, together with its agents, officers and employees, from any and all claims, lawsuits, damages, losses and expenses of whatever nature, which may result from or arise from the activity or event covered by the permit, including but not limited to the use of public ways, irrespective of whether said claims are frivolous or meritorious.

3-14-5 Standards for Issuance. The City Administrator shall examine the application, and shall grant or deny said permit based upon the following standards:

A. In light of the date and time of said proposed use, whether the use will unreasonably interfere with the privacy, safety, security, convenience and tranquility of the residents or inhabitants of the area.
B. Whether the proposed street, alley, sidewalk, park, public way or facility can accommodate the group or use, based both on group size and on health and sanitation facilities, whether available or to be provided by the applicant.
C. Whether the proposed use or activity is compatible with the normal activity of the proposed public way, facility or park at the requested time or date.
D. Whether the application demonstrates the applicant has the means, planning and coordination to hold the proposed event, considering the time of day, location, public facilities available, traffic control, parking requirements and any monitoring required to protect the public health and safety.
E. Whether the event will interfere with another event for which a permit has already been granted.
F. Whether the proposed use would substantially interrupt the flow of vehicular and/or pedestrian traffic.
G. Whether the use would require the excessive diversion of police from other duties, or substantially interfere with the City's fire fighting operations.

3-14-6 Grant or Denial of Permit.

A. On the basis of the above information, Sections 3-14-4, and applying the standards in Section 3-14-5, if the City Administrator finds that the proposed march, parade or public entertainment does not substantially interrupt the flow of traffic; does not create an undue health hazard; does not unduly impinge on the area inhabitants' privacy, peace, and tranquility; does not unreasonably obstruct pedestrian and/or vehicular traffic; does not substantially conflict with the public health, safety and tranquility; and is compatible with the normal activities of the requested location at the requested time and date, then the City Administrator shall grant the permit.
B. If necessary, the City Administrator may set forth terms, conditions or restrictions required to protect the public's safety, welfare and tranquility. Such conditions, if established, should be specific as to the following:
    1. Time, date and place of the permitted activity.
    2. If a parade or march, the route and staging area.
    3. Number of monitors, agents or police personnel required for safe use of the park or public way.
    4. Reasonable insurance requirements needed in order to protect the City right-of-way and to protect against injuries to persons and/or property resulting from the applicant's use of public right-of-way.
C. Nothing contained in or omitted from said permit shall be deemed to be a waiver of any applicable local, state or federal law.
D. Review by Council of Grant or Denial. Upon receipt of the written grant or denial of a permit pursuant to this Division, the City Council may, upon its own motion, determine that it shall review the City Administrator's decision. If a majority of the Council determines that the action should be set aside, the Council may set aside the action of the City Administrator. The Council may grant or deny the permit. If the Council takes no action within fourteen (14) days after the permit is denied or granted, the City Administrator's action shall stand as final.

3-14-7 Appeals.

A. Any party aggrieved by the City Administrator's decision to grant or deny a permit under this Chapter 14 may appeal the determination to the City Council if, within ten (10) days after the decision, the party files a written notice of appeal with the City Administrator. In such event, a hearing shall be held by the City Council at its next regularly scheduled meeting.
B. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Administrator's decision.

3-14-8 Revocation. After a permit is granted under this Chapter 14, in the event it is determined that the applicant has misstated any material fact in the application, or that there is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred, the City Administrator or the City Council may review such application and revoke such permit if not in compliance with this Title. Such permit may also be revoked when it is determined by the Chief of Police that by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation.

Title 3 – Public Ways and Property
Chapter 15 – Commercial Use of Sidewalks in Commercial Zones

SECTIONS:
3-15-1 Permit for Commercial Use
3-15-2 Permit Procedure and Standards for Issuance
3-15-3 Permit Provisions Shall not Apply to Peddlers or Solicitors

3-15-1 Permit for Commercial Use.

A. Sidewalk sales. The City Administrator is authorized to issue permits to businesses or business organizations for the temporary use of sidewalks for commercial sales in commercially zoned districts. Such permits shall be limited to the temporary use of sidewalks abutting said business or business organization, and shall be limited to no more than two days for any one permit. All other commercial use of public right-of-way shall be prohibited unless such use is authorized by the City Council, by resolution.
B. It shall be unlawful for any business or business organization to use the public sidewalks in commercially zoned districts for commercial sales promotions without first having obtained a permit from the City Administrator, as provided in this Chapter 15.

3-15-2 Permit Procedure and Standards for Issuance. The permit application and issuance procedures set forth in Chapter 14 of this Title, shall govern the permit requirements of this Chapter 15.

3-15-3 Permit Provisions Shall not Apply to Peddlers or Solicitors. The permit provisions of this Chapter 15 shall not apply to peddlers or solicitors, as defined in Title 5 of the City Code of the City of Muscatine.

Title 4 – General Provisions
Chapter 1 – Animal Regulations

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

4-1-1 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. "Frequent and habitual" as referred to in Section 4-14(C) means at least three separate complaints within the neighborhood within a period of seventy-two (72) hours.
H. "Altered" means a neutered male dog or cat which has been rendered sterile by a surgical procedure (orchiectomy), or a spayed female dog or cat which has been rendered sterile by a surgical procedure (ovariohysterectomy).
I. "Unaltered" means a dog or cat that has not been altered as defined in this section.
J. "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.

4-1-2 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 4-1-3 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 and Records 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.

4-1-3 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 as set forth below. 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:
   1. For an unaltered dog or cat $25.00
      except for owners 65 years of age or older the annual fee is $15.00
   2. For an altered dog or cat..... $ 5.00
      except for owners 65 years of age or older, the annual fee is .... $ 3.00

      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.

B. 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.
C. 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.
D. 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 4-1-2 of the City Code.
E. 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 and Records 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.
F. 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.

4-1-4 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 in the amount of $40.00 and shall have proof of valid rabies vaccination as required by this Chapter.

4-1-5 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. Animal excrement shall not be placed in storm sewers but shall be 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.

4-1-6 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.

4-1-7 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.

4-1-8 Animal Care.

A. No owner shall fail to provide his 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 ill 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 in only 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.

4-1-9 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.

4-1-10 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.

4-1-11 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.

4-1-12 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.

4-1-13 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 Chief of Police, 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 Chief of Police, 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 Chief of Police, 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 4-1-11 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 Chief of Police, 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 Chief of Police, 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 Chief of Police, 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 Chief of Police, 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 4-1-11 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 Chief of Police, 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 Chief of Police, 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 Chief of Police, 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 Chief of Police, 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 4-1-11 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 feeing and care of the animal.

4-1-14 Penalties.

A. Any owner or person found guilty of violating the provisions of this Chapter shall be subject to the payment of a fine of $50.00 upon the first conviction; payment of a fine of $100.00 upon the second conviction unless the animal is altered within 30 days of the conviction, in which event the fine shall be $50.00 and payment of a fine of $100.00 or 30 days in jail upon the third and subsequent conviction and the animal shall be confined at the animal shelter until altered by a licensed veterinary at the expense of the owner. If the owner or person found guilty furnishes a written certificate or letter by a licensed veterinarian that the animal had been altered as defined in this chapter prior to the time of the violation, the fine for the first conviction shall be $25.00, the fine for the second conviction shall be $50.00 and for the third and subsequent conviction the fine shall be $100.00 or confinement of the owner or person found guilty for 30 days in jail. No portion of the fines as provided in this Section shall be suspended by the court upon conviction.
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.

4-1-15 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 4 – General Provisions
Chapter 2 – Keeping of Pit Bull Dogs

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

4-2-1 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.

4-2-2 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.

4-2-3 Definition. "Pit bull dog" is defined to mean 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.

4-2-4 Spayed or Neutered. All pit bull dogs shall be spayed or neutered within 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.

4-2-5 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.

4-2-6 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.

4-2-7 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.

4-2-8 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.

4-2-9 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 in a single incident amount of $50,000.00 for bodily injury to or death of any person or persons or for damages to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. 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 in this chapter. 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.

4-2-10 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.

4-2-11 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.

4-2-12 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.

4-2-13 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.

4-2-14 Failure to Comply. It shall be unlawful for the owner, keeper or harborer 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.

4-2-15 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 in the amount of $300.00. 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 4 – General Provisions
Chapter 3 – Hotel-Motel Tax

SECTIONS:
4-3-1 Imposition of Tax
4-3-2 Definitions
4-3-3 Collection of Tax

4-3-1 Imposition of Tax. There is hereby imposed a hotel and motel tax of seven percent (7%) upon the gross receipts from the renting of any and all sleeping rooms, apartments, or sleeping quarters in any hotel, motel, inn, public lodging house, rooming house, tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals, within the City of Muscatine, Iowa.

4-3-2 Definitions. For purposes of this ordinance, "renting" and "rent" include any kind of direct or indirect charge for such sleeping rooms, apartments, sleeping quarters, or the use thereof. However, the tax imposed by this ordinance shall not apply to the gross receipts from the renting of a room, apartment, or sleeping quarters while rented by the same person for a period of more than thirty-one (31) consecutive days.

4-3-3 Collection of Tax. This ordinance shall become effective on April 1, 1992. However, this ordinance shall not become effective unless it is approved by a majority of those voting on the question at the time of the general election on November 5, 1991, in the City of Muscatine, Iowa.

Title 4 – General Provisions
Chapter 4 – Human Rights Ordinance

SECTIONS:
4-4-1 Purposes
4-4-2 Construction
4-4-3 Definitions
4-4-4 Powers and Duties
4-4-5 Public Meetings, Records, and Confidentiality
4-4-6 Unfair Employment Practices
4-4-7 Unfair Practices - Accommodations or Services
4-4-8 Unfair or Discriminatory Practices - Housing
4-4-9 Unfair Credit Practices
4-4-10 Aiding or Abetting
4-4-11 Unfair or Discriminatory Practices - Education
4-4-12 Exceptions for Retirement, Health Insurance and Welfare Plans
4-4-13 Retaliation
4-4-14 Complaint Procedures
4-4-15 Conciliation
4-4-16 Public Hearing
4-4-17 Judicial Review
4-4-18 Sixty (60) Day Administrative Release
4-4-19 Severability

4-4-1 Purposes. The purposes of the City of Muscatine in enacting this Ordinance are:

A. To secure for all individuals within the City of Muscatine freedom from discrimination because of race, color, religion, creed, sex, national origin, age, marital status, familial status, political affiliation, or mental or physical disability in connection with employment, public accommodations, housing, credit, and education; and thereby protect the personal dignity of these individuals, to insure their full productive capacities, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individual citizens within the City of Muscatine.
B. To provide for the execution within the City of Muscatine of the policies embodied in the Iowa Civil Rights Act of 1965 as amended and in the Federal Civil Rights Act and to promote cooperation between the City of Muscatine and the State and Federal agencies enforcing those Acts; and
C. To provide, at the local level, a Commission on Human Rights dedicated to the following: effective enforcement of this Ordinance; service as a source of information to employers, laborers, business persons, employees, tenants, and other persons relative to various civil rights legislation and regulations; and active assistance to prevent and eliminate the effect of discriminatory practices.

4-4-2 Construction. This Ordinance shall be construed broadly to effectuate its purpose.

4-4-3 Definitions. Unless indicated otherwise in this Chapter, the following will define the listed words and phrases:

A. "Affirmative action" means a plan whereby a set of specific, result-oriented procedures are established and to which a "person" commits itself to apply every good faith effort to achieve. The objective of those procedures is to ensure equal

opportunity in public and private employment, housing, public accommodations, credit transactions, education, and City contracts.

B. "Age" means chronological age of any person who has reached the age of eighteen (18) years or is considered to be an adult.
C. "Bona fide occupational qualification (BFOQ)" means discrimination on a prohibited basis is lawful only if it results from a "bona fide occupational qualification" essential to the normal operation of the employer's business or enterprise. The "BFOQ" exception will be interpreted narrowly and the burden of proving that a prohibited basis is a "BFOQ" rests upon the party seeking to rely upon the exception. Customer or employer preference or historical usage, tradition, or custom or stereotyped characterizations will not merit the exception.
D. "Commission" means the Commission on Human Rights created by the Ordinance.
E. "Complainant" means that person filing a complaint with the Commission.
F. "Contract" means any agreement which is awarded, let, procured, or entered into with, or on behalf of, the City or any awarding authority thereof.
G. "Contracting authority" means any City department, agency, Commission authority, board, or person, or any authorized employee, officer, or director of any of the foregoing, including any purchasing agent of the City who makes or enters into any contract agreement for the provision of any goods or services of any kind or nature whatsoever for and on behalf of the City.
H. "Court" means the district court in and for Muscatine County, Iowa or any judge or magistrate of said court if the court is not in session at that time.
I. "Disability" means the physical or mental condition of a person which constitutes a substantial handicap.
J. "Employee" means any person employed by an employer.
K. "Employer" means the City of Muscatine and any political subdivision, board, commission, department, or institution thereof, or school district therein, and every other person employing employees within the City.
L. "Familial status" means one or more individuals under the age of eighteen domiciled with one of the following:
    1. a parent or another person having legal custody of the individual or individuals.
    2. the designee of a parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person.
    3. a person who is pregnant or is in the process of securing legal custody of the individual or individuals.
M. "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or dealing with employers concerning grievances, terms, or conditions of employment.
N. "Marital Status" means the condition of being married, single, divorced, separated or widowed.
O. "Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, or receivers. It also includes but is not limited to any owner, lender, builder, manager, broker, sales person, agent, employee, or lending institution; and includes all political subdivisions and agencies of the City and any commission, authority, board, or other instrumentality of government.
P. "Political affiliation" means membership of or close association with a political party or organization.
Q. "Public accommodation" means each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a

fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives any substantial governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to nonmembers for a fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

R. "Referral" means the process by which the Commission files a charge of discrimination with a referral agency which extinguishes the legal ability of the Commission to process said charge; provided, however, that the referral agency accepts the referred charge and that the Commission has the reciprocal right to accept or reject charges cross-filed by the referral agency.
S. "Respondent" means that person against whom a complaint has been filed with the Commission.
T. "Unfair practice" or "discriminatory practice" means those practices specified as unfair or discriminatory in the Ordinance.

4-4-4 Powers and Duties. The Commission shall have the following powers and duties:

A. To receive, investigate, and determine the merits of complaints alleging unfair or discriminatory practices.
B. To investigate and study the existence, character, causes, and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, extension of credit, real estate, financial transactions, and housing in this City and to attempt the elimination of such discrimination by education, outreach, providing assistance, and conciliation.
C. To subpoena witnesses, books, papers, records, and any other real evidence necessary to the investigation of any complaint filed pursuant to this Ordinance.
    1. The Chairperson or his/her designee may issue subpoenas.
    2. Before a subpoena is sought to determine whether the agency should institute a contested case proceeding, the Commission shall make a request in written form of the person having possession of the requested material or real evidence. The written request shall be sent by certified mail, return receipt requested. Where a person fails to provide requested information, a subpoena may be issued. A subpoena may not be issued less than seven days after the written request has been mailed to the person having possession of the requested materials. Subpoenas may be issued without prior oral or written requests where notice of a pending public hearing has been issued.
    3. Every subpoena shall state the name of the Commission, the purpose for which the subpoena is issued, and the name and address of the party on whose behalf it was issued.
    4. The subpoena shall be directed to a specific person, their attorney, or an officer, partner, or managing agent of any person who is not a natural person. The subpoena shall command that person to produce designated books, papers, or other real evidence under his/her control at a specified time and place. Where a public hearing has been scheduled, the subpoena may command the person to whom it is directed to attend and give testimony.

5. The subpoena shall be served either by personal service, by an official authorized by law to serve subpoenas, or by delivery of a copy thereof to the person named therein.
6. Where service is accomplished by personal service, proof of service will be by acknowledgement of receipt of the person served or by affidavit of the person serving the subpoena.
7. Upon prompt petition by the person to whom the subpoena is addressed, the Chairperson or his/her designee may quash or modify a subpoena where it is demonstrated by the petitioner that reasonable cause exists to quash said subpoena.
8. Where a party fails to respond to a subpoena, the Chairperson or his/her designee may authorize the filing of a petition for enforcement with the district court.
9. Subsequent to notification to a respondent of the approval of a hearing upon the merits of a complaint, legal counsel, staff, and respondent may employ prehearing discovery measures set forth in the Iowa Administrative Procedure Act, in addition to oral interviews and informal requests for documents and other materials and information.

D. To hold hearings upon any complaint made against a person, an employer, an employment agency, or a labor organization, or the employees or members thereof; to subpoena witnesses and compel their attendance at such hearings; and to administer oaths and take the testimony of any person under oath. Such hearings may be held by the Commission or by any hearing officer appointed by the Commission.

E. To take the necessary remedial action, as is the judgment of the Commission, to carry out the purposes of the Chapter. For purposes of this subsection and pursuant to the provisions of this Chapter, "remedial action" includes, but is not limited to, the following:
    1. Hiring, reinstatement, or upgrading.
    2. Admission or restoration of individuals to programs, and admission to a public accommodation or an educational institution.
    3. Sale, exchange, lease, rental, assignment, or sublease of real property to an individual.
    4. Payment to the complainant of damages for an injury caused by the discriminatory or unfair practice which damages shall include, but are not limited to, actual damages, court cost, and reasonable attorney fees, and the issuance of an order requiring the respondent to cease and desist from said practice.
    5. Reporting as to the manner of compliance.
    6. Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the Commission and inclusion of notices in advertising material.
    7. In addition to the remedies provided in the preceding provisions of this subsection, the Commission may issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this section as follows:
        a. In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the Commission, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory or unfair practice and that the practice was authorized, requested, commanded, performed, or knowingly or recklessly tolerated by the board of

directors of the respondent or by an officer or executive agent acting within the scope of his/her employment, the Commission shall so certify to the licensing agency. Where the licensing agency derives all or part of its authority from this City, it shall be bound by the Commission's finding, unless it is reversed in the course of judicial review. In the case of such a municipal licensing agency, where such a certification has been made, the licensing agency may initiate licensee disciplinary procedures.

b. In the case of a respondent who is found by the Commission to have engaged in a discriminatory or unfair practice in the course of performing under a contract or subcontract with the City or political subdivision or agency, if the practice was authorized, requested, commanded, performed, or knowingly or recklessly tolerated by the board of directors of the respondent or by an officer or executive agent acting within the scope of his/her employment, the Commission shall so certify to the contracting agency. Where the contracting agency fits within Section 3F, the finding of discrimination is binding on that contracting authority, unless the Commission's finding of a discriminatory or unfair practice is reversed in the course of judicial review.

c. Upon receiving a certification made under this subsection, a contracting authority may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with the provisions of this Ordinance; and assist the City and all agencies thereof to refrain from entering into further contracts.

8. The election of an affirmative order under paragraph 7 of this subsection shall not bar the election of affirmative remedies provided in paragraphs 1 through 6 of this subsection. The terms of a conciliation agreement reached with the respondent may require him/her to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement, to take remedial action in the judgment of the Commission will carry out the purposes of this Chapter and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation agreement. Violation of such a consent decree may be punished as contempt by the court upon showing by the Commission of the violation at any time within six months of its occurrence. In all cases where a conciliation agreement is entered into, the Commission shall issue an order stating its terms and furnish a copy of the order to the complainant, the respondent, and such other persons as the Commission deems proper. At any time in its discretion, the Commission may investigate whether the terms of the agreement are being complied with by the respondent.

F. To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of this Ordinance. In the event said respondent is the recipient of or is engaged in any program activity through grants, loans, contracts, or insurance from any Federal or State Agency, the Commission shall seek to enjoin said Federal or State Agency, on a temporary basis, from further engagement with said respondent. A temporary injunction may only be issued ex parte, if the complaint filed with the Commission alleges discrimination in housing. In all other cases a temporary injunction may be issued only after the respondent has been notified and afforded the opportunity to be heard.

G. To issue such publications and reports of investigations and research as in the judgment of the Commission shall tend to promote good will among the various racial, religious, ethnic, and other groups within the City and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, housing, or credit because of race, creed, color, sex, national origin, religion, familial status, marital status, political affiliation, physical or mental disability, or age.
H. To prepare and transmit to the Mayor and to the City Council from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the Commission.
I. To make recommendations to the Mayor and City Council for such further legislation as may be necessary and desirable and to adopt, publish, amend, and rescind regulations consistent with and necessary for the enforcement of this Ordinance.
J. To cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, whose purposes are consistent with those of this Chapter and in the planning and conducting of programs designed to eliminate discrimination based on race, color, religion, creed, national origin, sex, familial status, marital status, political affiliation, physical or mental disability, or age.
K. To receive, administer, dispense, and account for any funds that may be voluntarily contributed to the Commission and any grants that may be awarded the Commission for furthering the purposes of this Chapter.
L. To enter into contracts with Federal and State Civil Rights agencies which would further the purposes of this Ordinance.
M. To hold not less than nine meetings per year at a time and place to be determined by the Commission.
N. To seek from the Equal Employment Opportunity Commission and the U.S. and Iowa Civil Rights Commission the designation as a deferral agency, which shall have legal precedence in all cases in its jurisdiction, except where otherwise agree or where a complainant requests in written form that the deferral agency not be notified.
O. To review and seek to enforce a positive Affirmative Action Plan for the City, and Fair Housing Programs as are necessitated by Federal/State regulations.
P. Assist all City contracting authorities in preparing equal employment opportunity and anti-discrimination provisions for contract specifications and advise them as to the compliance records of prospective contractors.
Q. To require that all contracts entered into on behalf of the City, and all subcontracts thereon, for which the consideration is in excess of ten thousand dollars ($10,000) shall contain a non-discrimination clause barring discrimination in employment, and shall require that public notices contain the provisions set forth therein.

4-4-5 <u>Public Meetings, Records, and Confidentiality.</u>

A. In accordance with Chapter 28A of the Code of Iowa, all meetings of the Commission shall be public meetings except:
    1. The Commission may hold a closed session by affirmative vote of two-thirds (2/3) of its members present, the votes of such motion being recorded in the minutes by yeas and nays, when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment or discharge is under consideration, but any motion decided in such session shall be voted on by yeas and nays and shall be recorded in the minutes as per subsection B.2 of this section.

2. The Commission shall hold a closed session for consideration of any complaint of discrimination or report concerning investigation or conciliation of said complaint, as provided in this Ordinance.

B. All records of the Commission shall be public, except:
   1. Complaints of discrimination, reports of investigations, statements, and other documents or records obtained in investigation of any charge shall be closed records, unless public hearing is scheduled or district court action is commenced as provided in this Ordinance.
   2. The minutes of any session which is closed under the provisions of this Ordinance shall be closed records.

C. No member of the Commission or of its staff shall disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation, or persuasion, unless such disclosure is made in connection with the conduct of an investigation or after public hearing is scheduled or district court action is commenced upon a complaint filed as provided in this Ordinance. This section does not prevent any complainant, respondent, witness or other person from publicizing the filing of a complaint or the matter therein complained of. Any violation of this section shall be punishable by a fine not to exceed one hundred dollars ($100.00).

4-4-6 Unfair Employment Practices.

A. It shall be an unfair or discriminatory practice for any:
   1. Person to refuse to hire, accept, register, classify, or refer for employment; to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, religion, political affiliation, or disability of such applicant or employee, unless based upon the nature of the occupation. If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this section.
   2. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member; or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion, or disability of such applicant or member.
   3. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a disabled person is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discrimination practices prohibited by this section.

      An employer, employment agency, or their employees, servants or agents may offer employment to only the disabled, when other applicants have available to them other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex, or national origin.

4. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of an employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of the subsection do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

B. Employment policies relating to pregnancy and childbirth shall be governed by the following:
    1. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.
    2. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.
    3. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
    4. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.
    5. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is

disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

C. This section shall not apply to:
    1. Any employer who regularly employs less than four (4) individuals. For the purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.
    2. The employment of individuals for work within the home of the employer if the employer or members of his/her family reside therein during such employment.
    3. The employment of individuals to render personal service to the person of the employer or members of his/her family.
    4. Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.
    5. This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen (18) years, unless that person is considered by law to be an adult.
    6. This section shall not apply to age discrimination in a bona fide apprenticeship employment program if the employee is over forty-five (45) years of age.
    7. After a handicapped individual is employed, the employer shall not be required under this Chapter to promote or transfer such handicapped person to another job or occupation, unless, prior to such transfer, such handicapped person by training or experience is qualified for such job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as part of such agreement.

4-4-7 <u>Unfair Practices - Accommodations or Services.</u>

A. It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:
    1. To refuse or deny to any person because of race, creed, color, sex, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof; or otherwise to discriminate against any person because of race, creed, color, sex, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges.
    2. To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, national origin, religion, or disability is unwelcome, objectionable, not acceptable, or not solicited.

B. This section shall not apply to:

1. Any bona fide religious institution with respect to any qualifications the institution may impose based on religion, when such qualifications are related to a bona fide religious purpose.
2. The rental or leasing to transient individuals of less than six (6) rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of his/her family reside therein.

4-4-8 Unfair or Discriminatory Practices - Housing. It shall be an unfair or discriminatory practice for any owner, or person acting for an owner of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents, or representatives by power of attorney or appointment, or any person acting under court order, deed, trust, or will:

A. To refuse to sell, rent, lease, assign, or sublease any real property or housing accommodation or part, portion, or interest therein to any person because of the race, color, creed, sex, religion, national origin, marital status, disability, or familial status of such person.
B. To discriminate against any person because of race, color, creed, sex, religion, national origin, marital status, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease, assignment, or sublease of any real property or housing accommodations or any part, portion, or interest therein.
C. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodations or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, religion, national origin, marital status, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited.
D. To discriminate against the lessee or purchaser of any real estate or housing accommodation or part, portion, or interest of the real property or housing accommodation; or against any prospective lessee or purchaser of the property or accommodation because of the race, color, creed, religion, sex, disability, age, marital status, or national origin of persons who from time to time may be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity.
E. The provisions of this section shall not apply to:
    1. Any bona fide religious institution with respect to any qualifications it may impose based on religion, when such qualifications are related to a bona fide religious purpose.
    2. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of his/her family reside in one (1) of such housing accommodations.
    3. The rental or leasing of less than six (6) rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if he/she or members of his/her family reside therein.
    4. Restrictions based on sex on the rental or leasing of such housing accommodations by non-profit corporations.
    5. The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor of the building.
    6. Housing accommodations provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program, and housing for older persons. As used in this

subsection, "housing for older persons" means housing communities consisting of accommodations intended for either of the following:

a. For ninety percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of such persons.
b. For and occupied solely by persons sixty-two years of age and older.

7. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under section 425.1, Code of Iowa.

4-4-9 Unfair Credit Practices. It shall be an unfair or discriminatory practice for any:

A. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, or familial status.
B. Person authorized or licensed to do business in this state pursuant to Chapters 524, 533, 534, 536 or 536A, Code of Iowa, to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, physical disability, or familial status.
C. Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by title XX, Chapter 505 et. seq., Code of Iowa. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this Chapter.

4-4-10 Aiding, abetting, or retaliation. It shall be an unfair or discriminatory practice for:

A. Any person to intentionally aid, abet, compel, or coerce another person to engage in any of the practices declared unfair or discriminatory by the Chapter.
B. Any person to discriminate or retaliate against another person in any of the rights protected against discrimination on the basis of age, race, creed, color, sex, national origin, religion, or disability by this Chapter because such person has lawfully opposed any practice forbidden under this Chapter, obeys the provisions of this Chapter, or has filed a complaint, testified, or assisted in any proceeding under this Chapter.

4-4-11. Unfair or Discriminatory Practices - Education. It shall be an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

A. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic program, extracurricular, research, occupational training, or other program or activity except athletic programs.
B. Denial of comparable opportunity in intramural and interscholastic athletic programs.
C. Discrimination among persons in employment and the conditions thereof.
D. On the basis of sex, the application of any rule concerning the actual or potential parental, family, or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

For the purpose of this section, "educational institution" includes any public preschool, or elementary, secondary, or community college, area education agency, or postsecondary college or university and their governing boards. Nothing in this section shall be construed to prohibit any educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bonafide religious institution from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

4-4-12 Exceptions for Retirement, Health Insurance and Welfare Plans.

A. The provisions of this Chapter relating to discrimination because of age do not apply to a retirement plan or benefit system of an employer unless the plan or system is a mere subterfuge adopted for the purpose of evading this chapter.
B. However, a retirement plan or benefit system shall not require the involuntary retirement of a person under the age of seventy because of the person's age. This paragraph does not prohibit the following:
    1. The involuntary retirement of a person who has attained the age of sixty-five (65) and has for the two (2) prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan of the employer which equals twenty-seven thousand dollars ($27,000.00). This retirement benefit test may be adjusted according to the regulations prescribed by the United States Secretary of Labor pursuant to Public Law ninety-five dash two hundred fifty-six (95256), section three (3).
C. A health insurance program provided by an employer may exclude coverage of abortion, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
D. An employee welfare plan may provide life, disability, or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

4-4-13 Retaliation.

A. It shall be an unfair or discriminatory practice for any person to discharge, harass, penalize, or otherwise retaliate against an individual because of that individual's attempt to secure compliance or aid in securing compliance with this Ordinance or the remedies provided thereunder.

B. It shall be an unfair or discriminatory practice for any person to discharge, harass, penalize, or otherwise retaliate with respect to employment, housing, public accommodations, or financial practices against any individual because of that individual's association with persons of a particular race, religion, creed, national origin, or sex.

4-4-14 Complaint Procedures.

A. A person claiming to be aggrieved by a discriminatory practice, his/her agent, the chairperson of the Commission, the City Attorney, or a non-profit organization with a purpose of combating discrimination may file with the Commission a written complaint stating that a discriminatory practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Commission to identify the person charged (hereinafter the respondent). One or more members of the Commission, as appointed by the Chairperson, or the person or agency which the City and Commission has approved to do so, may investigate the allegations of discriminatory practice set forth in the complaint or may refer the matter to the Iowa Civil Rights Commission, and shall promptly furnish the respondent with a copy of the complaint. The complaint must be filed within one hundred eighty (180) days after the alleged discriminatory practice occurs. A complaint filed with the Iowa Civil Rights Commission under the provisions of the Iowa Civil Rights Act shall be sufficient for the purposes of the Chapter, if it alleges discriminatory acts within this City.
B. If it is determined after investigation that no probable cause exists for such complaint, the Commission shall forthwith notify the complainant and the respondent of such determination and the cause shall be closed with the Commission.
C. If it determined after investigation that probable cause exists crediting the allegations of the complaint, the Commission shall promptly proceed with conciliation.
D. The Commission shall notify the Iowa Civil Rights Commission whenever a finding of probable cause or no probable cause has been made with respect to any case within their jurisdiction or whenever such case is otherwise closed.
E. The complaint may be amended at any time prior to the scheduling of the complaint for a public hearing, and thereafter, only upon the consent of the person or persons conducting the hearing. Such leave shall be freely given when justice so requires.

4-4-15 Conciliation.

A. Prior to a finding of probable cause, the person investigating the complaint may enter into the conciliation process with the respondent at the respondent's request where the investigation has been sufficient for the investigator to determine adequate remedies for the alleged discrimination.
B. After a finding of probable cause, the respondent shall be promptly notified in writing of the finding and shall be informed of his/her right to conciliate. The notification shall further contain a suggested place, date, and time for the conciliation meeting.
C. Where the conciliation results in an agreement between the complainant, the respondent, and the Commission, the agreement shall be in writing and shall be signed by the complainant, the respondent or his/her representatives, and by the Chairperson of the Commission.
D. If, after attempts to conciliate, the person(s) directed to conciliate shall find that conciliation efforts have failed, such failure shall be reported in writing to the Commission. If the Commission determines the charge to be well founded, the

Commission will promptly schedule the matter for public hearing. If the Commission determines the charge not to be well founded, the Chairperson shall declare the case closed and shall so notify the Iowa Civil Rights Commission of the failure of conciliation efforts and of the action taken.

4-4-16 Public Hearing.

A. After the Commission determines to take a complaint to public hearing, it shall serve on the respondent by registered or certified mail not less than 20 days before the date of hearing a written notice, together with a copy of the complaint as it may have been amended, requiring the respondent to answer orally or in writing the allegations of the complaint and to appear at a hearing before the Commission or a hearing officer at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant, the Iowa Civil Rights Commission, and such other public officers and such other persons as the Commission deems proper.
B. The notice shall include:
    1. A statement of the time, place, and nature of the hearing.
    2. A statement of the legal authority and jurisdiction under which the hearing is to be held.
    3. A reference to the particular sections of the Ordinance and rules involved.
    4. A short and plain statement of the matters asserted.
C. The hearing will be conducted by the Commission or by a hearing officer appointed by the Commission.
D. No person shall take part in the conducting of the hearing who has any personal interests in its outcome or who has taken part on the investigation of the complaint or taken a position as to whether discrimination occurred with respect to the matter in question. No Commissioner who would be disqualified under the above criteria shall take part in any vote or discussion by the Commission respecting the complaint.
E. If a party fails to appear in a contested case proceeding after proper service or notice, the person(s) conducting the hearing may proceed and make a decision in the absence of the party.
F. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense. The case for the Commission may be presented by any member of the Commission staff or by an attorney from the City Attorney's office. The hearing need not be bound by the strict rules of evidence, but the admission of evidence should be based on sound discretion.
G. The record in a case shall include:
    1. All pleadings, motions, and intermediate rulings.
    2. All evidence received or considered and all other submissions.
    3. A statement of all matter officially noticed.
    4. All questions and offers of proof, objections, and rulings thereon.
    5. All proposed findings and exceptions.
H. Oral proceedings shall be open to the public and shall be recorded either by mechanized means or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the Commission for at least five (5) years from the date of decision. Notice of public hearing shall be disseminated among local news media at least five (5) days prior to the date of the hearing.
I. Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

J. The person(s) conducting the hearing will make written findings of fact and conclusions of law, will state in writing their determination as to whether or not the respondent discriminated against the complainant, and their recommended disposition, including remedies provided under Section 4F of this Ordinance.
K. If the decision under Section J is made by a hearing officer, the Commission shall vote as to whether to adopt, modify, or overrule the written findings and proposed remedies. Their decision shall be by a majority of those present and voting. Thereupon, the Commission shall issue a ruling, either incorporating the proposed findings and remedies as its own or stating the Commission's decision, including separate findings and remedies. For the purposes of Section 16, the date of mailing shall be considered the date of the Commission's decision.

4-4-17 Judicial Review.

A. Any complainant or respondent claiming to be aggrieved by a final order of the Commission, including a refusal to issue an order, may obtain judicial review thereof and the Commission may obtain an order of court for the enforcement of Commission orders in a proceeding as provided in this section.
B. An enforcement proceeding brought by the Commission shall be brought in the Iowa District Court for Muscatine County.
C. Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the respondent. Thereupon the Commission shall file with the court a transcript of the record of the hearing before it. The court shall have the power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the Commission, in whole or in part.
D. An objection that has not been urged before the Commission shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.
E. If no proceeding to obtain judicial review is instituted within thirty (30) days from the service of an order of the Commission under this section, the Commission may obtain an order of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the Commission and resides or transacts business within the county in which the petition for enforcement is brought.
F. An aggrieved party of record may obtain judicial review by filing a petition for judicial review in the Iowa District Court for Muscatine County within thirty (30) days after the Commission has issued or refused to issue a final order.
G. The petition shall name the Commission as a respondent and shall contain a concise statement of:
    1. The nature of the Commission action which is the subject of the petition.
    2. The particular action appealed from.
    3. The grounds on which relief is sought.
    4. The relief sought.
H. Service of the petition shall be made as required in Section 17A.19, Code of Iowa.
I. Where a party files a petition for judicial review, the Commission shall file with the court a transcript of the record of the hearing before it.
J. The court shall not itself hear further evidence with respect to the issues of fact, however, the court may remand the case to the Commission for the taking of further evidence upon application by any party, a showing of materiality, and that there was good cause for failing to present such evidence before the Commission in the original proceeding. The Commission may modify its findings and decision by reason of

additional evidence and shall file that evidence and any modifications, new findings, or decision with the court and mail copies to all parties.

K. The court may affirm the Commission's action or remand to the Commission for further proceedings. The court shall reverse, modify, or grant any other appropriate relief if substantial rights of the petitioner have been prejudiced because the Commission action is:
    1. In violation of constitutional or statutory law or the provisions of this Ordinance.
    2. In excess of the Commission's authority.
    3. In violation of any Commission rule.
    4. Unsupported by substantial evidence.
    5. Unreasonable, arbitrary or capricious, or an abuse of discretion.
    6. Affected by any other error of law.

L. Appeal from the district court may be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

4-4-18 Sixty (60) Day Administrative Release.

A. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the Commission in accordance with this Ordinance. A complainant, after the proper filing of a complaint with the Commission, may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:
    1. The complainant has timely filed the complaint with the Commission as provided in the Ordinance; and
    2. The complaint has been on file with the Commission for at least sixty (60) days and the Commission has issued a release to the complainant pursuant to subsection B of this section.

B. Upon a request by the complainant and after the expiration of sixty (60) days from the timely filing of a complaint with the Commission, the Commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint or a conciliation agreement has been executed; or the Commission has served notice of hearing upon the respondent pursuant to this Ordinance.

C. An action authorized under this section is barred unless commenced within ninety (90) days after the issuance by the Commission of a release under subsection B of this section. If a complainant obtains a release from the Commission under subsection B of this section, the Commission shall be barred from further action on that complaint.

4-4-19 Severability. If any section, provision, or part of this Chapter shall be adjudged to be invalid or unconstitutional, this adjudication shall not effect the validity of the Chapter as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Title 4 – General Provisions
Chapter 5 – Sewage Rate System

SECTIONS:
4-5-1 Purpose
4-5-2 Definitions
4-5-3 Analytical Requirements
4-5-4 Unit Rates
4-5-5 Sewerage Rate System
4-5-6 General Provisions
4-5-7 Collection

4-5-1 Purpose. The City of Muscatine, hereinafter called the "City", has undertaken to construct, expand, and operate a publicly owned treatment works (POTW) consisting of interceptor and trunk sewers, pumping stations, pressure pipe transmission mains, and secondary waste water treatment facilities to provide adequate and proper treatment of sewage and wastewater generated from all properties within the corporate limits of the City and to maintain required compliance with federal and state regulations.

The City has issued sewer revenue and general obligation bonds to finance construction of said publicly owned treatment works and is obligated to repay the bond principals and interest and maintain bond reserve funds, hereinafter called "fixed capital financing".

The City must collect revenues to operate and maintain expenses of said publicly owned treatment works including anticipated replacement expenses, hereinafter called "user charges".

4-5-2 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

A. Biochemical Oxygen Demand (BOD). Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20oC.), expressed in terms of mass and concentration (milligrams per liter (mg/1)).
B. Domestic Strength Wastewater Customer. Shall mean a customer whose wastewater strength approximates an average daily concentration of two hundred fifty milligrams per liter (250 mg/1) BOD and an average daily concentration of two hundred fifty milligrams per liter (250 mg/1) SS, or less but does not exceed an average daily standard strength units of a customer class 1 as defined in 4-5-5(A).
C. Industrial User (I.U.) or User. The source of non-domestic waste. The source of any direct or indirect discharge.
D. Significant Industrial User (S.I.G.). Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 gpd or more of process wastewater, ii) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
E. Operation and Maintenance Expenses. Shall mean those expenses incurred in the collection, pumping, and treatment of wastewater in the POTW of the City of Muscatine.

F. Replacement Expenses. Shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the publicly owned treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
G. Suspended Solids (SS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
H. Publicly Owned Treatment Works or POTW. A “treatment works” as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.
I. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
J. Collection and Drainage Expenses. Shall mean those expenses incurred in the collection and conveyance of wastewater through the collection and drainage system of the City of Muscatine.

4-5-3 Analytical Requirements All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the Iowa Department of Natural Resources proficient in the analysis of wastewater.

A. Sampling and Analytical Fees. The shall adopt by resolution, and publish per Section 362.3 of the Iowa Code reasonable charges and fees for sampling and analytical services which will be assessed to all users that the City is required to monitor as a requirement of a State or Federal Permit, the City's Pretreatment Program or that the City monitor as a requirement of a State or Federal Permit, the City's Pretreatment Program or that the City monitors to assess user charges. Such fees shall be periodically reviewed and adjusted as required.
B. Sampling and Analytical Fee Schedule.

Sampler Placement $15/day
Trip Charge $15/day
Sampler Rental $47/day
Sampler Repair and Servicing $25/hr.

pH	$ 5	Hexavalent Chromium	$26
Biochemical Oxygen Demand (BOD)	$18	Ammonia	$14
Chemical Oxygen Demand (COD)	$13	Cyanide	$32
Non-Filterable Residue (TSS)	$12	Volatile Organic Acids (VOA)	$19
Total Residue (TS)	$12	Alkalinity	$19
Volatile Non-Filterable Residue (TVSS)	$12	Oil & Grease Total	$30
Volatile Total Residue (TVS)	$12	Oil & Grease, Animal	$30
Total Dissolved Solids (TDS)	$12	Oil & Grease, Petroleum	$30
Settleable Solids	$5	Phenols	$25

Total Kjeldahl Nitrogen (TKN)	$16	Phosphate, Ortho or Total	$25
Arsenic by VGA	$40	Glutaraldehyde	$30
Selenium by VGA	$40	Mercury by Cold Vapor	$33
Metals by Acetylene/Air Flame AA*	$19		
Metals by Acetylene/Nitrous Oxide Flame AA**	$20		
Metals by Graphite Furnace AA***	$17		

C. Acetylene/Air Flame AA Metals* Cadmium, Copper, Iron, Lead, Nickel, Potassium, Sodium, Silver, Zinc

   Acetylene/Nitrous Oxide Flame AA Metals** Aluminum, Barium, Chromium, Molybdenum

   Graphite Furnace AA Metals*** Aluminum, Arsenic, Barium, Cadmium, Copper, Chromium, Iron, Lead, Molybdenum, Nickel, Selenium, Zinc.

4-5-4 Collection and Drainage. To provide for the recovery of costs associated with the operation of the collection and drainage, the following per bill charge shall be assessed to all users of the POTW, except for users provided by special agreement, on the following basis:

1. From July 1, 2006 through June 30, 2007, $8.00 per bill.
2. From July 1, 2007 through June 30, 2008, $8.50 per bill.
3. On and After July 1, 2008, $9.25 per bill.

These unit rates may be reviewed and adjusted by Resolution adopted by the city council and published per Section 362.3 of the Iowa Code.

4-5-5 Sewage Rate Component.

A. The sewage rate system shall be determined on the basis of a monthly customer charge and a sewer user charge for a domestic strength wastewater customer (Class 1 customer). The sewage rate components shall be as follows:
   1. From July 1, 2003 through June 30, 2004:
      a. Customer charge, $7.25 per bill
      b. Volume, $1.42 per 100 cubic feet
   2. From July 1, 2004 through June 30, 2005:
      a. Customer charge, $7.25 per bill
      b. Volume, $1.50 per 100 cubic feet.
   3. From July 1, 2005 through June 30, 2006:
      a. Customer charge, $7.25 per bill
      b. Volume, $1.60 per 100 cubic feet
   4. On and after July 1, 2006:
      a. Customer charge, $5.50 per bill
      b. Volume, $1.70 per 100 cubic feet. These sewage rate components may be reviewed and adjusted by Resolution adopted by the city council and published per Section 362.3 of the Iowa Code.
   5. The minimum charge for service shall be determined based on the customer charge and the unit rate for up to a minimum quantity of three hundred (300) cubic feet per month of normal domestic strength wastewater. The minimum charge for service for each month or fraction thereof shall be:

From July 1, 2003 through June 30, 2004, $11.51
From July 1, 2004 through June 30, 2005, $11.75
From July 1, 2005 through June 30, 2006, $12.05
On and after July 1, 2006, $10.60

The minimum charge for sewerage rates as set forth in this section shall be in addition to the per bill charge for collection and drainage as set forth in Section 4-5-4.

The minimum sewerage service charge shall apply to any individual, firm, institution or private corporation discharging waste, water or other liquid into the water pollution control facilities of the city, even though no water meter is installed upon his, her, or its premises.

These minimum charges for service may be reviewed and adjusted by Resolution adopted by the city council and published per Section 362.3 of the Iowa Code.

6. The sewerage user charge component in this section shall be applicable to all customers except those customers subject to a special agreement.

B. Customer Class System.

1. All customers shall be considered a standard classification customer except those customers that are subject to a special agreement. All customers shall be considered non-monitored customers, except the Director of Water Pollution Control Plant may designate industrial users as monitored customers. Monitored customers shall be subject to the requirements for sampling and analytical testing in accordance with the schedule determined by the Director of Water Pollution Control Plant. Any monitored customer shall be subject to the charges for analytical requirements as set forth in Section 4-5-3.
2. The classification system defines the relative Water Pollution Control Facilities cost associated with the wastewater strength for each class. The user charge shall be calculated from metered water use times the sewerage rate stated in Section 4-5-5(A) per 100 cubic feet times the factor presented in the following table, plus the customer charge per bill and the collection and drainage charge as stated in Section 4-5-4.

Customer Class	Factor Times Class 1 Rate
1	1.00
2	1.22
3	1.38
4	1.55
5	1.71
6	1.87
7	2.50
8	3.00
9	4.00
10	5.0 or greater

3. The City Administrator of the City of Muscatine and Director of the Water Pollution Control Plant shall be responsible for assigning customer classes to each type of customer. Customer class assignments of users will be given to Muscatine Power and Water for implementation on the sewer user charges that are billed by Muscatine Power and Water. Customer class assignments shall be reviewed on an annual basis.
4. For each customer designated as a Class 10, the City Administrator and the Director of the Water Pollution Control Plant shall establish the appropriate classification rate which shall be at a rate of 5.0 or greater.

C. Senior Discounts. A discount of $1.00 per month shall be given to all metered dwellings where the customer as the occupant is a qualifying senior citizen sixty-five (65) years of age and older.
D. Summer Rates. User charges for Class 1 domestic residential users will be based on water usage during the winter quarter months of December, January and February of each year. Subsequent monthly sewer bills will be no more than 115% of the billed usage during the previous winter quarter. The City Administrator and the Director of the Water Pollution Control Plant will be responsible for implementing specific procedures in effecting this rate.

4-5-6 General Provisions.

A. The monthly service charges, rates, or rentals as specified in Sections 4-5-4 and 4-5-5 hereof, shall be increased by ten percent (10%) for all users of the treatment works who are located outside of the corporate limits of the City and who have been granted permission by the City to discharge to the POTW.
B. At the request of an industrial user and with the approval of the City Council, the City and customer may enter into a separate agreement that provides for sewer user charges. The agreement shall establish the charges that would otherwise be due and payable under the provisions of Section 4-5-4 and Section 4-5-5. Such agreement shall include provisions for the establishment of sewer user charge rates, the method of payment and the method of sampling and analytical analysis. The special agreement shall provide for the method of determining the sewer user charges provided the revenue generated under a special agreement shall not be less than the established rates for a Class 1 domestic customer.
C. Any customer may provide separate water and/or wastewater meters as approved by the Director of Water Pollution Control Department at his own expense to determine that volume of his total water usage which discharges to the Water Pollution Control Facilities.
D. The rates and classifications provided in this Ordinance shall be reviewed annually to determine that the same are fair and equitable and may be changed periodically at the discretion of the City Council.
E. The Director of Water Pollution Control and other authorized representatives of the Department of Water Pollution Control shall be entitled to access to the premises of any contributor in accordance with Chapter 6, Section 4-6-7.1 and 4-6-7.2.

4-5-7 Collection.

A. The City Council hereby delegates the billing of all sewer use charges except those subject to special agreements under the provisions of Section 4-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Water, Electric and Communications Trustees and the authority to accept payment

of the same to the Board of Water, Electric and Communications Trustees of the City of Muscatine, Iowa, hereinafter referred to as “Board of Trustees”, in accordance with the foregoing schedule and said schedule shall be certified by the Board of Trustees by the City.

As part of the duties delegated to the Board of Trustees, an accurate and complete record of such collections will be maintained and at least once each week, all funds so collected shall be deposited in a bank or banks specified by the Finance Director in the Sewer Rental Fund. The City Council authorizes that the Board of Trustees shall charge to the City a service charge for the cost of billing and collecting the sewerage rate system. As a part of the duties deleted to the Board of Trustees, an accurate and complete list of delinquent accounts shall be sent to the Finance Director on a monthly basis, in addition to regular monthly sewer revenue reports.

B. The City Council hereby delegates the billing of sewer use charges for those users subject to a special agreement under Section 4-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Trustees, and the authority to accept payment of same to the Finance Director of the City of Muscatine, Iowa.

C. The service charge, rate, or rental as provided in Section 4-5-5 hereof, shall be applied to the quantity of water used or wastewater discharged by each contributor of sewerage and other wastewater or liquid for each individual water or wastewater meter contributing to said Water Pollution Control Facility as determined by the monthly water or wastewater meter readings of Board of Water, Electric and Communications Trustees of the City of Muscatine, Iowa. Quantities of wastes originating from users with privately owned water supplies or unmetered water supplies will be determined to the satisfaction of the City at the expense of the owner of the system.

D. The service charge, rate, or rental herein established for all users, except those subject to a special agreement under Section 4-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Trustees shall be due and payable at the Office of Muscatine Power and Water of the City of Muscatine, Iowa, with the billing schedule for water service.

E. Unpaid service charges, rates, or rentals not paid within the billing schedule shall be delinquent. Such charges, rates, or rentals which are delinquent and unpaid on April 1 of any year may be certified by the Finance Director to the County Auditor of Muscatine County, Iowa, for collection in the same manner as taxes.

F. Unpaid service charges, rates, or rentals thirty (30) days past due will be assessed an interest penalty on the unpaid balance. This interest penalty will be as follows:

Unpaid Balance	Interest Penalty
$0 - $1,000	0% per month
Over $1,000	1 1/2% per month

Title 4 – General Provisions
Chapter 6 – Sewer Use Regulations

SECTIONS:

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4-6-5.0 Wastewater Discharge Permit
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4-6-6.10 Analytical Requirements
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4-6-6.12 Timing of Reports
4-6-6.13 Record Keeping

4-6-7.0 Compliance Monitoring
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4-6-10.0 Administrative Enforcement Remedies
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4-6-11.0 Judicial Enforcement Remedies
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4-6-16.7 Schedule of Fees

4-6-1.0 GENERAL PROVISIONS.

4-6-1.1 Purpose and Policy. This ordinance sets forth uniform requirements for users of the wastewater collection and wastewater treatment system of the City of Muscatine, Iowa and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (1977) and the General Pretreatment Regulations (40 CFR 403). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the publicly owned treatment works (POTW) which will interfere with the operation of the system or to contaminate the sludges;
B. To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into the receiving stream, atmosphere or otherwise be incompatible with the system;
C. To protect the personnel who may be affected by wastewater and sludge in the course of operating the POTW;
D. To ensure that the quality of the wastewater treatment plant sludges are maintained at a level to allow for its use, recycle, reclamation, or disposal in compliance with applicable statutes and regulations;
E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
F. To enable the City of Muscatine to comply with its NPDES permit conditions, sludge use and disposal, and any other State or Federal laws to which the POTW is subject.

This ordinance provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires users reporting, establishes administrative review procedures, and provides for the setting of fees for the equitable distribution of cost resulting from the program hereby established.

The provisions of this ordinance shall apply to all direct or indirect contributors to the wastewater collection and treatment system both in the City of Muscatine or by contract or agreement outside of the City of Muscatine.

4-6-1.2 Administration. Except as otherwise provided herein, the Director of the WPCP shall administer, implement and enforce the provisions of this ordinance. Any of the powers granted or duties delegated upon the Director of the WPCP, may be delegated by the Director of the WPCP to other city personnel.

4-6-1.3 Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

A. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
B. Approval Authority. The Executive Director of the Iowa Department of Natural Resources is the Approval Authority.
C. Authorized Representative of the Industrial User.
    1. If the industrial user is a corporation, authorized representative shall mean:
        a. the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
        b. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    2. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
    3. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
    4. The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Muscatine.
D. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/L)).
E. Building Sewer. The piped extension from the building drain to the public sewer or other place of disposal.
F. Carbonaceous Biochemical Oxygen Demand (CBOD). A quantitative measure of the amount of dissolved oxygen required for the biological oxidation of carbon-containing compounds in a sample.
G. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
H. City. The City of Muscatine, County of Muscatine, State of Iowa, or the City Council of Muscatine, Iowa.
I. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
J. Control Authority. The Director of the Water Pollution Control Plant (POTW) is the Control Authority.
K. Cooling Water. Water discharged from any use such as air conditioning cooling or refrigeration to which the only pollutant added is heat.

L. Director. The person designated by the City of Muscatine, Iowa, to direct the operation of the publicly owned treatment works (POTW) who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

M. Direct Discharge. The discharge of treated or untreated water directly into the waters of the State of Iowa.

N. Discharge or Indirect Discharge. The discharge or indirect discharge of any pollutant from any source (including holding tanks) regulated under Section 307 (b) or (c) of the Act (33 U.S.C. 1317) into the POTW.

O. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

P. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Q. Grab Sample. A sample which is taken from a waste stream on a onetime basis without regard to the flow in the waste stream and without consideration of time.

R. Industrial User (I.U.) or User. The source of nondomestic waste. The source of any direct or indirect discharge.

S. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

T. Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, disease causing etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

U. New Source.

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
    b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    a. Begun, or caused to begin as part of a continuous on-site construction program; or
        i. Any placement, assembly, or installation of facilities or equipment; or
        ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
    b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

V. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

W. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

X. Pass Through. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

Y. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.

Z. pH. A measure of the acidity or alkalinity of a substance expressed in standard units.

AA. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

BB. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

CC. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

DD. Pretreatment Standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

EE. Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4-6-2.3 of this ordinance.

FF. Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

GG. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

HH. Sewage. Human excrement and gray water (household showers, dish washing operations, etc.)

II. Shall is mandatory. May is permissive.

JJ. Significant Industrial User. Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 gpd or more of process wastewater, ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

KK. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 4-6-2.3 of this ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

LL. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget, 1972.

MM. Storm Sewer. A sewer which carries stormwater, surfacewater, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, non-contact cooling water, but excludes all pollutants, sewage or wastewater.

NN. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt.

OO. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

PP. Toxic Pollutant. One of 129 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.

QQ. User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

RR. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

SS. Wastewater Treatment Plant or Water Pollution Control Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

TT. Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

4-6-1.4 Abbreviations. The following abbreviations shall have the designated meanings:

A. BOD - Biochemical Oxygen Demand
B. CBOD - Carbonaceous Biochemical Oxygen Demand
C. CFR - Code of Federal Regulations
D. COD - Chemical Oxygen Demand
E. EPA - U.S. Environmental Protection Agency
F. gpd - Gallons Per Day
G. L - Liter
H. mg - Milligrams
I. mg/L - Milligrams Per Liter
J. NPDES - National Pollutant Discharge Elimination System
K. O&M - Operation and Maintenance
L. POTW - Publicly Owned Treatment Works
M. RCRA - Resource Conservation and Recovery Act
N. SIC - Standard Industrial Classifications
O. SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
P. TSS - Total Suspended Solids
Q. USC - United States Code
R. WPCP - Water Pollution Control Plant

4-6-2.0 GENERAL SEWER USE REQUIREMENTS

4-6-2.1 Use of POTW Required.

A. No unauthorized person shall uncover, make any connections with, or open into, use, alter, or disturb any public sewer or appurtenance thereof without obtaining a written permit from the City in accordance with Title 5, Chapter 15 of the City Code.
B. It shall be unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, private vat, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within two hundred fifty feet (250') of the property line.
E. All multiple stack connections shall be prohibited. Every structure within the City which is required to connect to the public sewer, as provided in Section 4-6-2.1(D), shall have an independent connection made or caused to be made at no expense to the City unless specifically approved in writing by the City.

4-6-2.2 Private Sewer Systems.

A. Where a public sanitary sewer is not available under the provisions of Section 4-6-2.1(D), the sewers as therein provided shall be connected to a private sewage disposal system complying with the provisions of this section.

B. No private sewage disposal system shall be constructed without first obtaining a permit to so construct in accordance with Title 5, Chapter 15 of the City Code.
C. Before issuance of a permit to construct a private sewage disposal system, the owner or applicant shall submit to the City plans, specifications, or other information as deemed necessary by the City. The fee for such a permit shall be in accordance with Title 5, Chapter 15 of the City Code. Any percolation test not made by City officials must be made and certified by a licensed engineer.
D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Iowa. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
E. In addition to complying with the provisions of this Code, all commercial and industrial facilities utilizing a private disposal system shall obtain a permit from the Iowa Department of Environmental Quality when employing more than fifteen (15) persons and/or discharging other than sanitary waste to the private disposal system.
F. At such time as a public sewer becomes available to a property serviced by a private sewage disposal system as provided in Section 4-6-2.1(D), a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
G. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
H. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any health officer.

4-6-2.3 Prohibited Discharge Standards. No user shall introduce or cause to be introduced either directly or indirectly into the POTW any pollutant or wastewater which will interfere with the operation or performance or cause pass through or interfere with the POTW. These prohibitions, both general and specific, apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standard or requirement. Furthermore, no user may contribute the following substances to the POTW:

A. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, and other flammable or explosive fuels.
B. Any wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive damage to the POTW or equipment, or endangering City personnel.
C. Solid or viscous substances which may cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch (1/2") in any dimension. Included, but not limited to, bones, hide or fleshings, entrails, feathers, ashes, sand, spent lime, metal, glass, straw, shavings, grass clippings, diapers, rags, spent grains, wastepaper, wood, plastics, tar, asphalt, grease, or garbage.
D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.
E. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference,

but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 88 degrees F (31 degrees C).

F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
G. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
H. Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with Section 4-6-3.6.
I. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
J. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable State or Federal regulations.
K. Storm water, surface water, ground water, artesian well water, roof runoff, interior and exterior foundation drains, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.
L. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
M. Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
N. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
O. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
P. Any wastewater causing the treatment plant's effluent to fail an effluent toxicity test, violate its NPDES permit or the receiving stream water quality standards.
Q. Any discharge of fats, oil, or grease of animal or vegetable origin is limited to 100 mg/L.

Wastes prohibited by this section shall not be stored or processed in such a manner that they could be discharged to the POTW. All floor drains located in such process or material storage areas must discharge to the users pretreatment facility before connecting to the POTW. When it is determined that a user or users are contributing to the POTW, any of the above listed substances in amounts to interfere with the proper operation of the POTW, the Director shall: 1) advise the user(s) of the impact on the POTW; and 2) develop a limitation for the user(s) to correct the interference on the POTW; or 3) proceed with remedies contained in Sections 4-6-10.0 through 4-6-12.0.

4-6-2.4 <u>Federal Pretreatment Standards</u>

A. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
B. Upon promulgation of Federal categorical pretreatment standards for a particular industry subcategory, the Federal Standard if more stringent than stated in this ordinance, shall immediately supersede the limitations imposed by this ordinance. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

4-6-2.5 <u>State Requirements.</u> State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements or limitations or those in this ordinance.

4-6-2.6 Specific Pollutant Limitations. Specific local limitations will be established by resolution and published per Section 362.3 of the Iowa Code. These local limits shall be periodically reviewed for any substance which would cause the POTW to be in noncompliance of the requirements of its NPDES permit, the receiving streams water quality standards, Federal or State sludge regulations, the City's Biosolids Recycle Program, the City's Pretreatment Program, or any other local, State or Federal regulations. Current limitations are hereby established as a composite loading of all users contributing the following specific pollutants to the POTW:

A. Not to exceed the following 30 day average mass loading in the influent to the POTW:

CBOD	67,500 lbs/day
TSS	67,500 lbs/day

B. Not to exceed the following respective loadings in the influent to the POTW:

Arsenic	1.38 lbs/day	Nickel	14.2 lbs/day
Cadmium	1.32 lbs/day	Selenium	1.22 lbs/day
Chromium	40.8 lbs/day	Zinc	94.6 lbs/day
Copper	50.7 lbs/day	Silver	509 lbs/day
Lead	10.1 lbs/day	Cyanide	2994 lbs/day
Mercury	0.57 lbs/day	Phenol	599 lbs/day
Molybdenum	0.61 lbs/day		

C. Any specific local pollutant limitation, including allocations contained in a wastewater discharge permit, may be adjusted by the Director as necessary to meet current composite loading limits or such composite loading limits that may become necessary as a result of changes in Federal, State or local regulation or POTW capacity.

4-6-2.7 City's Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 4-6-1.1 of this ordinance or the general and specific prohibitions in Section 4-6-2.3 of this ordinance.

4-6-2.8 Special Agreements. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

4-6-2.9 Dilution. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate

treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 4-6-3.0 PRETREATMENT OF WASTEWATER

4-6-3.1 Pretreatment Facilities. Industrial users shall provide the necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 4-6-2.3 above within the time limitations specified by the EPA, the State, or the Director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans and/or written description of the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The installation and activation of any required pretreatment facility shall be in accordance with a specified schedule approved by the City. The City may require regular progress reports of required changes to an industrial users pretreatment facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this ordinance.

4-6-3.2 Additional Pretreatment Measures

A. When deemed necessary, the Director may require users to restrict discharge during peak flow periods, designate certain wastewaters be discharged into specific sewers, or separate sewage waste streams from industrial waste streams. Suitable flow control and storage may be required to provide flow equalization and regulation.
B. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand. Such interceptors shall not be required of residential users. All interceptor units shall be of a type and capacity approved by the Director and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired by the owner at his expense.
C. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

4-6-3.3 Accidental Discharge. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before construction. Such facilities shall be provided and maintained at the owner or user's own cost. Review and approval of such plans and procedures shall not relieve the user from any responsibility to modify the user's facility as necessary to meet the requirement of this ordinance. In the case of any accidental discharge or slug load, it is the responsibility of the user to immediately notify the POTW in accordance with Section 4-6-6.6 of this ordinance.

4-6-3.4 Accidental Discharge/Slug Control Plans. The Director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the Director shall evaluate whether each significant industrial user needs

such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges.
B. Description of stored chemicals.
C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 4-6-2.3 of this ordinance.
D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

4-6-3.5 Tenant Responsibility Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

4-6-3.6 Hauled Wastewater

A. Permitting Requirements In accordance with Section 4-6-4.2, effective Month XX, 199X, commercial septic tank cleaners must apply for and obtain a permit from the City of Muscatine Water Pollution Control Plant (WPCP) before disposing of septage or wastewater from any private waste facility or septic tank.
B. Permitting Procedures
    1. Application for permit Commercial septic tank cleaners shall apply for a permit by completing an application form provided by the City of Muscatine (WPCP) and submitting it to the Pretreatment Coordinator, Muscatine Water Pollution Control Plant, 1202 Musser Street, Muscatine, Iowa, 52761-1645. In the case of a commercial septic tank cleaner which is a corporation, partnership, association, or any other business entity, the entity itself must apply as provided in this ordinance. The entity shall designate one person in accordance with Section 4-6-1.3 (C) to act as its authorized representative for the purpose of applying for a permit. Individuals employed by a commercial septic tank cleaner business are not required to be permitted. Each cleaning unit (vehicle or tank) must have the state license and city permit number prominently displayed and a copy of the current state license and city permit with each vehicle.
    2. Permit Fee The initial permit application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the City of Muscatine. The fee shall be determined annually by the Director.
    3. Permit Renewal A commercial septic tank cleaner permit must be renewed annually by the expiration date specified on the permit. Renewal application must be made on an application form provided by the Muscatine WPCP, and must be received by the WPCP Pretreatment Coordinator or postmarked at least thirty (30) days prior to the expiration date. The renewal application form must be accompanied by the permit fee specified in Section 4-6-3.6 (B) (2).

4. Change in Ownership Within thirty (30) days of a change in ownership of any commercial septic tank cleaner the new owner shall furnish the Muscatine WPCP with the following information in writing: 1) name of business and permit number; 2) name, address, and telephone number of new owner; and 3) the date the change in ownership takes place. The permit will transfer with the ownership with no additional fee due until the next renewal date.
5. Suspension, Revocation, and Denial of Permit
    a. The City may suspend, revoke, or deny a commercial septic tank cleaner permit for any of the following reasons:
        i. Material misstatement of facts in a permit application.
        ii. Failure to provide the adequate permit application fee.
        iii. Failure to satisfy the obligations of a commercial septic tank cleaner and standards as provided in the Code of Iowa, Chapters 65, 69, and 121 and the Muscatine City Code, Section 4-6-3.6.
        iv. Violations of disposal standards in Section 4-6-2.0 of this ordinance.
        v. Failure to maintain state commercial septic tank cleaner license.
6. Appeal A commercial septic tank cleaner may appeal the suspension, revocation, or denial of a permit under Section 4-6-5.3 of this ordinance.
7. Reinstatement In the case of a denial, revocation, or suspension pursuant to Section 4-6-3.6 (B) (5) (a) (2) or (3), the City may immediately reinstate or issue a permit after receipt of the requisite fee or confirmation that the commercial septic tank cleaner is fulfilling the requirements of this ordinance. In the case of a denial, revocation, or suspension pursuant to Section 4-6-3.6 (B) (5) (a) (1) or (4), the City may reinstate or issue a permit no sooner than sixty (60) days after the denial, revocation, or suspension, if the City is satisfied the commercial septic tank cleaner has corrected the deficiency and will comply with the City ordinances in the future.

C. Standards for Discharge to the Muscatine Water Pollution Control Plant
1. Disposal of wastes from private waste facilities shall be carried out in accordance with the rules established by the Iowa Department of Natural Resources (IDNR), the Muscatine City Code and any such laws, regulations, standards, or requirements that may become effective.
    a. Any tanks or equipment used for hauling from private waste facilities shall not be used for hauling hazardous or toxic wastes as defined in the Code of Iowa 567, Chapter 131, or other wastes detrimental to wastewater treatment plants; and shall not be used in a manner that would contaminate a potable water supply or endanger the food chain or public health.
    b. The name and address of the permit holder shall be prominently displayed on the side of the tank or vehicle.
    c. All vehicles shall display the state commercial septic tank cleaner license and city permit numbers assigned to the commercial septic tank cleaner on the vehicle as to be readable by WPCP electronic monitoring equipment.
    d. Waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities may be disposed of by discharging, with proper approval, to the Muscatine Water Pollution Control Plant
    e. Waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar

types of private waste facilities shall only be discharged at a designated structure within the treatment plant area, and only at such times as are established by the Director, provided such wastes do not violate any requirements established or adopted by the City.

f. Fees for discharging waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities shall be established as part of the industrial user fee system as authorized in Section 4-6-15.0.

g. All vehicles shall be equipped with appropriate discharge equipment as to be compatible with the facilities provided at the Muscatine WPCP discharge station.

4-6-3.7 Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 4-6-10.0, 4-6-11.0, and 4-6-12.0.

SECTION 4-6-4.0 WASTEWATER DISCHARGE PERMIT ELIGIBILITY

4-6-4.1 Wastewater Survey. When requested by the Director all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the ordinance.

4-6-4.2 Wastewater Discharge Permit Requirement

A. It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 4-6-10.0, 4-6-11.0, and 4-6-12.0. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

B. The Director may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

4-6-4.3 Wastewater Discharge Permitting, Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the City for a wastewater discharge permit in accordance with Section 4-6-4.6 below, and shall not cause or allow discharges to the POTW to continue after one hundred and eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Director.

4-6-4.4 Wastewater Discharge Permitting, New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge.

An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

4-6-4.5 Wastewater Discharge Permitting, Extra Jurisdictional Industrial Users

A. Any existing significant industrial user located beyond the City limits shall submit a wastewater discharge permit application, in accordance with Section 4-6-4.6 below, within ninety (90) days of the effective date of this ordinance. New significant industrial users located beyond the City limits shall submit such applications to the Director ninety (90) days prior to any proposed discharge into the POTW.
B. Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

4-6-4.6 Wastewater Discharge Permit Application. In order to be considered for a wastewater discharge permit, all users required to have a permit must submit an application, in the form required by the City, accompanied by the proper fee as set forth in Section 4-6-15.0. The application must contain the information required in Section 4-6-6.1(B) of this ordinance. In addition the following information shall be supplied:

A. Name, address, and location if different from address.
B. S.I.C. number according to the Standard Industrial Code Manual, Bureau of the Budget, amended 1972.
C. Wastewater constituents and characteristics including, but not limited to, those in Section 4-6-2.3 of this ordinance as determined by a certified laboratory. Sampling and analysis performed in accordance with Section 4-6-6.10 of this ordinance.
D. Number and type of employee and hours of operation of the facility including operation of a pretreatment facility.
E. Description of activities, facilities, and plant processes on the premises, including a list of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
F. The current site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
G. Time and duration of the discharge to the POTW.
H. Average daily flows including fifteen (15) minute peak flows, and any daily, monthly or seasonal flow variations.
I. Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State or Federal Pretreatment Standards and a statement regarding whether or not pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet pretreatment standards.
J. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the applicant for revision.

4-6-4.7 Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4-6-4.8 Wastewater Discharge Permit Decisions. The Director will evaluate the information supplied by the industrial user in the application for a wastewater discharge permit and may require additional information. After evaluation and acceptance of the information supplied, the Director shall determine whether or not to issue a wastewater discharge permit subject to the terms of this ordinance.

SECTION 4-6-5.0 WASTEWATER DISCHARGE PERMIT

4-6-5.1 Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a period less than, but not longer than, five (5) years. Each permit will indicate the specific time and date of expiration.

4-6-5.2 Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

A. Wastewater discharge permits must contain the following information:
    1. A statement of duration not to exceed five (5) years.
    2. A statement of nontransferability without prior notification to and approval from the Director and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
    3. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
    4. Specifications for monitoring programs which include sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
    5. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and, any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
    6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
B. Wastewater discharge permits may contain, but need not be limited to, the following:
    1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated; or routine discharges
5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
6. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
7. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
8. Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

4-6-5.3 Wastewater Discharge Permit Appeals. Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
D. If the City fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative action for purposes of judicial review.
E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition with the Iowa District Court for Muscatine County within thirty (30 days of the decision.

4-6-5.4 Wastewater Discharge Permit Modification. The Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
D. Information indicating that the permitted discharge poses a threat to the City's POTW, city personnel, or the receiving waters.
E. Violation of any terms or conditions of the wastewater discharge permit.

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
H. To correct typographical or other errors in the wastewater discharge permit.
I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

4-6-5.5 Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner and/or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
B. Identifies the specific date on which the transfer is to occur.
C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

4-6-5.6 Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for the following reasons:

A. Failure to notify the City of significant changes to the wastewater prior to the changed discharge.
B. Failure to provide prior notification to the City of changed conditions pursuant to Section 4-6-6.5.
C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
D. Falsifying self-monitoring reports.
E. Tampering with monitoring equipment.
F. Refusing to allow the City timely access to the facility premises and records.
G. Failure to meet effluent limitations.
H. Failure to pay fines.
I. Failure to pay sewer charges.
J. Failure to meet compliance schedules.
K. Failure to complete a wastewater survey or the wastewater discharge permit application.
L. Failure to provide advance notice of the transfer of a permitted facility.
M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

4-6-5.7 Wastewater Discharge Permit Reissuance. A permitted industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 4-6-4.6 a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

SECTION 4-6-6.0 REPORTING REQUIREMENTS

4-6-6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraph B, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
B. The industrial user shall submit the information required by this section including:
    1. Identifying Information. The name and address of the facility including the name of the owners, operator, and contact in direct responsible charge.
    2. Wastewater discharge permits. A list of any environmental control permits held by or for the facility.
    3. Description of Operations. A brief description of the nature average rate of production, and standard industrial classifications (SIC number) of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
    4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
    5. Measurement of Pollutants.
        a. Identify the categorical pretreatment standards applicable to each regulated process.
        b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4-6-6.10.
        c. Sampling must be performed in accordance with procedures set out in Section 4-6-6.11.
    6. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis--and, if not, whether additional operation and maintenance (O&M) and/or additional

pretreatment is required to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the industrial user will define the shortest schedule which will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 4-6-6.2 of this ordinance.
8. All baseline monitoring reports must be signed and certified in accordance with Section 4-6-4.7.

4-6-6.2 Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by 4-6-6.1(B)(7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director.

4-6-6.3 Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section 4-6-6.1(B)(4-6). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4-6-4.7.

4-6-6.4 Periodic Compliance Reports

A. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4-6-4.7.
B. All wastewater samples must be representative of the industrial user's discharge. Wastewater sampling, monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be

grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 4-6-6.11 of this ordinance the results of this monitoring shall be included in the report.

4-6-6.5 Report of Changed Conditions. Each industrial user is required to notify the Director in writing of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

A. The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4-6-4.6.
B. The Director may issue a wastewater discharge permit under Section 4-6-4.8 or modify an existing wastewater discharge permit under Section 4-6-5.4.
C. No industrial user shall implement the planned changed conditions(s) until and unless the Director has responded to the industrial user's notice.
D. For purposes of this requirement flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

4-6-6.6 Reports of Potential Problem Discharges

A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 4-6-2.3 of this ordinance), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.
B. Within five (5) days following the beginning of such discharge, the industrial user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to stop the discharge and to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.
C. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this ordinance.
D. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

4-6-6.7 Reports from Nonsignificant Industrial Users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Director may require.

4-6-6.8 Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

4-6-6.9 Notification of the Discharge of Hazardous Waste

A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 4-6-6.5, above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 4-6-6.1, 4-6-6.3, and 4-6-6.4, above.
B. Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.
   Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
D. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

4-6-6.10 Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be

performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

4-6-6.11 Monitoring and Sample Collection Facilities

A. The Director may require any industrial user of the POTW to provide and operate at the user's expense, sampling or monitoring facilities to allow inspection sampling and flow measurement of a building sewer or any internal drainage system. The monitoring facility will normally be situated on the user's property, but the Director may, when such a location is impractical or would cause undue hardship, allow the facility to be located in a public street, right-of-way, or sidewalk, provided there is no safety hazards or interference with the normal use of the public area.
B. Except as indicated in Section C, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
C. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.
D. The Director may use a grab sample(s) to determine noncompliance with pretreatment standards.

4-6-6.12 Timing of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

4-6-6.13 Record Keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the Director.

SECTION 4-6-7.0 COMPLIANCE MONITORING

4-6-7.1 Inspection and Sampling. The City shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Director and/or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

B. The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
C. The City may require the industrial user to install sampling and monitoring equipment. Such equipment and facilities shall be maintained at all times in safe and proper operating condition. All devices used to measure wastewater flow and quality shall be calibrated periodically, but at a minimum six (6) month interval. Calibration records shall be maintained with each instrument. The City may require additional calibration or repairs or replacement to assure accurate and continuous sampling and monitoring. All cost for installation, operation, calibration, and repair/replacement shall be at the industrial user's expense.
D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
E. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this ordinance.

4-6-7.2 Search Warrants. If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the City designed to 4-6-7.2 (cont.) verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Magistrate of Muscatine County shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

SECTION 4-6-8.0 CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction--unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 4-6-9.0 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous twelve

(12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
C. Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);
D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
G. Failure to accurately report noncompliance;
H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 4-6-10.0 ADMINISTRATIVE ENFORCEMENT REMEDIES

4-6-10.1 Notification of Violation. Whenever the Director finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Director or his agent may serve upon said user a written Notice of Violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

4-6-10.2 Consent Orders. The Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to Sections 4-6-10.4 and 4-6-10.5 below and shall be judicially enforceable.

4-6-10.3 Show Cause Hearing. The Director may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on

the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

4-6-10.4 Compliance Orders. When the Director finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

4-6-10.5 Cease and Desist Orders. When the Director finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements.
B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

4-6-10.6 Administrative Fines.

A. Notwithstanding any other section of this ordinance, any user that is found to have violated any provision of this ordinance, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement shall be fined in an amount not to exceed one thousand dollars ($1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
B. Assessments may be added to the user's next scheduled sewer service charge and the Director shall have such other collection remedies as may be available for other service charges and fees.
C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of one and one-half percent (1 1/2%) per

month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

D. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within twenty (20) days of being notified of the fine. Where a request has merit, the Director shall convene a hearing on the matter within twenty (20) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.
E. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

4-6-10.7 Emergency Suspensions. The Director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 4-6-10.8 are initiated against the user.
B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director, prior to the date of any show cause or termination hearing under Sections 4-6-10.3 and 4-6-10.8.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

4-6-10.8 Termination of Discharge. In addition to those provisions in Section 4-6-5.6 of this ordinance, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

A. Violation of wastewater discharge permit conditions.
B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
E. Violation of the pretreatment standards in Section 4-6-2.0 of this ordinance. Such user will be notified of the proposed termination of its discharge and be offered an

opportunity to show cause under Section 4-6-10.3 of this ordinance why the proposed action should not be taken.

SECTION 4-6-11.0 JUDICIAL ENFORCEMENT REMEDIES

4-6-11.1 Injunctive Relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Director may petition the Iowa District Court for Muscatine County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

4-6-11.2 Civil Penalties

A. Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the Director for a maximum civil penalty of one thousand dollars ($1,000.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
B. The Director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
D. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

4-6-11.3 Criminal Prosecution

A. Any user that willfully or negligently violates any provision of this ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars ($100.00) per violation per day or imprisonment for not more than thirty (30) days.
B. Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one hundred dollars ($100.00) and/or be subject to imprisonment for thirty (30) days. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be

punished by a fine of not more than one hundred dollars ($100.00) per violation per day or imprisonment for not more than thirty (30) days.

D. In the event of a second conviction, a user shall be punished by a fine of not more than one hundred dollars ($100.00) per violation per day or imprisonment for not more than thirty (30) days.

4-6-11.4 Remedies Nonexclusive. The provisions in Sections 4-6-9.0 through 4-6-12.0 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

SECTION 4-6-12.0 SUPPLEMENTAL ENFORCEMENT ACTION

4-6-12.1 Performance Bonds. The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

4-6-12.2 Liability Insurance. The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

4-6-12.3 Water Supply Severance. Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

4-6-12.4 Public Nuisance. Any violation of this ordinance, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code Title 9, Chapter 4 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

SECTION 4-6-13.0 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

4-6-13.1 Upset

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) are met.
C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    1. An upset occurred and the industrial user can identify the cause(s) of the upset;
    2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
    3. The industrial user has submitted the following information to the POTW and treatment plant operator within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
        a. A description of the indirect discharge and cause of noncompliance
        b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue
        c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
E. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
F. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

4-6-13.2 General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 4-6-2.3 of this ordinance if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City of Muscatine was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

4-6-13.3 Bypass

A. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur

in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
C. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass, The POTW may waive the written report on a case-by-case basis if the oral report has been received with twenty-four (24) hours.
D. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless;
    1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    3. The industrial user submitted notices as required under paragraph (C) of this section.

    The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (D) of this section.

SECTION 4-6-14.0 SURCHARGE COSTS

(RESERVED)

SECTION 4-6-15.0 MISCELLANEOUS PROVISIONS

4-6-15.1 Pretreatment Charges and Fees. The City shall adopt and periodically review reasonable charges and fees for the recovery of the costs of setting up and operating the City's Pretreatment Program. These fees and charges shall be adopted by resolution and published per Section 362.3 of the Iowa Code. These fees and charges may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications.
B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
C. Fees for reviewing and responding to accidental discharge procedures and construction.

D. Fees for the filing and review of appeals.
E. Fees for the dumping of hauled wastewater.
F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City.

4-6-15.2 Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

4-6-15.3 Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict.

SECTION 4-6-16.0 FATS, OILS, AND GREASE CONTROL

4-6-16.1 Scope and purpose: The scope and purpose of this section shall be to establish uniform permitting, maintenance, and monitoring requirements to aid in the prevention of sanitary sewer blockages and obstructions that result from the discharge and accumulation of fats, oils, and grease into the City of Muscatine Publicly Owned Treatment Works (POTW) from industrial or commercial establishments, particularly food preparation and serving establishments.

A. The objectives of this ordinance are to:
    1. Prevent the introduction of excessive amounts of grease into Muscatine's POTW.
    2. Prevent clogging or blocking of the City's sewer lines due to grease build-up causing sewer line backup and flooding of streets, residences and commercial buildings, resulting in potential liability to the City.
    3. Implement a procedure to recover the costs incurred in cleaning and maintaining sewer lines and disposing of grease blockages,
    4. Implement a procedure to recover costs for any liability incurred by the City for damage caused by grease blockages resulting in the flooding of streets, residences or commercial buildings.
    5. Issue Grease Discharge Permits (GDPs) to food service establishments to require maintenance, monitoring, compliance, and enforcement activities.
    6. Establish administrative review procedures and reporting requirements.
    7. Establish fees for the recovery of costs resulting from the program established herein.
    8. Establish enforcement procedures for violations of any part or requirement of this section.
B. Applicability: The provisions of this section shall apply to all existing food service establishments that are located within the municipal boundaries of the City of Muscatine and to all food service establishments that begin operations within the municipal boundaries of the City of Muscatine on or after the effective date of this Ordinance.

4-6-16.2 Definitions: The following terms, when used in this section, shall have the meanings ascribed to them below:

A. Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the

pollution of waters of the State. For purposes of this ordinance, Best Management Practices include procedures and practices that reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and to the POTW.

B. Fats, Oils, and Grease means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

C. Food Service Establishment: A commercial facility engaged in preparing and/or serving food for consumption by the public, such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution.

D. Grease Discharge Permit (GDP): A permit issued by the City of Muscatine authorizing the discharge of grease laden wastewater to the POTW from a food service establishment.

E. Grease Interceptor: A tank that serves one or more fixtures and is remotely located. Such grease interceptors include, but are not limited to tanks that capture wastewater from dishwashers, floor drains, pot and pan sinks and trenches. For purposes of this Ordinance, a grease interceptor is an outside, underground, multi-compartment tank that reduces the amount of FOG in wastewater prior to discharging into the POTW.

F. Grease Trap: A device designed to retain grease from one to a maximum of four fixtures. A grease trap is not appropriate for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this Ordinance, a grease trap is a small, indoor device.

G. Minimum design capability means the design features of a grease interceptor or grease trap and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.

H. Non-cooking establishments means those food service establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

I. POTW means the Publicly Owned Treatment Works in Muscatine, Iowa and includes the collection and drainage system, the pumping stations, and the wastewater treatment plant.

J. Restaurant fixture means sinks, dishwashers, garbage grinders, floor drains, trenches, or other equipment discharging wastewater to a grease interceptor or grease trap.

K. User means any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute wastewater from mobile sources, such as those who discharge hauled wastewater.

4-6-16.3 Grease Traps and Interceptors:

A. Requirements: All food service establishments are required to have a grease interceptor or grease trap. The requirements in this section are in addition to any applicable requirements of the City of Muscatine Plumbing Code and the International Plumbing Code.

    1. New Establishments: On or after the effective date of this section, food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service establishment, where such establishment did not previously exist, shall be

required to install, operate and maintain a grease interceptor or grease trap according to the requirements contained in this section. Grease interceptors or grease traps shall be installed and permitted prior to the issuance of a certificate of occupancy.

2. Existing Establishments: All food service establishments existing within the City prior to the effective date of this section shall be permitted to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition.
   On or after the effective date of this section, the City may require an existing food service establishment to install, operate, and maintain a new grease interceptor or grease trap that complies with the requirements of this section or to modify or repair any noncompliant plumbing or existing interceptor or trap within ninety (90) days of written notification by the City when any one or more of the following conditions exist:
   a. The establishment is found to be contributing oils and grease in quantities greater than one hundred milligrams per liter (100mg/L).
   b. The establishment does not have a grease interceptor or grease trap.
   c. The establishment has an undersized, irreparable, or defective grease interceptor or grease trap.
   d. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Muscatine.
   e. The existing establishment does not have plumbing connections to a grease interceptor or grease trap in compliance with the requirements of this section
   f. The establishment fails to submit a completed GDP Application within sixty (60) days after the date of the receipt of an application form from the City of Muscatine.
   g. The establishment has not operated as a food service facility for twelve (12) consecutive months prior to receiving the GDP application form.

B. Grease interceptors and grease traps shall be installed by users as follows:
   1. Grease interceptors or grease traps shall be installed at the user's expense, when such user operates a food service establishment. Grease interceptors or grease traps may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when it is deemed necessary by the Director or his/her designee for the proper handling of liquid wastes containing grease.
   2. Grease interceptors shall conform to the standards outlined in the International Plumbing Code adopted by reference in the Plumbing Code of the City of Muscatine, Iowa.
   3. Grease interceptors shall provide access manholes with a minimum diameter of twenty-four (24) inches over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.
   4. No non-grease-laden sources shall be allowed to connect to sewer lines intended for grease interceptor service.
   5. Grease interceptors and grease traps shall be equipped with an accessible sampling port on the effluent side of the interceptor or trap.

C. Users who are required to pass wastewater through a grease interceptor or grease trap shall:
   1. Operate the grease interceptor or grease trap in a manner so as to maintain such device such that attainment of the grease limit is consistently achieved.

"Consistent" shall mean any wastewater sample taken from such grease interceptor or trap shall meet the numerical limit of one hundred milligrams per liter (100mg/L).

2. Remove any accumulated grease cap and sludge pocket as required when FOG and solids reach twenty-five percent (25%) of the unit's capacity, at the user's expense. Grease interceptors and grease traps shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor or grease trap.
3. Not reintroduce skimmed or pumped wastes or other materials removed from the grease interceptor or grease trap that are treated in any fashion on-site back into the grease interceptor or grease trap as an activity of or after such on-site treatment.
4. Understand and agree that use of hot water as a grease abatement method is prohibited and the use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this method of grease abatement shall maintain the interceptor or trap in such a manner that attainment of the grease wastewater discharge limit, as measured from the outlet, is consistently achieved.
5. Understand and agree that the use of an automatic grease removal system is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.
6. Maintain a written record of grease interceptor or grease trap maintenance, including dates and means of disposal, for three (3) years. All such records will be available for inspection by the City at all times.

4-6-16.4 Food Service Establishment Permitting Program

A. Permitting requirements for food service establishments: Each food service establishment shall be evaluated to determine whether it falls within the definition of a Significant Industrial User (SIU). Establishments classified, as SIUs shall be subject to permitting as provided in Section 4-6-4.0 et. seq. All other food service establishments shall be required to apply for and obtain a Grease Discharge Permit from the City. The City shall approve, deny, or approve with special conditions all applications for GDPs in accordance with the policies and regulations established in this section. The GDP shall be in addition to any other permits, registrations, or occupational licenses that may be required by Federal, State or local law. It shall be unlawful for any food service establishment identified by the City to discharge wastewater containing fats, oils and grease to the City's POTW without a current GDP.
B. Application form: The City shall provide an application form for a GDP. The appropriate form shall be provided to all food service establishments identified by the City. All food service establishments required under the terms of this program to obtain a GDP shall submit a completed application form for a GDP to the City at the address shown on the form within thirty (30) calendar days of receipt of the form. Each application form shall include the following information:
    1. Name, address, telephone number and location, (if different from the address) of applicant, owner of the premises (if different from the tenant when property is leased) from which fats, oils, and grease are discharged,

and the name of a representative duly authorized to act on behalf of the food service establishment.

2. A description of the activities, facilities, and processes on the premises, including a list of all equipment, raw materials and chemicals used or stored at the facility. Material Safety Data Sheets (MSDSs) of all such chemicals shall be included.
3. A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors, and appurtenances in the user's premises, if known.
4. The number of employees, the number and times of shifts, and the hours and days of facility operation.
5. Copies of recent water bills.
6. Details of all grease interceptor maintenance conducted within the past year.
7. A signed statement certifying that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this section, as well as any other applicable Federal, State or local regulations governing the food service establishment.
8. Any other information determined by the Director to be necessary in order to evaluate the GPD application.

C. Application procedure: Once a completed application form has been returned to the City, the food service establishment will be inspected prior to the issuance of the GDP. During the pre-permit inspection, the information contained in the application form will be verified and the grease interceptor or grease trap will be inspected. If all information is verified and the grease interceptor or trap is in proper working condition, a GDP will be issued together with a copy of the City's information document entitled *"Fats, Oil and Grease Best Management Practices Manual".*
If the grease interceptor or grease trap requires any maintenance or repairs, or incorrect information has been given, the inspector shall provide a *Notice to Correct* any deficiencies. The Notice shall include a required time schedule for repairs to be effected prior to a second pre-permit inspection. Second pre-permit inspections shall be performed after a minimum of thirty (30) calendar days have elapsed to allow for corrective action by the food service establishment. If the facility is not in compliance at the second pre-permit inspection, charges and fees will be levied.
An application for a permit shall be granted with conditions or denied within sixty (60) days after the date of the last pre-permit inspection in which the applicant's facility is in compliance.

D. <u>Grease Discharge Permit:</u> The following criteria apply to all GDPs:

1. Each GDP shall be effective for a one-year period and shall have an effective and an expiration date.
2. The GDP must be posted for public view and a copy of the GDP must be kept in the establishment's records file.
3. The GDP shall be issued to a specific user for a specific operation. A GDP shall not be transferred or sold to a new owner under any circumstances. A new owner is required to apply for a new GDP.
4. An application for renewal of the GDP shall be submitted at least sixty (60) days prior to the expiration date of the existing GDP by each applicant wishing to continue to discharge wastewater to the POTW. Failure to submit applications in a timely manner shall be a violation of this section.
5. The terms and conditions of the GDP are subject to modification by the City during the term of the permit, if limitations or requirements in this program are modified. The permit holder shall be informed of any proposed changes in the issued permit at least sixty (60) days prior to the effective date of the

change(s). Any changes or new conditions in the GDP shall include a reasonable schedule for achieving compliance.

E. Entry: Each food service establishment shall allow the Director or his/her designee or other duly authorized employees or agents of the City bearing proper credentials and identifications access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of this section. The refusal of any food service establishment to allow entry to or upon the establishment's premises for purposes of inspection, sampling effluents or inspecting and copying records or performing such other duties as shall be required by this section shall constitute a violation of this section. The Director may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge his duties pursuant to this section.

F. Inspection: All food service facilities shall be inspected as follows:

1. Pre permit inspections: Pre-permit inspections shall be conducted by City officials as outlined in Section 4-6-16.4(C).
2. Inspections: The inspector shall inspect food service establishments on both an unscheduled and unannounced basis or on a scheduled basis after a GDP has been issued to verify compliance with the requirements of this section. The inspector shall also determine if the practices contained in the "Fats, Oil and Grease Best Management Practices Manual" issued to the establishment have been implemented. All food service establishments with a current GDP shall be inspected. Inspections shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor or grease trap. The inspector shall also inspect the interceptor or trap maintenance logbook and file, other pertinent data, the grease interceptor or grease trap, and may check the level of the interceptor or trap contents and/or take samples as necessary. The inspector shall record all observations on a Compliance Inspection Checklist. Any deficiencies shall be noted, including but not limited to:
    a. Failure to properly maintain the grease interceptor or grease trap in accordance with the provisions of the GDP and this section.
    b. Failure to report changes in operations or wastewater constituents and characteristics.
    c. Failure to report pumping activities or keep copies of manifest forms or receipts.
    d. Failure to maintain logs, files, records, or access for inspection or monitoring activities.
    e. Failure to obtain or renew the GDP in a timely manner.
    f. Any other inconsistency with the program that requires correction by the food service facility concerned.

    If any deficiencies are recorded by the inspector during an inspection, the inspector shall provide the food service establishment a written Notice to Correct within twenty-one (21) calendar days and a tentative date for a re-inspection.
3. Re-inspections: The inspector shall re-inspect food service establishments that receive a Notice to Correct. The inspector shall inspect any repairs or other deficiencies and shall note compliance on the Compliance Inspection Checklist. In the event that the food service establishment has returned to compliance with all of the deficiencies, there shall be no charge for the re-inspection. In the event of continuing non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the

food service establishment. A first re-inspection shall be performed after a minimum of twenty-one (21) calendar days have elapsed to allow for corrective action by the food service establishment to be completed.

G. Monitoring: The City shall have the right to sample and analyze the wastewater from any food service establishment at any time to determine compliance with the requirements of the Sewer Use Regulations. If violations of the oil and grease limit are detected, enforcement action may be initiated and monitoring costs may be billed to the food service establishment.

4-6-16.5 Grace Period

A. Except as provided herein, for a period of ninety (90) days after the effective date of this section, although installation of grease interceptors or grease traps will be required, no enforcement actions will be taken under this section for failure to achieve limits on grease discharges from grease interceptors or grease traps.
B. If, during this grace period, an obstruction of a City sewer main(s) occurs that causes a sewer overflow to the extent that a hazard to human health or the environment is realized and that such overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the City's sewer main(s), the City will take appropriate enforcement actions, as stipulated in the City's Industrial Pretreatment Program Enforcement Response Plan and Sewer Use Regulations, against the generator or contributor of such grease.

4-6-16.6 Fees

A. The charges and fees provided for in this section are separate and distinct from all other fees chargeable by the City. The City shall adopt and periodically review reasonable charges and fees for the recovery of the costs of operating the City's Fats, Oils, and Grease Control Program. These fees and charges shall be adopted by resolution and published per Section 362.3 of the Iowa Administrative Code. These charges and fees may include:
    1. Fees for a Grease Discharge Permit application including the cost of processing such applications.
    2. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a food service establishment's wastewater discharge and reviewing monitoring reports.
    3. Fees and charges for reviewing construction and responding to accidental discharge.
    4. Fees for filing and review of appeals.
    5. Other charges and fees as the City may deem necessary to carry out the requirements contained herein.

4-6-16.7 Schedule of Fees

A. Grease Discharge Permit fees: Grease Discharge Permit (GDP) fees shall be determined according to a schedule as follows:

Table 1
Consumption On The Premises

Annual Gross Sales	**GDP Fee**

Less than $50,000.00	$50.00
$50,000.00 to less than $100,000.00	$85.00
$100,000.00 to less than $250,000.00	$175.00
$125,000.00 to less than $500,000.00	$200.00
$500,000.00 or more	$225.00

Table 2
Consumption Off The Premises

Annual Gross Sales	**GDP Fee**
Less than $10,000.00	$30.00
$10,000.00 to less than $250,000.00	$75.00
$250,000.00 to less than $500,000.00	$115.00

(1) Food service establishments covered by both fee schedules shall be assessed permit fees not to exceed seventy-five (75) percent of the total applicable fees.

B. Pre-permit inspection fees: The charge for the initial pre-permit inspection shall be included as part of the permit application fee. A fee of $150 may be charged for the second inspection if a third inspection is required to resolve pre-permitting noncompliance. A fee of $250 shall be charged to a food service establishment for a third pre-permit inspection fee. If a fourth or more inspections are required, a fee of $500 shall be charged to the food service establishment to recover the cost for each inspection. Such fees shall be in addition to any enforcement actions.

C. Inspection and re-inspection fees: There shall be no charge for random inspections conducted by inspectors of a food service establishment with a current GDP. If a grease interceptor or trap has to be re-inspected because of deficiencies found during the previous inspection by the inspector and all of the deficiencies are found to be corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a second inspection fee of $150 may be charged to the food service establishment. If a third inspection is required, an inspection fee of $250 shall be charged to the food service establishment if all of the deficiencies have still not been corrected. If a fourth or more inspections are required an inspection fee of $500 for each successive re-inspection shall be charged to the food service establishment in addition to other enforcement actions if all of the deficiencies have still not been corrected.

D. Monitoring fees: Fees for any monitoring, sampling, and analysis of wastewater discharges deemed necessary for the protection of the POTW shall be charged to the food service establishment in the amount established in Section 4-5-3(B).

E. Administrative Order fee: A fee of $500 shall be charged to any food service facility or grease hauler that is issued with an administrative order as required by Section 4-6-10.0.

F. All fees shall become immediately due and owing to the City upon receipt of invoice(s) for rendition of services or expenditure by the City and shall become delinquent if not fully paid within thirty (30) days after receipt. Any delinquent amount shall be subject to a late charge of fifteen (15) percent.

Title 4 – General Provisions
Chapter 7 – Urban Renewal

SECTIONS:
4-7-1 Purpose
4-7-2 Definitions
4-7-3 Provisions for Divisions of Taxes Levied on Taxable Property in the Urban Renewal Project
4-7-4 Saving Clause

4-7-1 Purpose. The purpose of this Ordinance is to provide for the division of taxes levied on a taxable property in the Urban Renewal Project of the City of Muscatine, Iowa, each year by and for the benefit of the state, city, county, school districts, or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest of loans, moneys advanced to, or indebtedness, including bonds proposed to be issued by the City of Muscatine in connection with its urban renewal activities.

4-7-2 Definitions. For use within this Ordinance, the following terms shall have the following meanings:

A. "City" shall mean the City of Muscatine, Iowa.
B. "County" shall mean the County of Muscatine, Iowa.
C. "Urban Renewal Project" shall mean the Muscatine, Iowa, Urban Renewal Project No. 1, as embodied in the Urban Renewal Plan approved by the Council of the City and recorded in Book 261 of Lots, page 555, in the Muscatine County Recorder's Office, which provides for the acquisition, clearance, and redevelopment of certain properties in the City of Muscatine, Iowa, and Urban Renewal Project No. 2 as adopted July 18, 1974, and as amended August 19, 1976.
D. "Taxable Property in the Urban Renewal Project" shall mean the following described property:
    1. A part of Lots One (1) and Two (2), in Block Thirty-three (33), in the City of Muscatine, Iowa, described as follows, to-wit:
    Commencing at the northwesterly corner of said Lot One (1), thence southerly along the Westerly line thereof thirty-five and twenty-two hundredths (35.22) feet; then Easterly and parallel to the Northerly line of Second Street in said City, sixty-eight (68,) feet; then Northerly and at right angles to said last described line thirty-six (36) feet to the Southerly line of the twenty (20) foot public alley in said Block Thirty-three (33); thence Westerly along said last described line sixty-eight (68) feet to the place of beginning.
    2. Beginning at the intersection of the Southerly right-of-way line of Third Street and the Easterly right-of-way line of Iowa Avenue; thence Northeasterly approximately 300' along the Southerly right-of-way line of Third Street to the intersection of the Westerly right-of-way line of Sycamore Street; thence Southeasterly approximately 140' along the Westerly right-of-way line of Sycamore Street to the intersection with the Northerly right-of-way line of Alley 2; thence Southwesterly approximately 300' along the Northerly right-of-way line of Alley 2 to the intersection with the Easterly right-of-way line of Iowa Avenue; thence Northwesterly approximately 140' along the Easterly right-of-way line of Iowa Avenue to the point of beginning.

4-7-3 Provisions for Divisions of Taxes Levied on Taxable Property in the Urban Renewal Project. After the effective date of this Ordinance, the taxes levied on the Taxable Property in the Urban Renewal Project each year by and for the benefit of the State of Iowa, the City, the County, and any school district, or districts in which the Urban Renewal Project is located, or other taxing districts shall be divided as follows:

A. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the Taxable Property in the Urban Renewal Project, as shown on the assessment roll used in connection with the taxation of the property by the taxing district, last equalized prior to the effective date of this Ordinance, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Project on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the County last equalized on the effective date of this Ordinance shall be used in determining the assessed valuation of the Taxable Property in the Urban Renewal Project on the effective date.
B. That portion of the taxes each year in excess of such amounts Shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to, or indebtedness whether funded, refunded, assumed, or otherwise, including bonds issued under the authority of Section 403.9 (1) of the Code of Iowa, incurred by the City to finance or refinance in whole or in part its urban renewal activities, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the, provisions of this Ordinance. Unless and until the total assessed valuation of the Taxable Property in the Urban Renewal Project exceeds the total assessed value of the Taxable Property in the Urban Renewal Project as shown by the last equalized assessment roil referred to in subsection (A) of this Section, ail the taxes levied and collected upon the Taxable Property in the Urban Renewal Project shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the Taxable Property in the Urban Renewal Project shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
C. The portion of taxes mentioned in subsection (B) of this Section and the special fund into which they shall be paid may be irrevocably pledged by this City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9 (1) of the Code of Iowa, or indebtedness incurred by the City in connection with its urban renewal activities.
D. As used in this Section the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

4-7-4 Saving Clause. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Title 4 – General Provisions
Chapter 8 – Industrial Tax Exemption

SECTIONS:
4-8-1 Partial Exemption
4-8-2 New Construction
4-8-3 Reconstruction
4-8-4 Duration
4-8-5 Amount of Exemption
4-8-6 Application
4-8-7 Repeal
4-8-8 Limitation of Tax Exemptions
4-8-9 Effective Dates

4-8-1 Partial Exemption. This article does hereby provide for a partial exemption pursuant to Chapter 427B of the Code of Iowa from property taxation of the actual value added to the industrial real estate.

4-8-2 New Construction. New construction as referred to herein means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures.

4-8-3 Reconstruction. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Development Commission.

4-8-4 Duration. The partial exemption shall be available until such time as this Ordinance is repealed by the City Council of the City of Muscatine, Iowa.

4-8-5 Amount of Exemption. The actual value added to industrial real estate for the reasons specified in this Article is eligible to receive a partial exemption from taxation for a period of five (5) years. "Actual value added" as used in this Article means the actual value added as of the first of the year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

A. for the first year, seventy-five percent (75%)
B. for the second year, sixty percent (60%)
C. for the third year, forty-five percent (45%)
D. for the fourth year, thirty percent (30%)
E. for the fifth year, fifteen percent (15%)

However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

4-8-6 Application. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February first of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the director of revenue and shall contain information pertaining to the nature of the improvement, its cost and other information deemed necessary by the director of revenue.

A person may submit a proposal to the City Council of the City to receive prior approval for eligibility for a tax exemption on new construction. The City Council, by Ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the City. The prior approval shall also be subject to the hearing requirements of Section 427B.1 of the Code of Iowa.

Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject.

4-8-7 Repeal. When in the opinion of the City Council continuation of the exemption granted in this Article ceases to be of benefit to the City, the City Council may repeal this Ordinance, but all existing exemptions shall continue until their expiration.

4-8-8 Limitation on Tax Exemptions. A property tax exemption under this Article shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

4-8-9 Effective Dates. This chapter shall be effective on passage and shall continue in effect until repealed by City Council.

Title 4 – General Provisions
Chapter 9 – Division of Taxes Levied on Taxable Property in the Downtown and Industrial Connector Urban Renewal Area

SECTIONS:
4-9-1 Purposes
4-9-2 Definitions
4-9-3 Provision for Division of Taxes Levied on Taxable Property in the Urban Renewal Areas.

4-9-1 Purposes. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Downtown and Industrial Connector Urban Renewal Areas, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Muscatine to finance projects in such areas.

4-9-2 Definitions. For use within this ordinance the following terms shall have the following meanings:

A. "City" shall mean the City of Muscatine, Iowa.
B. "County" shall mean the County of Muscatine, Iowa.
C. "Urban Renewal Areas" shall mean the Downtown and Industrial Connector Renewal Areas, the boundaries of which are set out below, such areas having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on July 21, 1994:
D. "Downtown Urban Renewal Area"
    1. All public property, including but not limited to roadways and public rights-of-way; parks; recreational areas; and publicly-owned land, structures and improvements; and
    2. The following parcels, as shown by Muscatine County Tax Assessor's Parcel Number:

    08-35-485-003
    08-35-485-011
    08-35-485-021
    08-35-485-022
    08-35-458-017
    08-35-477-021
    08-35-480-023
    08-35-480-003
    08-35-480-007
    08-35-480-009
    08-35-480-011
    08-35-480-015
    08-35-480-016
    08-35-480-017
    08-35-480-018
    08-36-313-019

All of which properties are located within an area whose boundaries are described as follows:

Real estate generally bounded on the south by the Mississippi river; on the east by the Norbert Beckey Bridge and U.S. Highway 92, East Second Street and Oak Street to Sixth Street; on the north by Sixth Street between Oak and Iowa Avenue; and on the west by Iowa Avenue from Sixth Street to Fourth Street, Fourth Street from Iowa Avenue to Chestnut Street, Chestnut Street from Fourth Street to Third Street, Third Street from Chestnut Street to Linn Street, Linn Street from Third Street to Alley No. 1, Alley No. 1 extended to Elm Street and Elm Street extended to the Mississippi River, the point of beginning."

4-9-3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Areas. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Areas each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Areas are located, shall be divided as follows:

A. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Areas, as shown on the assessment roll as of January 1, 1993, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Areas on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1, 1993, shall be used in determining the assessed valuation of the taxable property in the Urban Renewal Areas on the effective date.
B. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Areas, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Areas exceeds the total assessed value of the taxable property in such areas as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Areas shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Areas shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
C. The portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the

authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Areas.

D. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Title 4 – General Provisions
Chapter 10 – Division of Taxes Levied on Taxable Property in the Highway 38 Northeast Urban Renewal Area

SECTIONS:
4-10-1 Purposes
4-10-2 Definitions
4-10-3 Provision for Division of Taxes Levied on Taxable Property in the Urban Renewal Areas.

4-10-1 Purposes. The purpose of this ordinance is to provide the division of taxes levied on the taxable property in the Highway 38 Northeast Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Muscatine to finance projects in such area.

4-10-2 Definitions. For use within this ordinance the following terms shall have the following meanings:

A. "City" shall mean the City of Muscatine, Iowa.
B. "County" shall mean the County of Muscatine, Iowa.
C. "Urban Renewal Area" shall mean the Highway 38 Northeast Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on October 3, 1996:

LEGAL DESCRIPTION

A tract of land located in the Northeast Quarter and the Northwest Quarter of Section 24, Township 77 North, Range 2 West of the 5th P.M., Muscatine County, Iowa. Said tract more particularly described as follows: Beginning at the Northwest Corner of the Northeast Quarter of said Section 24; thence North 89°28'58" East (assumed bearing) 904.20 feet on the North line of the Northeast Quarter of said Section 24; thence South 00°30'17" East 2642.65 feet to the South line of the Northeast Quarter of said Section 24; thence South 89°30'02" West 741.74 feet on said South line to the Easterly right-of-way of State Highway No. 38; thence North 16°25'35" West 763.21 feet on said Easterly right-of-way; thence North 30°29'55" West 154.85 feet on said easterly right-of-way; thence North 21°40'59" West 534.60 feet on said Easterly right-of-way; thence North 24°49'01" West 308.06 feet on said Easterly right-of-way; thence North 21°40'59" West 1095.53 feet on said Easterly right-of-way to the North line of the Northwest Quarter of said Section 24; thence North 89°30'12" East 886.89 feet on said North line to the point of beginning. Said tract contains 75.30 acres.

LEGAL DESCRIPTION

A tract of land located in the Southwest Quarter of Section 13, Township 77 North, Range 2 West of the 5th P.M., Muscatine County, Iowa. Said tract more particularly described as

follows: Commencing at the Southwest Corner of the Southeast Quarter of said Section 13; thence South 89°30'12" West 99.46 feet on the South line of the Southwest Quarter of said Section 13 to the Point of Beginning of the tract herein described; thence continuing South 89°30'12" West on said Southerly line 787.43 feet; thence North 21°40'59" West on the Easterly right-of-way of State Highway No. 38 a distance of 8.58 feet; thence North 89°30'12" East 790.53 feet; thence South 00°00'00" East 8.00 feet to the Point of Beginning. Said tract contains 0.11 acres.

4-10-3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

A. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of .the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.
B. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.91(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
C. the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

D. as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Title 4 – General Provisions
Chapter 11 – Property Exempt from Taxation

SECTIONS:
4-11-1 Property Exempt from Taxation

4-11-1 Property Exempt from Taxation. Pursuant to Iowa Code Section 427.1(27) the property known and identified as 1425 Houser Street South is exempt from taxation until such time as the property is leased or sold.

Title 4 – General Provisions
Chapter 12 – Urban Revitalization Area - Progress Park

SECTIONS:
4-12-1 Urban Revitalization Area

4-12-1 Urban Revitalization Area. Pursuant to Chapter 404 of the Code of Iowa, the Progress Park industrial area, which is appropriated as an economic development area, is hereby declared an Urban Revitalization Area under the City of Muscatine's Urban Revitalization Plan.

Title 4 – General Provisions
Chapter 13 – Urban Revitalization Area – Downtown Area

SECTIONS:
4-13-1 Urban Revitalization Area

4-13-1 Urban Revitalization Area. Pursuant to Chapter 404 of the Code of Iowa, the Downtown Area, which is appropriated as an economic development area, is hereby declared an Urban Revitalization Area under the City of Muscatine's Urban Revitalization Plan.

Title 4 – General Provisions
Chapter 14 – Muscatine Mall Renewal Area

SECTIONS:
4-14-1 Purpose
4-14-2 Definitions
4-14-3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area
4-14-4 Repealer
4-14-5 Saving Clause
4-14-6 Effective Date

4-14-1 Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Muscatine Mall Urban Renewal Area of the City of Muscatine, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Muscatine to finance projects in such area.

4-14-2 Definitions. For use within this ordinance the following terms shall have the following meanings:

A. "City" shall mean the City of Muscatine, Iowa.
B. "County" shall mean Muscatine County, Iowa.
C. "Urban Renewal Area" shall mean the Muscatine Mall Urban Renewal Area of the City of Muscatine, Iowa, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on December 7, 2006.

   Certain real property in the City of Muscatine, County of Muscatine, State of Iowa, more particularly described as follows:

   IT IS GENERALLY DESCRIBED AS A POINT BEGINNING AT THE EASTERLY RIGHT-OF-WAY LINE OF PARK AVENUE AND THE NORTHERLY RIGHT-OFWAY LINE OF HARRISON STREET; THENCE NORTHEASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF HARRISON STREET EXTENDED TO A POINT ON THE EASTERLY PROPERTY LINE OF THE MUSCATINE MALL; THENCE NORTHERLY ALONG THE EAST LINE OF MUSCATINE MALL; THENCE WESTERLY TO A POINT AT THE INTERSECTION OF THE EASTERLY PROPERTY LINE OF THE BEMIS PARCEL; THENCE NORTHERLY TO THE NORTH RIGHT-OF-WAY LINE OF FORD AVENUE; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF FORD AVENUE AS EXTENDED TO PARK AVENUE; THENCE SOUTHERLY ALONG THE EAST PROPERTY LINE OF PARK AVENUE TO THE POINT OF BEGINNING.

4-14-3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

A. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.
B. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.
C. the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.
D. as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

4-14-4 Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4-14-5 Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

4-14-6 Effective Date. This ordinance shall be effective after its final passage, approval and published as provided by law.

Title 4 – General Provisions
Chapter 15 – Division of Taxes on Taxable Property in
2003 Addition to the South End Urban Renewal Area

SECTIONS:
4-15-1 Purpose
4-15-2 Definitions
4-15-3 Division of Taxes

4-15-1 Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2003 Addition to the South End Urban Renewal Area of the City of Muscatine, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Muscatine to finance projects in the such area.

4-15-2 Definitions. For use within this ordinance, the following terms shall have the following meanings:

A. "City" shall mean the City of Muscatine, Iowa.
B. "County" shall mean the County of Muscatine, Iowa.
C. "Urban Renewal Area Amendment" shall mean the 2003 Addition to the South End Urban Renewal Area of the City of Muscatine, Iowa, the boundaries of which are set out below, approved by the City Council by resolution adopted on the 21st day of August 2003.

   Certain real property situated in the City of Muscatine, County of Muscatine, State of Iowa more particularly described as follows:

   Township 76 North, Range 2 West to the south 1/4 corner of Section 9; thence west along the north line of Sections 16 and 17, Township 76 North, Range 2 West to the north 1/4 corner of Section 17; thence south to the center of Section 17; thence west to the west 1/4 corner of Section 17; thence south to the southwest corner of Section 17; thence west along the north line of Section 19 to the northwest corner of said Section 19; thence south to the southwest corner of the northwest 1/4 of the northwest 1/4 of Section 19; thence west along the centerline of the north 'A of Section 24 to the northwest corner of southwest 1/4 of the northwest 1/4 of Section 24; thence south along the west line of Sections 24 and 25 to the southwest corner of northwest 1/4 of the northwest 1/4 of Section 25; thence east along the centerline of the north 1/2 of Sections 25 and 30 the centerline of the main track of the former Chicago, Rock Island, and Pacific Railroad; thence northeasterly along the centerline of said railroad to the south line of Section 9, Township 76 North, Range 2 West where it intersects with the existing Urban Renewal Area.

4-15-3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

A. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the

assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

B. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

C. the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

D. as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Title 4 – General Provisions
Chapter 16 – Urban Revitalization Area
- Northeast Urban Renewal Area

SECTIONS:
4-16-1 Purpose
4-16-2 Definitions
4-16-3 Division of Taxes

4-16-1 Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Northeast Urban Renewal Area of the City of Muscatine, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Muscatine to finance projects in such area.

4-16-2 Definitions. For use within this ordinance, the following terms shall have the following meanings:

A. "City" shall mean the City of Muscatine, Iowa.
B. "County" shall mean the County of Muscatine, Iowa.
C. "Urban Renewal Area Amendment" shall mean the Northeast Urban Renewal Area of the City of Muscatine, Iowa, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution on November 6, 2003:

   Part of the Northwest Fractional Quarter of Section 19, Township 77 North, Range 1 West of the 5th Principal Meridian, City of Muscatine, Muscatine County, Iowa, described as follows:

   Beginning at the northwest corner of said Fractional Quarter of Section 19; thence North 88°54'26" East, 1955.05 feet on the north line of said Fractional Quarter Section to the east line of the West Half of said Fractional Quarter Section, thence South 01°02'49" East, 2662.54 feet to the south line of the West Half of said Fractional Quarter Section; thence South 89°28'33" West, 1030.12 feet on said line to the east right of way of University Drive; thence North 01°12'10" West, 998.47 feet on said east right of way line to the centerline of Primary Road No. U.S. 61; thence South 53°31'28" West, 1145.65 feet on said centerline to the west line of the West Half of Fractional Quarter Section 19; thence North 00°46'06" West, 2317.26 feet on said line to the point of beginning, containing 105.227 acres, more or less.

4-16-3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

A. that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the

assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

B. that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

C. the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

D. as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

TITLE 4 - GENERAL PROVISIONS
CHAPTER 17 - DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE MUSCATINE 2010 INDUSTRIAL URBAN RENEWAL AREA

SECTIONS:

4-17-1 Purpose
4-17-2 Definitions
4-17-3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area

4-17-1 Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Muscatine 2010 Industrial Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Muscatine to finance projects in such area.

4-17-2 Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Muscatine, Iowa.

"County" shall mean Muscatine County, Iowa.

"Urban Renewal Area" shall mean the Muscatine 2010 Industrial Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on January 21, 2010:

Certain real property situated in the City of Muscatine, County of Muscatine, State of Iowa more particularly described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25 AND IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 77 NORTH, RANGE 2 WEST OF THE 5TH P.M., IN THE CITY OF MUSCATINE, MUSCATINE COUNTY, IOWA. BEGINNING AT THE SOUTHEAST CORNER OF SECTION 26; THENCE NORTH 89°34'42" WEST 382.70 FEET; THENCE NORTH 00°33'24" EAST 160.00 FEET; THENCE NORTH 89°34'42" WEST 240.55 FEET TO THE EASTERLY RIGHT OF WAY OF ISETT AVENUE; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES: NORTH 17°04'52" WEST 711.99 FEET TO THE BEGINNING OF A 607.50 FOOT RADIUS CURVE CONCAVE EASTERLY WHOSE 431.76 FOOT CHORD BEARS NORTH 03°44'05" EAST; THENCE NORTHEASTERLY AN ARC DISTANCE OF 441.41 FEET; THENCE NORTH 24°36'18" EAST 512.25 FEET; THENCE NORTH 16°13'04" EAST 235.74 FEET TO THE SOUTHERLY RIGHT OF WAY OF CLAY STREET; THENCE NORTH

74°24’37” EAST 513.06 FEET ALONG SAID RIGHT OF WAY TO THE BEGINNING OF A 5729.65 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WHOSE 1126.17 FOOT CHORD BEARS SOUTH 15°34’56” EAST; THENCE SOUTHEASTERLY AN ARC DISTANCE OF 1127.99 FEET; THENCE NORTH 89°33’05” WEST 53.77 FEET TO THE BEGINNING OF A 5779.65 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WHOSE 460.68 FOOT CHORD BEARS SOUTH 23°18’33” EAST; THENCE SOUTHEASTERLY AN ARC DISTANCE OF 460.80 FEET; THENCE SOUTH 59°12’08” WEST 223.46 FEET TO THE BEGINNING OF A 1959.88 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY WHOSE 49.02 FOOT CHORD BEARS NORTH 38°50’18” WEST; THENCE NORTHWESTERLY AN ARC DISTANCE OF 49.02 FEET; THENCE SOUTH 50°26’43” WEST 35.00 FEET TO THE BEGINNING OF A 1924.88 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY WHOSE 585.72 FOOT CHORD BEARS SOUTH 30°48’28” EAST; THENCE SOUTHEASTERLY AN ARC DISTANCE OF 588.01 FEET; THENCE NORTH 89°36’49” WEST TO THE POINT OF BEGINNING, CONTAINING 42.261 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

4-17-3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular

and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Title 5 – Business Regulations
Chapter 1 – Amusements

SECTIONS:
5-1-1 License Required
5-1-2 Duration of License
5-1-3 Fire Inspections

5-1-1 License Required. No person shall keep, conduct, carry on, or operate any roller skating rink, shooting gallery, theatre, or any machine or apparatus for amusement or trial of skill or strength, including, but not limited to, pin ball machines, not otherwise provided for herein in this Section for a fee, charge, or profit, unless he shall first procure a license and pay a fee therefore in accordance with Title 5, Chapter 15 of the City Code.

5-1-2 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 (31) day of December after it's issuance:

5-1-3 Fire 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 has been certified that such building is in compliance with the fire codes.

Title 5 – Business Regulations
Chapter 2 – Outdoor Commercial
Entertainment Establishment Permit

SECTIONS:
5-2-1 Outdoor Commercial Entertainment Establishment Permit
5-2-2 Application, Fee, Renewal, and Transfer

5-2-1 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 acquiring a valid permit issued by the city clerk for such establishment pursuant to the provisions of this chapter. 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. A permit once issued may be suspended or revoked by the City Administrator or his/her designee pursuant to the rules and guidelines established by the City Administrator or his/her designee. An applicant or permit holder aggrieved by a decision of the City Administrator or his/her designee shall have the right of appeal to the City Council. Any person who violates this section shall be charged with a municipal infraction and shall be subject to a civil penalty of $500.00 for the first violation and a civil penalty of $750.00 for each subsequent violation.

5-2-2 Application for Annual Permit, Fee, Renewal, and Transfer of Permit. Application for an outdoor commercial entertainment establishment permit shall be filed with the city clerk on forms provided for that purpose. A permit may be applied for and issued to expire one year following the date of the issuance of the permit and the fee shall be $10.00 which fee may be changed by Resolution of the City Council. An application for a renewal of a permit shall be filed not later than one month prior to the date of expiration of the permit.

Title 5 – Business Regulations

Chapter 3 – Beer and Liquor

SECTIONS:

5-3-1 Purpose
5-3-2 Definitions
5-3-3 Eligibility for Liquor Control License or Beer Permit
5-3-4 Conditions for Approval of License or Permit; Premises
5-3-5 Beer Permits; Classes
5-3-6 Liquor Licenses; Classes
5-3-7 Separate Locations; Class "B" or "C"
5-3-8 Application, Contents; Bond
5-3-9 Investigation of Applicant
5-3-10 Application for Renewal of Permit
5-3-11 Civil Liability
5-3-12 License and Permit Fees
5-3-13 Nature of License or Permit
5-3-14 Action by Council
5-3-15 Expiration of License or Permit
5-3-16 Refunds
5-3-17 Transfers
5-3-18 Prohibited Sales and Acts
5-3-19 Beer Brand Signs Prohibited
5-3-20 Suspension and Revocation
5-3-21 Effect of Revocation
5-3-22 Appeal and Hearing
5-3-23 Consumption in Public Places; Possession of Open Containers; Intoxication
5-3-24 Persons Under Legal Age
5-3-25 Dancing Permitted; License
5-3-26 Penalties
5-3-27 Persons Under Legal Age Frequenting Taverns
5-3-28 Open Containers

5-3-1 Purpose. The purpose of this Ordinance is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor for the protection of the safety, morals, and general welfare of this community.

5-3-2 Definitions. Where words and phrases used in this Ordinance are defined by state law, such definitions shall apply to their use in this Ordinance and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

A. "Person of good moral character" means any person who meets all of the following requirements:
    1. He has such financial standing and good reputation as will satisfy the City Council and the Director that he will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances, and regulations applicable to his operations under state law.
    2. He does not possess a Federal Gambling Stamp, except for such gambling activities as are permitted by the laws of the State of Iowa.

3. He is not prohibited by the provisions of Section 5-3-21 of this Ordinance from obtaining a liquor license or beer permit.
4. He is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.
5. He has not been convicted of a felony. However, if his conviction of a felony occurred more than five (5) years before the application for a license or permit, and if his rights of citizenship have been restored by the Governor, the Director may determine that he is a person of good moral character notwithstanding such conviction.
6. If such person is a corporation, partnership, association, club, hotel, or motel, the requirements of this subsection shall apply to each of the officers, directors, and partners of such person, and to any person who directly or indirectly owns or controls ten percent (10%) or more of any class of stock of such person or has an interest of ten percent (10%) or more in the ownership or profits of such person. For the purpose of this provision, an individual and his spouse shall be regarded as one person.

B. "Club" means any nonprofit corporation or association of individuals which is the owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.
C. "Commercial establishment" means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the ordinances of this city.
D. "Grocery store" means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.
E. "Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded and sold by a registered pharmacist.
F. "Hotel" or "motel" means a premises licensed by the State Department of Agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.
G. "Legal age" means twenty-one (21) years of age or more.

5-3-3 Eligibility for Liquor Control License or Beer Permit. Upon meeting the requirements imposed by state law and the ordinances of this city, a person who is of good moral character as defined by state law and this Ordinance may apply for a liquor control license or beer permit. In the case of a club, corporation, or partnership, the officers of the club or corporation and the partners of a partnership shall be persons of good moral character as defined by state law and this Ordinance.

5-3-4 Conditions for Approval of License or Permit; Premises. An applicant for a new liquor control license or beer permit or for the renewal of such license or permit, as a further condition for approval by the City Council, must give consent in writing on the application that members of the Fire, Police, and Health departments and the Building Inspector may enter upon the premises without warrant to inspect for violations of the provisions of state law and this Ordinance, and provide that:

A. No liquor control license or beer permit shall be approved for premises which do not conform to all applicable laws, ordinances, resolutions, and fire regulations.
B. No licensee shall have or maintain any interior access to residential or sleeping quarters unless permission is granted by the State Beer and Liquor Control Director in the form of a living quarters permit.

C. The premises for which a Class “B” beer permit is sought must be located within a business district or an area now or hereafter zoned as a business district or conform to the zoning requirements of this city.
D. The premises of a Class “B” beer permit shall, at the time of the application, continue to be equipped with sufficient tables and seats to accommodate twentyfive (25) persons at one time.
E. No state liquor store shall be located within three hundred feet (300’) of a public or private educational institution unless a lesser distance is specifically authorized by ordinance.

5-3-5 Beer Permits; Classes. Beer permits shall be classed as follows:

A. Class “B”. A Class “B” beer permit shall allow the holder to sell beer at retail for consumption on or off the premises.
B. Class “C”. A Class “C” beer permit shall allow the holder to sell beer at retail for consumption off the premises only. Such sales shall be in original containers only. No Class “C” permit shall be issued to any person except the owner or proprietor of a grocery store or pharmacy.

5-3-6 Liquor Licenses; Classes. Liquor control licenses shall be classed as follows:

A. Class “A”. A Class “A” liquor control license issued to a club shall authorize the holder to purchase alcoholic liquors from the Department only, and to sell such liquors and beer to bona fide members and their guests by the individual drink for consumption on the premises only.
B. Class “B”. A Class “B” liquor control license issued to a hotel or motel shall authorize the holder to purchase alcoholic liquors from the Department only, and to sell such liquors and beer to patrons by the individual drink for consumption on the premises, provided that beer may be sold for consumption off the premises. Each such license shall be effective throughout the premises described in the application.
C. Class “C”. A Class “C” liquor control license issued to a commercial establishment must be issued in the name of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase alcoholic liquors from the Department only, and to sell such liquors and beer to patrons by the individual drink for consumption on the premises, provided that beer may sold for consumption off the premises.
D. Special Class “C”. A Special Class “C” liquor control license issued to a commercial establishment must be issued in the name or names of the individual or individuals who actually own the entire business and shall authorize the holder or holders to purchase wine containing no more than seventeen percent (17%) alcohol by weight from the Department only, and to sell such wine and beer to patrons by the individual drink for consumption on the premises, provided that beer may be sold for consumption off the premises.

5-3-7 Separate Locations; Class “B” or “C”. Every person holding a Class “B” or Class “C” permit having more than one place of business where such beer is sold shall be required to have a separate license for each separate place of business, except as otherwise permitted by state law.

5-3-8 Application, Contents; Bond. A verified application for the original issuance or the renewal of a liquor control license or a beer permit shall be filed at such time, in such number of copies, and in such form as the State Director of Beer and Liquor Control shall

prescribe on forms prescribed by him. The application shall be accompanied by the required fee and band and be filed with the City Council for approval or disapproval. The bond to be submitted shall be in a form prescribed by the State Director and in the following amounts:

A. With any liquor control license $5,000 and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa Beer and Liquor Control Act and compliance with all provisions of the Act.
B. With any beer permit $500 and conditioned upon the faithful observance of the Iowa Beer and Liquor Control Act.

5-3-9 Investigation of Applicant. Upon receipt of an original application for a liquor license or beer permit by the City Clerk, it shall be forwarded to the Chief of Police, who shall conduct an investigation and shall submit a written report on the applicant as to the truth of the facts averred in the application and a recommendation to the City Council as to the approval of the license or permit. It shall be the duty of the Health Inspector, the Building Inspector, and the Fire Chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the City Council by such officers.

5-3-10 Application for Renewal of Permit. Before any permit renewal is granted, the Police Chief, Fire Chief, Health Inspector, and Building and Zoning Administrators shall inspect the premises of the applicant's place of business to determine whether such premises comply with the applicable provisions of city ordinances, codes, and regulations. The approval of said officials must be endorsed upon a Supplemental Application form available from the City Clerk's office in order for the permit to be renewed.

5-3-11 Civil Liability. Every liquor control licensee and Class B beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the Department.

5-3-12 License and Permit Fees. A fee shall be submitted with applications for beer permits, liquor licenses, and Sunday sales permits, as required by state law and specified in Sections 123.36 and 123.134 of the Code of Iowa.

5-3-13 Nature of License or Permit. A liquor control license or beer permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the Director may in his discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.

5-3-14 Action by Council. Action taken by the City Council shall be so endorsed on the application and thereafter the application, fee, and bond shall be forwarded to the Iowa Beer and Liquor Control Department for such further action as is provided by law.

5-3-15 Expiration of License or Permit. All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. Six (6) or eight (8) month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two (2) months. Seasonal licensing shall be only as permitted by state regulation.

5-3-16 Refunds. Any such licensee or permittee, or his executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his creditors, may voluntarily surrender such license or permit to the Department, and when so surrendered the Department shall notify the city, and the Department and the city, or the city by itself in the case of a retail beer permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows: If surrendered during the first three (3) months of the period for which said license or permit was issued, the refund shall be three-fourths (3/4) of the amount of the fee; if surrendered more than three (3) months but not more than six (6) months after issuance, the refund shall be one-half (1/2) of the amount of the fee; if surrendered more than six (6) months but not more than nine (9) months after issuance, the refund shall be onefourth (1/4) of the amount of the fee. No refund shall be made, however, for a liquor control license or beer permit surrendered more than nine (9) months after issuance.

No refund shall be made to any licensee or permittee, upon the surrender of his license or permit, if there is at the time of said surrender a complaint filed with the Department or the city charging him with a violation of this Ordinance or provisions of the Iowa Beer and Liquor Control Act. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his license or permit, to receive a refund as herein provided. But if his license or permit is revoked or suspended upon such hearing, he shall not be eligible for the refund of any portion of his license or permit fee. No refund shall be made for seasonal licenses or permits.

5-3-17 Transfers. The Council will, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance.

5-3-18 Prohibited Sales and Acts. No person or club holding a liquor license or beer permit, nor his agents or employees, shall do any of the following:

A. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
B. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on any weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday except as is permitted by the laws of the State of Iowa.
C. Sell alcoholic liquor or beer to any person on credit, except with a bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.
D. Employ any person under the age of eighteen (18) years old in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.
E. Sell, give, or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe him to be under legal age, or permit any person knowing or having reasonable cause to believe him to be under legal age, to consume any alcoholic beverage or beer.

F. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his place of business.
G. Keep or allow to be kept, gambling devices of any kind or description on the premises or place of business of the license or permit holder, except as permitted by the laws of the State of Iowa.
H. 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 then a full opaque covering.
I. AMATEUR FIGHTING AND BOXING
    1. No person, individual, association, corporation, partnership or club holding a liquor control license, wine or beer permit, which authorizes on the premises consumption, nor his or her agents or employees shall allow an amateur fighting or boxing match to occur on said premises.
    2. 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.
    3. 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.
    4. "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.
    5. Any violation of this section shall be considered a municipal infraction punishable by a civil penalty of seven hundred fifty dollars ($750.00) for first offense and one thousand dollars ($1,000.00) for second and subsequent offenses.

5-3-19 Beer Brand Signs Prohibited. No signs or other matter advertising any brand of beer shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail. All such signs formerly erected shall be removed by the owner of the same by July 1, 1974.

5-3-20 Suspension and Revocation. A liquor license or beer permit may be suspended for a period up to one year, or revoked for violations of law including city ordinances following notice and hearing, and shall be revoked in accordance with the provisions of state law for any of the following causes:

A. Misrepresentation of any material fact in the application for such license or permit.
B. Violation of any of the provisions of the Iowa Beer and Liquor Control Act.
C. Any change in the ownership or interest in the business operated under a Class “A”, Class “B”, or Class “C” liquor control license, or any beer permit which change was not previously reported to and approved by the city and the Department.
D. An event which would have resulted in disqualification from receiving such license or permit when originally issued.
E. Any sale, hypothecation, or transfer of such license or permit
F. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the Department under the State Act.

5-3-21 Effect of Revocation. Any liquor control licensee or beer permittee whose license or permit is revoked under the Iowa Beer and Liquor Control Act shall not thereafter be permitted to hold a liquor control license or beer permit in the State of Iowa for a period of two (2) years from the date of such revocation. Neither business associates holding ten percent (10%) or more of the capital stock or ownership interest in a business whose license or permit has been revoked nor the spouse of a licensee or permittee whose license or permit has been revoked shall be issued a liquor control license or beer permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two (2) years from the date of such revocation. In the event a license or permit is revoked, the premises which had been covered by such license or permit shall not be relicensed for one year.

5-3-22 Appeal and Hearing. The right of appeal to the Hearing Board shall be afforded a liquor control licensee or beer permittee whose license or permit has been suspended ore revoked. Any applicant who feels aggrieved by a decision of the Director or city disapproving, suspending, or revoking issuance of a liquor control license or beer permit may, provided he has exercised his right of appeal to the Hearing Board as provided by state law, appeal from said decision within ten (10) days to the Muscatine County District Court. The city may appeal a decision of the Hearing Board within ten (10) days to the Muscatine County District Court.

5-3-23 Consumption in Public Places; Possession of Open Containers; Intoxication. It is unlawful for any person to use or consume alcoholic liquors or beer upon the public streets or highways or alcoholic liquor in any public place, or to possess an open container of beer or alcoholic beverage upon the public streets or highways, including the sidewalk within the public right-of-way, and in any public place, except premises covered by a liquor control license, and no person shall be intoxicated or appear to be intoxicated in any public place.

5-3-24 Persons Under Legal Age. No person shall sell, give, or otherwise supply alcoholic liquor or beer to any person knowing or having reasonable cause to believe him to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor or beer in his or their possession or control; except in the case of liquor or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control licensee or beer permittee under state law.

A person 19 or 20 years of age, other than a licensee or permittee under Chapter 123, Code of Iowa, who violates this section shall, upon conviction, be subject to a fine of fifteen dollars ($15.00).

5-3-25 Dancing Permitted; License.

A. Dancing Permitted. No dancing shall be permitted in connection with the operation of a business under any Class “B” beer permit or Class “C” liquor license unless the floor space used for dancing purposes therein contained at least two hundred (200) square feet, all of which shall be of the same general floor level as the place where the 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 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 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 15 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.

5-3-26 Penalties.

A. Any person who violates any of the provisions of this chapter shall be subject to a fine of not to exceed one hundred dollars ($100.00), or to imprisonment for not more than thirty (30) days.
B. The conviction of any liquor control licensee or beer permittee for a violation of any of the provisions of subsections (A) to (H), inclusive of Section 5-3-18 of this chapter shall be grounds for the suspension or revocation of the license or permit by the Department or the city. However, if any liquor control licensee is convicted of any violation of subsection 2, paragraph a, d, or e, of Section 123.49 of the Code of Iowa, or any beer permittee is convicted of a violation of subsection 2, paragraph a, of said section 123.49 of the Code of Iowa, the liquor license or beer permit shall be revoked and shall immediately be surrendered by the holder and the bond of the license or permit holder shall be forfeited to the Department of Beer and Liquor Control.

5-3-27 Persons Under Legal Age Frequenting Taverns. No person under legal age shall frequent or be in or about the licensed premises of a Class “B” beer permittee or a Class “C” liquor control licensee unless the sale of goods or services other than alcoholic liquor or beer constitutes fifty percent (50%) or more of the gross receipts from such licensed premises. No such permittee or licensee shall permit persons under legal age to frequent or be in or about his licensed premises.

5-3-28 Open Containers. It shall be unlawful for any person or for any licensee or permittee under this chapter or his or her agents or employees to permit any person to carry from a licensed 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.

Title 5 – Business Regulations
Chapter 4 – Bill Posting

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

5-4-1 Permit Required. No person shall post or distribute any advertising bills, posters, or written, printed, or illustrated matter, without having first obtained a permit therefore from the City in accordance with Title 5, Chapter 15 of the City Code.

5-4-2 Requirements. City of Muscatine resident businessmen may distribute their own advertising matter without a permit as required in Section 5-4-1, 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.

5-4-3 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.

5-4-4 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.

5-4-5 Consent Required. Any person who 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 any telegraph, 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, shall be deemed guilty of a misdemeanor. 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.

5-4-6 Use of Nails or Tacks. Any person who uses 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, shall be deemed guilty of a misdemeanor.

5-4-7 Removal. All bills, placards, posters, announcements, or advertisements as permitted in this Chapter shall be removed upon the request of the owner of private property and, if on public property, as directed by the City.

Title 5 – Business Regulations
Chapter 5 – Billiards; Bowling

SECTIONS:
5-5-1 License Required
5-5-2 Application
5-5-3 Fees
5-5-4 Display of License
5-5-5 Gambling
5-5-6 Exemption

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 15 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 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 Fees. The fees for licenses shall be in accordance with Title 5, Chapter 15 of the City Code.

5-5-4 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.

5-5-5 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.

5-5-6 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.

Title 5 – Business Regulations

Chapter 6 – Cigarettes

SECTIONS:

5-6-1 Sale Authorized
5-6-2 Permit to Sell
5-6-3 Application
5-6-4 Filing Application
5-6-5 Application; Approval of
5-6-6 Mayor to Sign Permit; Term
5-6-7 Payment of Tax

5-6-1 Sale Authorized. The sale of cigarettes and cigarette papers and wrappers made or prepared for the purpose of making cigarettes, by holders of permits therefore issued as hereinafter provided in this Chapter, is hereby authorized.

5-6-2 Permit to Sell. It shall be unlawful for any person to sell cigarettes and cigarette papers and wrappers prepared for the purpose of making cigarettes without first obtaining a permit as provided in Title 5, Chapter 15 of the City Code and such sales must be in accordance with the provisions of Chapter 98 of the Code of Iowa.

5-6-3 Application. Any person desiring a permit to sell cigarettes and cigarette papers and wrappers prepared for the purpose of making cigarettes shall sign and file with the Clerk a written application for such permit upon a form provided by the Clerk for that purpose. Such application shall truly state the name and residence of such applicant; whether an individual, firm, or corporation; the exact location of the place where such sales are to be made and the name, residence, and post office address of the owners of such place.

5-6-4 Filing Application. Each applicant for a permit to sell cigarettes and cigarette papers and wrappers shall file with the Clerk his application prior to the deadline established by the City Council for accepting Council items at which such applicant desires the application to be acted upon.

5-6-5 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.

5-6-6 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.

5-6-7 Payment of Tax. No permit shall be issued and delivered to any applicant, pursuant to the provisions of this Chapter, unless and until such applicant shall present the receipt of the Clerk showing that the proper sum has been paid to the officer as the tax to the next following July first (1) as provided by law.

Title 5 – Business Regulations
Chapter 7 – Circuses; Carnivals

SECTIONS:
5-7-1 License Required; Circus
5-7-2 Circus License; Fee
5-7-3 License Required; Carnival
5-7-4 Carnival License; Fee
5-7-5 Public Property

5-7-1 License Required; Circus. No person shall keep, conduct, carry on, or operate any circus or like exhibition, including side shows and other performances in connection therewith, for a fee, charge, or profit, unless he shall first procure a license therefore in accordance with Title 5, Chapter 15 of the City Code.

5-7-2 Circus License; Fee. For every circus or like exhibition, including side shows or performances at the same time and in connection therewith, there shall be paid a license fee and a bond issued to the City in accordance with Title 5, Chapter 15 of the City Code.

5-7-3 License Required; Carnival. No person shall keep, conduct, carry on, or operate any carnival or street fair, including all shows, racks, and stands exhibiting at the same time and in connection therewith, unless he shall first procure a license therefore in accordance with Title 5, Chapter 15 of the City Code.

5-7-4 Carnival License; Fee. For every carnival or street fair, including all shows, racks, and stands exhibiting at the same time and in connection therewith, there shall be a license fee paid and bond issued to the City in accordance with Title 5, Chapter 15 of the City Code.

5-7-5 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.

Title 5 – Business Regulations

Chapter 8 – Excursion Gambling Boat - Admission Fee

SECTIONS:

5-8-1 Admission Fee

5-8-1 Admission Fee.

A. An admission fee of fifty cents is hereby adopted for each person embarking on an excursion gambling boat with a ticket of admission docked within the City of Muscatine.
B. The admission fee shall be collected by the excursion boat licensee and paid to the City Treasurer at the same time as the admission fees and wagering taxes imposed by the State of Iowa are paid to the Treasurer of the State.
C. The licensee shall keep its books and records so as to clearly show the total number of admissions to gambling excursions conducted by the licensee on each day, including the number of admissions on free passes or complimentary tickets and the amount received daily from admission fees.
D. Within ninety days after the end of each month and the end of the licensee's fiscal year, the licensee shall transmit an audit of the admissions and admission fee collected to the City Treasurer. All audits shall be conducted by certified public accountants registered or licensed by the State of Iowa under Chapter 116 of the Code of Iowa.

TITLE 5 - BUSINESS REGULATIONS
CHAPTER 9 - GAS FRANCHISE

SECTIONS:

5-9-1 Granting of Franchise
5-9-2 Construction of Distribution System
5-9-3 Restoration of Public Places
5-9-4 Relocation of Facilities or Equipment
5-9-5 Furnishing of Service
5-9-6 Non-Exclusive
5-9-7 Franchise Fee
5-9-8 Term of Franchise
5-9-9 Publication
5-9-10 Acceptance
5-9-11 Repealer

5-9-1 Granting of Franchise. There is hereby granted to INTERSTATE POWER & LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City of Muscatine, Muscatine County, Iowa as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. The term "gas" as used in this franchise shall be construed to mean natural gas only.

5-9-2 Construction of Distribution System. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

5-9-3 Restoration of Public Places. In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

5-9-4 Relocation of Facilities or Equipment. The Company shall, at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient

operation of any such improvement. If the City orders or requests the Company to relocate its existing facilities or equipment for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are paid to the Company.

5-9-5 Furnishing of Service. Said Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

5-9-6 Non-exclusive. The franchise granted by this Ordinance shall not be exclusive.

5-9-7 Franchise Fee.

(A) In its monthly billing Company shall include a franchise fee of two percent (2%) on the gross receipts from the distribution, supply, or sale of natural gas for customers within the limits of the City of Muscatine, Muscatine County, Iowa. The Company shall make all reasonable effort to commence collecting the 2% franchise fee by the date of July 1, 2010, but no later than October 1, 2010. The franchise fee may be increased or decreased by the City on or after January 1, 2011, and shall be limited to a maximum fee of 5%. The City shall give the Company a minimum 90-day notice prior to the request to implement an increase or decrease in the franchise fee. The City shall be solely responsible for the proper use of any amounts collected as franchise fees, and shall only use such fees as collected for a purpose as allowed by applicable law. Collection of the franchise fee shall cease at the earlier of the City's repeal of the franchise fee or the end of the Ordinance term.

(B) The franchise fee shall be applied to all customers' bills in accordance with Iowa Code Chapter 364.2(f) and 423B.5. The Company shall not grant exemptions or refunds of the franchise fee beyond that granted by the Code of Iowa. If at any time the Iowa Utilities Board or another authority having proper jurisdiction, prohibits the collection or payment of a franchise fee, the Company shall be relieved of its obligation to collect and pay to the City the franchise fee.

(C) City agrees that Company's obligations related to the franchise fee are limited to those obligations set forth in Sections 7, 8 and 12 herein. City further agrees to bear all costs (including attorney fees), and to defend, indemnify and hold Company harmless from any and all liability, claims or causes of action associated with disputes related to the billing and/ or collection of the franchise fee, provided that the City shall not be obligated to bear

such costs or to defend, indemnify and hold Company harmless if such disputes arise from claims of inaccurate billing by the Company.

(D) Section 10. Upon receipt of a final and unappealable order or approval authorizing annexation, or changes in the limits of said City, the City Clerk shall provide written notification to an officer of Company of such annexation or change in the limits of said City, and the Company shall apply the franchise fee to its customers who are affected by the annexation or change in the limits of the City, commencing no more than six (6) months from receipt of the written notice and City's verification of addresses within the annexed area.

(E) Section 11. The amount of franchise fee shall be shown separately on the utility bill to each customer.

(F) The Company shall remit collected franchise fees to the City on a quarterly basis, within thirty (30) days after last day of the last revenue month of the quarter.

(G) That said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the said City and other administrative or regulatory costs with regard to said franchise; and said pipes, mains, and other conductor and appliances in, along and under the streets, avenues, alleys and public places in the said City for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof shall be exempt from any special tax, assessment, license or rental charge during the entire term of this ordinance.

5-9-8 Term of Franchise. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

5-9-9 Publication. The expense of the publication of this Ordinance shall be paid by the Company.

5-9-10 Acceptance. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

5-9-11 Repealer. This Ordinance sets forth and constitutes the entire agreement between the Company and the City of Muscatine with respect to the rights contained herein, and may not be superceded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal the prior gas system ordinance between the Company and the City of Muscatine as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City of Muscatine enact any ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this Ordinance, that create additional burdens upon the Company, or which delay utility operations.

Title 5 – Business Regulations

Chapter 10 – Salvage, Junk Dealers and Refuse Haulers

SECTIONS:

5-10-1 Purpose
5-10-2 Scope
5-10-3 License Required
5-10-4 Screening
5-10-5 Collection Vehicles License
5-10-6 Disposal
5-10-7 Violation

5-10-1 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.

5-10-2 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 9, Chapter 3 and Title 10, Chapter 23 of this Code and applies to all salvage, refuse, or junk dealers, whether new or existing.

5-10-3 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 in accordance with Title 5, Chapter 15 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.

5-10-4 Screening. All owners of salvage or junk yards shall within one (1) year of the effective date of this Ordinance, 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').

5-10-5 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 accordance with Title 5, Chapter 15 of the City Code. 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 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.

5-10-6 Disposal. All salvage, refuse, garbage, or junk must be disposed of in accordance with Title 9, Chapter 6 of the City Code.

5-10-7 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 not to exceed one hundred dollars ($100.00) or thirty (30) days in jail.

Title 5 – Business Regulations

Chapter 11 – Massage Establishments and Technicians

SECTIONS:

5-11-1 Definitions
5-11-2 Compliance with Chapter Required
5-11-3 Exemptions
5-11-4 Licenses for Massage Business
5-11-5 Denial, Suspension, or Revocation of License
5-11-6 Massage Technician License
5-11-7 Denial, Suspension, or Revocation of Massage Technician Licenses
5-11-8 Health Standards
5-11-9 Unlawful Acts

5-11-1 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.

5-11-2 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.

5-11-3 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.

5-11-4 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 15 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. A nonrefundable fee shall be charged for massage establishment licenses in accordance with Title 5, Chapter 15 of the City Code.

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 fortyfive (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 and any other person who will be directly engaged in the management and operation of a massage establishment has been convicted of any of the following offenses or convicted of an offense outside of the State of Iowa that would have constituted any of the following offenses if committed within the State of Iowa:
        a. An offense involving the use of force and violence upon the person of another that amounts to a felony.
        b. An offense involving sexual misconduct with children.
        c. An offense as defined in Chapters 698, 699, 704, 705, and 724 of the 1977 Code of Iowa.

The City Clerk shall issue a permit to any person convicted of any of the crimes described in section (E)2 of this Section if he finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

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 5-11- 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.

5-11-5 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 issue 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.

5-11-6 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 Chapter, or has falsified his or her application or has been convicted of any of the following:
    1. An offense involving the use of force and violence on the person of another that amounts to a felony.
    2. An offense involving sexual misconduct with children.
    3. An offense as defined under Chapters 698, 699, 704, 705, and 724 of the 1977 Code of Iowa; provided, however, that the City Clerk may issue a permit to any person convicted of any crimes described in subsection (D)1, (D)2, or (D)3 of this Section if he finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

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 5-11-7(B) of this Chapter shall apply before the permanent license shall issue.

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 license fee for a massage technician license shall be in accordance with Title 5, Chapter 15 of the City Code.

5-11-7 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 issue to that licensee for a period of one year.

5-11-8 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 material's 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.

5-11-9 <u>Unlawful Acts.</u>

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), (C), and (D) 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 12 – Parades

SECTIONS:

5-12-1 Permit
5-12-2 Conditions of Permit
5-12-3 Unauthorized Entry into Parades
5-12-4 Insurance

5-12-1 Permit. No parade or procession, other than a funeral procession, except the armed forces of the United States, the military forces of the State of Iowa, and the forces of the Police and Fire Departments, shall occupy, march, or proceed along any street, except in accordance with a permit issued in accordance with Title 5, Chapter 15 of the City Code.

5-12-2 Conditions of Permit. The permit required in Section 5-12-1 of this Chapter shall be issued only upon the approval of the Chief of Police and shall state the route to be followed and shall be subject to any conditions which the Chief of Police deems necessary to protect the safety of persons and property.

5-12-3 Unauthorized Entry into Parades. No person shall enter or become a part of any parade or procession without express permission of the permittee.

5-12-4 Insurance. Before a permit can be issued, the individual or organization requesting the parade permit must provide a certificate of insurance in accordance with Title 5, Chapter 15 of the City Code.

Title 5 – Business Regulations

Chapter 13 – Pawnbrokers

SECTIONS:

5-13-1 License Required
5-13-2 License Fees
5-13-3 License; Expiration Date
5-13-4 Bond
5-13-5 Transfer of License
5-13-6 Dealing with Minors
5-13-7 Books to be Kept
5-13-8 Inspection of Books
5-13-9 Memorandum Required
5-13-10 Sales by Pawnbrokers

5-13-1 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 15 of the City Code and complied with the requirements of this Chapter.

5-13-2 License Fees. The fee for a pawnbroker's license as required by the preceding Section shall be paid in accordance with Title 5, Chapter 15 of the City Code.

5-13-3 License; Expiration Date. The license required by Section 5-13-1 of this Code, obtained from the City, shall expire on December thirty-first (31) after its issuance.

5-13-4 Bond. Every person applying for a license as a pawnbroker shall, at the time of receiving the same, execute a bond to the City in accordance with Title 5, Chapter 15 of the City Code. Any person aggrieved by the acts of any pawnbroker may sue upon such bond and recover such damages as he shows himself entitled to.

5-13-5 Transfer of License. No license as required by Section 5-13-1 of this Code shall be assignable or transferable.

5-13-6 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.

5-13-7 Books to be Kept. Every pawnbroker shall keep a book in which shall be fairly written, at the time of such loan or purchase, an accurate account and description of the goods, articles, or things pawned or bought; the amount of money loaned thereon or paid therefore; the time of pledging or buying the same; the name of the person pawning or selling the goods, articles or things; and if pledged, the rate of interest to be paid on such loan and the time when the loan becomes payable.

5-13-8 Inspection of Books. The books of any pawnbroker, required to be kept by the preceding Section, shall, at all reasonable times be open to the inspection of the Chief of Police, to any person who shall be duly authorized in writing for that purpose, or by either of them.

5-13-9 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.

5-13-10 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 14 – Peddlers, Solicitors
and Transient Merchants

SECTIONS:
5-14-1 Definitions
5-14-2 License and Fee Required
5-14-3 Religious and Charitable Organizations Exempt
5-14-4 Application for License
5-14-5 Issuance of License
5-14-6 Bond Required
5-14-7 Display of License
5-14-8 License Not Transferable
5-14-9 Revocation of License
5-14-10 Expiration of License
5-14-11 Penalty
5-14-12 Local Resident Businesses

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

A. "Peddler" shall mean 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 public streets or public property. Peddlers shall include itinerant merchants who conduct sales on private property, with permission of the owner, such as meat, fish, and plant peddlers.
B. "Solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions, or merchandise to be delivered at a future date.
C. "Transient merchant" shall mean any person, firm, or corporation who engages in a temporary, two (2) month's or less, itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business local merchant, dealer, trader, or auctioneer shall not exempt any person, firm, or corporation from being considered a transient merchant.

5-14-2 License and Fee Required. Any person engaging in peddling, soliciting, or in the business of a transient merchant in the City shall first obtain a license and pay a fee in accordance with Title 5, Chapter 15 of the City Code.

5-14-3 Religious, Charitable, and Non-Profit Organizations Exempt. Authorized representatives of religious, charitable and non-profit organizations desiring to solicit money or to distribute literature shall be required to submit in writing to the City 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 for his efforts and the amount thereof. If the City Clerk shall find that the organization is a bona fide religious, charitable, or non-profit organization, he shall issue, free of charge, a license containing the above information to the applicant.

5-14-4 Application for License. An application in writing shall be filed with the City Clerk for a license under this Ordinance. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, and if required by the City Clerk, a recent photograph and right thumb print. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. Any individual involved in peddling anything to be used as food shall submit to the City Clerk, for examination, a medical certificate to the effect that the holder is free from all communicable disease and infectious disease in communicable form and is not a carrier of any such disease before a license can be issued. A company may apply for a license under this Chapter, provided the information required above for each individual employee is included in the application.

5-14-5 Issuance of License. If the City Clerk finds the application is made out in conformance with Section 5-14-4 of this Ordinance and the facts stated therein are correct, he shall issue, upon posting of bond as required by section 5-14-6 of this Ordinance, a license and charge a fee therefore as determined by Title 5, Chapter 15 of the City Code.

5-14-6 Bond Required. Before a license under this Ordinance shall be issued, each applicant shall post a bond with the City in accordance with the provisions of Title 5, Chapter 15 of the City Code.

5-14-7 Display of License. Each solicitor or peddler shall at all times while doing business in this City keep in his possession the license provided for in this Ordinance, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this Ordinance. Each transient merchant shall display publicly his license in his place of business.

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

5-14-9 Revocation of License. The City Council may revoke any license issued under this Ordinance where the licensee in the application for the license or in the course of conducting his business has made fraudulent or incorrect statements, has violated this Ordinance, or has otherwise conducted his business in an unlawful manner.

5-14-10 Expiration of License. All licenses granted under this Ordinance shall expire at twelve o'clock (12:00) midnight of the last day for which the license is issued.

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

5-14-12 Local Resident Businesses. Local resident businesses which would otherwise be subject to the provisions of this chapter shall apply for the license as required provided that if the City Clerk finds that the applicant is a bona fide local resident business, the City Clerk may issue the license. Local resident businesses shall pay an annual fee of $20.00, furnish a certificate of insurance with the City named as an additional insured if sales are to take place on city property and shall be exempt from furnishing a bond as required by this chapter. The application shall also contain a description of the area(s) where the sales are

to take place which is subject to the approval of the City. Approval for the area(s) where the sales are to take place will be granted or denied within one working day after submission of the application. All other rules and regulations pertaining to the type of business to be conducted shall be met by the applicant.

Title 5 – Business Regulations

Chapter 15 – Permits, Licenses, Bonds, Fees

SECTIONS:

5-15-1 Purpose
5-15-2 Schedule

5-15-1 Purpose. The purpose of this Chapter is to consolidate into one Chapter all permits and licenses required in the various Chapters of the City Code for easy reference. It is further the purpose of this Chapter to establish the schedule of fees, and when required, bonds and insurance limits for all licenses and permits.

5-15-2 Schedule. 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 by this Chapter, or has qualified as being within one or more exceptions to such requirements as set forth in this Code; and no license or permit shall be issued to any person under any provision of this Code, until such person shall have filed with the City Clerk the bond therefore and evidence of insurance, if any be required, in the amount set forth in the attached schedule. The fee for a permit, license, filing or bond required by this Chapter may be changed or modified by resolution adopted by the City Council.

Permits(P)/ License(L)	Code Section	Location	Fees Each	Daily	Weekly	Monthly	Annually	Bond	Insurance
Beer (P)	5-3-5	Clerk	As Per State Code					As Per State Code	
Beverage Vending Machine (L)	9-1-4	Health Officer	As Per State Code					None	None
Bicycles (L)	7-3-1	Police Dept	$1					None	None
Billiards Table (L)	5-5-1	Clerk					$17	None	None
Bill Posting (L)	5-4-1	Clerk		$5	$10	$25	$100	None	None
Bowling Alleys (L)	5-5-1	Clerk					$ 11/Lane	None	None
Building Demolitions (P)	8-2-1	Bldg Dept	Use Bldg Permit Schedule I(A) -Based on cost of demolition					$5,000	GL 500,000 B.I. 100,000 P.D. (500,000 CSL) Auto 250,000/500,000 B.I. 100,000 P.D. (500,000 CSL) WC Statutory
Building Movers (P)	8-8-1	Bldg Dept	Use Bldg Permit Schedule I(A) -Based on cost of moving					$5,000	GL 500,000 B.I. 100,000 P.D. (500,000 CSL) Auto 250,000/500,000 B.I. 100,000 P.D. (500,000 CSL) WC Statutory
Building Moving (P)	8-8-4	Bldg Dept	Use Bldg Permit Schedule I(A) -Based on cost of moving						
Building (P)	8-1-3	Bldg Dept	Use Schedule I(A)					None	None

Permits(P)/ License(L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Carnivals (P)	5-7-3	Clerk	$220					$5,000	GL 1,000,000 B.I. 100,000 P.D. (1,000,000 CSL) Auto 250,000/500,000 B.I. 100,000 P.D. (500,000 CSL) WC Statutory
Cigarettes (L)	5-6-2	Clerk	As Per State Code					None	None
Circus (L)	5-7-1	Clerk	$220	(Non-Profit Sponsor $110)				$5,000	GL 1,000,000 B.I. 100,000 P.D. (1,000,000 CSL) Auto 250,000/500,000 B.I. 100,000 P.D. (500,000 CSL) WC Statutory
Conditional Use	10-21-1	Bldg Dept	$100					None	None
Curb Cuts	3-3-19	Bldg Dept	$10					$5,000	GL 100,000 B.I. $25,000 P.D. (100,000 CSL)
Dancing	5-3-6	Clerk					$30	None	None
Electrical (P)	8-3-6	Bldg Dept	Use Schedule I(B)					None	None
Electrician, General (L)	8-3-9	Bldg Dept						$50 (Examination) $50 (Initial) $100 (Annual)	GL 500,000

Permits(P)/ License(L)	Code Section	Location	Fees Each	Daily	Weekly	Monthly	Annually	Bond	Insurance
Electrician, Restricted Residential (L)	8-3-9	Bldg Dept					$50 (Examination) $30 (Initial) $80 (Annual)		GL 200,000
Electrical, Certificate of Competency	8-3-9	Bldg Dept					$25 (Examination) $15 (Initial) $40 (Annual)		None
Excavation	3-3-3	Bldg Dept	$10					$5,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL)
Food Vending Machine (L)	9-1-4	Health Officer	As Per State Code					None	None
Food Establishments (L)	9-1-4	Health Officer	As Per State Code					None	None
Gaming Tables (L)	5-5-1	Clerk					$17	None	None
Garbage Haulers (L)	5-10-3 & 5	Clerk					$50 $10/Truck	$5,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL) Auto 250,000/ 500,000 B.I. 50,000 P.D. (500,000CSL) WC Statutory
Hotels (L)	9-1-4	Health Officer	As Per State Code					None	None
Housing Rental (P)	8-5-4	Bldg Dept					$ 15 1st Inspection $20 Call Back	None	None
Juke Boxes (L)	5/1/2001	Clerk					$25	None	None

Permits(P)/ License(L)	Code Section	Location	Fees Each	Daily	Weekly	Monthly	Annually	Bond	Insurance
Junk Dealers (L)	5-10-3 & 5	Bldg Dept					$50 $10/truck	$5,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL) Auto 250,000/ 500,000 B.I. 50,000 P.D. WC Statutory
Levee Use or Imp. (P)	3-4-1	Bldg Dept	Depends on Use					Depends on Use	
Liquor (L)	5-3-6	Clerk	As Per State Code					As Per State Code	
Massage Establishments (L)	5-11-4	Clerk					$100 (3 Rooms or Less) $150 (3 Rooms or More)	None	
Message Technician (L)	5-11-6						$25		None
Mechanical (P)	8-7-4	Bldg Dept	Use Schedule I(C)					None	None
Motels (L)	9-1-4	Health Officer	As Per State Code					None	None
Parades (P)	5-12-1	Clerk	$30 (Non-Profit Exempt)					None	GL 500,000 B.I. 50,000 P.D. (500,000 CSL)
Parks (Special Use) (P)	3-6-7	Parks Dept	Depends on Use					Depends on Use	
Pawnbroker (L)	5-13-1	Clerk					$55	None	None
Peddlers (L)	5-14-2	Clerk		$15	$30	$40	$110	$1,000	None
Perculation Test	4-6-3	Bldg Dept	$65					None	None
Pinball Machines (L)	5-1-1	Clerk					$30	None	None
Plumbing (P)	8-9-4	Bldg Dept	Use Schedule I(D)					None	None

Permits(P)/ License(L)	Code Section	Location	Fees Each	Daily	Weekly	Monthly	Annually	Bond	Insurance
Plumbing (L)	8-9-5	Bldg Dept					$25	$10,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL)
Pocket Billiards	5-1-1	Clerk					$15	None	None
Refuse Collector (L)	5-10-3 & 5 9-3-10(D)	Clerk					$50 $10/truck	$5,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL) Auto 250,000/ 500,000 B.I. 50,000 P.D. (500,000 CSL) WC Statutory
Restaurant (L)	9-1-4	Health Officer	As Per State Code					None	None
Rezoning Request	10-22-7(B)	Bldg Dept	$100					None	None
Roller Skating Rink (L)	5-1-1	Clerk					$110	None	None
Salvage Dealers (L)	5-10-3 & 5	Clerk					$50 $10/truck	$5,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL) Auto 250,000/ 500,000 B.I. 50,000 P.D. (500,000 CSL) WC Statutory
Septic Tank (P)	4-6-3	Bldg Dept	$25					None	None
Sewer Repair-Tap (L)	4-6-2	Bldg Dept	$25					None	None
Shooting Gallery (L)	5-1-1	Clerk					$110	None	None

Permits(P)/ License(L)	Code Section	Location	Fees Each	Daily	Weekly	Monthly	Annually	Bond	Insurance
Sidewalk (New-Repair) (P)	3-7-1	Bldg Dept	None					$5,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL) Property Owners Exempt
Sign (P)	10-19-2	Bldg Dept	$10					None	GL 100,000 B.I. 25,000 P.D. (100,000 CSL)
Soliciting	5-14-2	Clerk	$15	(Non-Profit Exempt)				None	None
Street Cut (P)	3-3-3	Bldg Dept	$10					$10,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL)
Subdivision Review	11-1-2(D)	Bldg Dept	$100					None	None
Taxicabs	5-17-3	Clerk					$30/veh	$5,000	GL 100,000 B.I. 25,000 P.D. (100,000 CSL) Auto 250,000/ 500,000 B.I. 100,000
Theaters (L)	5-1-1	Clerk					$110	None	None
Transient Merchant (L)	5-14-2	Clerk		$15	$30	$40	$110	None	None
Tree Planting, Removal or Trimming	3-11-11(C)	Parks Dept	None					$5,000	GL 100,000 B.I. 100,000 P.D. (100,000 CSL) Auto 250,000/ 500,000 B.I. 50,000 P.D. (500,000 CSL) WC Statutory Property Owners Exempt

Permits(P)/ License(L)	Code Section	Location	Fees Each	Daily	Weekly	Monthly	Annually	Bond	Insurance
Tree Removal (L)	3-11-6	Parks Dept					$55	$5,000	GL 100,000 B.I. 100,000 P.D. (100,000 CSL) Auto 250,000/ 500,000 B.I. 50,000 P.D. (500,000 CSL) WC Statutory
Zoning Appeal	10-22-2(C)	Bldg Dept	$50					None	None
Zoning Variance	10-22-2(D)	Bldg Dept	$50					None	None

Title 5 – Business Regulations

Chapter 16 – Sales on City Property

SECTIONS:

5-16-1 Selling on City Property
5-16-2 Selling of Merchandise
5-16-3 Soliciting for Worthy Cause

5-16-1 Selling on City Property. No individual, company, corporation, or organization shall sell any product or service upon any city street, property, parks, or sidewalks without receiving the proper approval of the City Council.

5-16-2 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.

5-16-3 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 17 – Taxicabs

SECTIONS:

5-17-1 Definition
5-17-2 Exemption
5-17-3 License and Fee Required
5-17-4 Insurance Policy
5-17-5 Soliciting Passengers
5-17-6 Filing; Posting; Rate Schedule.

5-17-1 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.

5-17-2 Exemption. 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.

5-17-3 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 and payment of the fee as required in Title 5, Chapter 15 of the City Code.

5-17-4 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 in accordance with Title 5, Chapter 15 of the City Code and shall be for each vehicle operated within the City. The insurance policy 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.

5-17-5 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.

5-17-6 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 18 – Cable Television Systems

SECTIONS:

5-18-1 Purpose
5-18-2 Definitions
5-18-3 Length of Franchise
5-18-4 Conditions for Initial Franchise Validation
5-18-5 Renewal
5-18-6 Transfers and Assignments
5-18-7 Franchise Territory - Service Area
5-18-8 Evidence of Financial Capability
5-18-9 Initial Geographical Coverage
5-18-10 Extension of Service
5-18-11 Television Broadcast Signals
5-18-12 Education and Governmental Access Channels
5-18-13 Public Access Channels
5-18-14 Public Access Channel Facilities
5-18-15 Leased Access Channels
5-18-16 Additional Services
5-18-17 All Channels Emergency Alert
5-18-18 Subscriber Privacy
5-18-19 Underground & Overground Installation Requirements
5-18-20 Consumer Service Standards
5-18-21 Record of Complaints by Franchisee
5-18-22 City Role in Complaints
5-18-23 Review Sessions
5-18-24 Triennial Review Sessions
5-18-25 Topics to be Reviewed
5-18-26 Services of Consultant Permitted
5-18-27 Rate Regulation
5-18-28 Rate Adjustments
5-18-29 Switching Device
5-18-30 Disconnection
5-18-31 Termination of Service
5-18-32 Unauthorized Connections or Modifications
5-18-33 Discriminatory or Preferential Practices
5-18-34 Refunds to Subscribers and Programmers
5-18-35 Public Service Installations
5-18-36 Other Business Activities
5-18-37 Franchise Fee
5-18-38 Construction and Operation Timetable
5-18-39 Right of Inspection of Construction
5-18-40 Technical Standards
5-18-41 New Developments
5-18-42 Communications with Regulatory Agencies
5-18-43 Annual Report
5-18-44 Security Fund and Performance Bond
5-18-45 Cancellation and Expiration
5-18-46 Enforcement
5-18-47 Indemnification
5-18-48 Insurance

5-18-49 Foreclosure
5-18-50 Receivership
5-18-51 Publication of Notice
5-18-52 Cost of Publication and Election
5-18-53 Transmission of Documents to City
5-18-54 Severability
5-18-55 Repealer

5-18-1 Purpose. The purpose of this Chapter is to specify requirements for the establishment, construction, operation, and maintenance of cable television in the City pursuant to Chapter 364, Code of Iowa and applicable federal law. If a new Applicant submits a proposal acceptable to the City Council, meets the requirements of this ordinance and those of the FCC, and receives a majority of the votes cast in a franchise election, the City may then proceed to enter into a non-exclusive franchise agreement with such prospective Franchisee, subject to the provisions of the Chapter. If the Incumbent Operator submits a proposal acceptable under Section 626 of the Cable Act of 1984 as amended, and meets the requirements of the FCC, the City shall proceed to fulfill its obligations under Section 626 of the Cable Act of 1984.

5-18-2 Definitions.

A. "Additional service" means a subscriber service not included as part of basic service provided by the Franchisee and for which a special charge is made based on program, service content, or time of usage.
B. "Applicant" shall mean a prospective Franchisee.
C. "Basic service" means any service tier which includes the retransmission of local television broadcast signals.
D. "Broadcast signal" means a television or radio signal emanating from an FCC licensed broadcast facility.
E. "Cablecasting" means transmitting a nonbroadcast signal by a Cable Television System.
F. "Cable Television System" or "Cable System" or "System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act of 1984, except that such facility shall be considered a cable system (other than for purposes of Section 621(c) of the Cable Act of 1984) to the extent such facility is used in the transmission of video programming directly to subscribers; or (D) any facilities of any electric utility used solely for operating its electric utility systems.
G. "Cable operator" means any person or group of persons (A) who provides cable service over a cable system or (B) who otherwise directly controls or is responsible for, through any arrangement, the management and operation of such a cable system.
H. "City service" means (A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if

any, which is required for the selection of such video programming or other programming service.

I. "City" shall mean the City of Muscatine, Iowa.
J. "Commission" shall mean the Muscatine Cable Television Advisory Commission established by Title 2, Chapter 4 of the City Code.
K. "Connecting existing" shall mean the connection of the cable or wire to a television or radio receiver when the house drop has previously been installed.
L. "Connection new" shall mean the installation of a house drop and the connection of the cable or wire to a television or radio receiver.
M. "Converter" means an electronic device which converts signal carriers from one frequency to another.
N. "Council" shall mean the City Council of the City of Muscatine, Iowa.
O. "Education Access Channel" means (A) channel capacity designated for educational use; and (B) facilities and equipment for the use of such channel capacity.
P. "FCC" shall mean the Federal Communications Commission or its successor.
Q. "Franchise agreement" shall mean the contract entered into between the City and a Franchisee.
R. "Franchisee" shall mean any person, firm, corporation, or other entity granted a franchise in accordance with the provisions of this Chapter and applicable federal law.
S. "Franchising Authority" means the City of Muscatine, Iowa, or the lawful successor, transferee, or assignee thereof.
T. "Gross Annual Revenues" means any revenue derived directly by a Franchisee, from or in connection with the operation of a Muscatine cable system including, but not limited to, basic subscriber service fees, pay channel service fees, installation and reconnection fees, leased channel fees, converter and remote control rentals, studio rentals, production equipment rentals and local advertising revenues. The term does not include any taxes on services provided by a Franchisee and imposed directly upon any subscriber or user by the state, City or other governmental unit and collected by a Franchisee on behalf of said unit.
U. "Headend" shall mean the land, electronic processing equipment, antennas, tower, building, and other appurtenances normally associated with and located at the starting point of a broad-band telecommunications network.
V. "House drop" means a cable that connects each building or home to the nearest feeder line of the cable network.
W. "Incumbent Operator" shall mean Cablevision VII Inc., dba TCI of Eastern Iowa, owning entity of the Muscatine franchise.
X. "Leased access channel" means any channel or portion thereof available for lease, on a first-come, first served basis, including those portions of the other access channels not in use by their designated programmers.
Y. "Local government access channel" means (A) channel capacity designated for governmental use; and (B) facilities and equipment for the use of such channel capacity.
Z. "Local origination channel" means any channel where the Franchisee is the designated programmer.
AA. "Normal Business Hours" as applied to the Franchisee shall mean those hours during which similar businesses in the Village are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week, and/or some weekend hours.
BB. "Normal Operating Conditions" shall mean those service conditions which are within the control of the Franchisee. Those conditions which are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather

conditions. Those conditions which are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System.

CC. "Outlet" shall mean the point of connection of the cable or wire to a television or radio receiver.

DD. "Public access channel" means (A) channel capacity designated for public use; and (B) facilities and equipment for the use of such channel capacity.

EE. "Service tier" means a category of cable service or other services provided by a cable operator and for which a separate rate is charged by the cable operator.

FF. "Shall" and "will" are mandatory; "may" is permissive.

GG. "Subscriber" means any person, firm, corporation, or entity receiving reception service from the Franchisee.

HH. "Two-way" means subscriber interaction with the cable system.

II. "User" means any person, firm, corporation, or entity who or which produces or otherwise provides program material for transmission by video, audio, digital, or other signals, either live or recorded by means of the system.

5-18-3 Length of Franchise. The term of a franchise and all rights, privileges, obligations, and restrictions pertaining thereto shall be determined by Council from the effective date of such franchise or the effective date of any transfer or assignment thereof in accordance with Section 5-18-6 of this Chapter. The term of agreement will be specified in the Franchise Agreement. Such term shall not exceed 15 years. The City shall award a nonexclusive franchise to construct, erect, operate, and maintain in, upon, along, across, above, over, and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto in the City, poles, wires, cables, underground conduits, manholes, and other conductors and fixtures necessary for the operation and maintenance in the City of a Cable Television System, and to furnish and to sell service from such System to the inhabitants of the City pursuant to the terms of this Chapter. The City specifically reserves the right to grant a similar franchise to any person, firm, corporation or municipal enterprise at any time.

5-18-4 Conditions for Initial Franchise Validation.

A. The Applicant shall abide by all provisions of this Chapter and all other applicable City ordinances. The Applicant shall not claim, as against the City, that the provisions of this Chapter are unreasonable, arbitrary, or void.
B. Within twenty (20) days after approval of the voters at a franchise election and approval of the City Council of a franchise proposal, the Applicant and the City may then proceed to execute a franchise agreement.
C. Within ninety (90) days after execution of the franchise agreement, the Applicant shall file with the appropriate authorities all papers and applications necessary to comply with the terms of this Chapter and the franchise agreement, and shall diligently pursue all such applications.
D. Failure of the Applicant to comply with the provisions of this section shall be grounds for immediate revocation of any rights the Applicant may have in the franchise and forfeiture of the Applicant's security fund and performance bond.

5-18-5 Renewal. A franchise granted under this Chapter may be renewed by the Council upon application of the Franchisee pursuant to Section 626 of the Cable Act of 1984, as amended.

5-18-6 Transfers and Assignments.

A. The Franchisee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Franchisee, without the prior consent of the Franchising Authority, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Franchisee in the Franchise or System in order to secure indebtedness. Within 30 days of receiving the request for transfer, the Franchising Authority shall, in accordance with FCC rules and regulations, notify the Franchisee in writing of the information in requires to determine the legal, financial and technical qualifications of the transferee.
B. It shall be a violation of the franchise for any individual or group of individuals acting in concert to formally or informally authorize any other individual or group of individuals to act as their nominee or to mislead the Council in any way in regard to the sale, transfer, or disposition of interest in or control of the Franchisee.
C. The restrictions of this section shall be effective immediately upon execution of the franchise agreement.

5-18-7 Franchise Territory - Service Area. The franchise territory, also known as the service area, shall include the entire present territorial limits of the City and any area annexed thereto during the term of the franchise.

5-18-8 Evidence of Financial Capability. The evidence of financial soundness and capability required in the initial applicant's proposal shall be such as may be reasonably necessary to assure the City that the entire system will be completed within the time specified by Section 38 of this Chapter.

5-18-9 Geographical Coverage. The Franchisee shall provide a cable communication system in such manner as to pass and provide adequate tap off facilities for every single family dwelling unit, multiple dwelling unit or other residential unit in the City. Franchisee shall also pass and provide adequate tap off facilities for every commercial establishment within 1/4 mile of existing distribution system in the City.

5-18-10 Extension of Service. The Franchisee shall, at its expense, within one year of annexation, extend its system to have service available to all residents of:

A. Newly annexed areas to the City where the average density is at least thirty (30) dwelling units per lineal mile of proposed trunk and feeder cable route.
B. New housing areas developed within the City limits.
C. Any new single family dwelling unit, multiple dwelling unit or other residential unit or commercial establishment within 1/4 mile of existing distribution system in the City shall be extended cable simultaneously with electric power and telephone utilities.

5-18-11 Television Broadcast Signals. The Franchisee shall provide, as part of its cable television service, the signals of all television broadcast signals consistent with the rules and regulations of the FCC and all other applicable laws, rules, or regulations. The Franchisee's system shall be designed, engineered, and maintained so as not to interfere with the television and radio reception of residents of the City who are not subscribers to the system.

A Spanish language television channel is of interest to the City, therefore Franchisees are encouraged to carry such a channel.

5-18-12 Education and Governmental Access Channels. During the term of the franchise, the Franchisee shall provide at no charge at least two additional channels: one for educational use and one to be used by the City, or its assignee, for any purpose. As both educational and municipal channel availability is of great interest to the City, applicants may indicate in their applications a greater number of channels dedicated for these purposes.

For any educational access channel, the Franchisee shall prohibit the presentation of any material designed to promote the sale of commercial products or services (including promotions by or on behalf of candidates for any elected or appointed office), lottery information, and obscene or indecent matter and permit public inspection of a record of the names and addresses of all persons or groups requesting access time. Such record shall be retained for a period of two (2) years.

5-18-13 Public Access Channels. During the term of the franchise, the Franchisee shall provide at least one (1) specially dedicated, non-commercial public access channel to be made available to the public, groups, and individuals on a first-come, non-discriminatory basis. Such channels shall be operated in accord with FCC rules and regulations. The Franchisee shall make no charge for use of such channel other than actual out-of-pocket expenses for production costs, if any, which are incurred in live studio presentations exceeding five (5) minutes. The Franchisee shall establish rules providing for access to the public channel on a first-come, non-discriminatory basis, prohibiting the presentation of any advertising material designed to promote the sale of commercial products or services (including promotions by or on behalf of any candidate for any elected or appointed office), lottery information, and obscene or indecent matter. A public record shall be kept and retained for two (2) years of the name and addresses of all persons or groups requesting access time. As the total number of access channels is of a great deal of interest to the City, applicants may propose a greater number of such channels than the minimum set forth herein in their application.

5-18-14 Public Access Channel Facilities. The Franchisee shall augment the television programming available by active promotion and assistance for locally originated programs. The Franchisee shall, for a reasonable charge, provide the necessary information to the public on the use of the access channels and shall provide, on request, assistance to any person seeking to develop the necessary skills to produce programs on the access channels. Further, the Franchisee shall cooperate with any person wishing to organize training workshops in connection with the use of access channels.

To these ends, the Franchisee must provide the necessary local studio and both portable and stationary equipment to support local origination of programs for transmission over the system. A studio within the City must be made available for all access users on a first-come, first-served basis. Equipment included must provide, at minimum, for the ability to use 1/2" video tapes and current technology available at the consumer level. Equipment shall include cameras, slide and film chain, portable cameras and recorders, a timebase corrector, and other appropriate equipment. The studio shall have the capability to originate cablecasts in color. Cost of maintenance of the studio and equipment shall be borne by the Franchisee. These program facilities and equipment are to be used by access cablecasters with the aid of a technical and production staff to be provided by the Franchisee.

Any Applicant shall demonstrate in its application how it plans to make the equipment, studio, and technical and production staff available. Applicants will be given preference in the selection process for plans that will most adequately meet these requirements. A full schedule of rates for the use of equipment, studio, and technical and production staff shall be submitted in the application or renewal of Franchise proposal.

5-18-15 Leased Access Channels. The Franchisee shall make a portion of the remaining unused channels available for lease to any organization, group, or individual on a first-come, first-served basis as provided in this Chapter. At least one (1) channel must be available for lease on a part-time basis. The Franchisee cannot exercise program controls over leased channels, but may adopt rules governing the leasing of channel space which: (a) provide for access on a first-come, non-discriminatory basis; (b) prohibit the presentation of lottery information and obscene or indecent matter; (c) require sponsorship identification; (d) specify a reasonable rate schedule; and (e) permit public inspection of the record of the names and addresses of all persons or groups requesting time, which record shall be retained for a period of at least two (2) years.

5-18-16 Additional Services. The Franchisee is encouraged to make available such additional video, audio, radio, digital, point-to- point service, and other services as are requested by subscribers and programmers who are willing to pay for such services, provided that such services are technologically and economically feasible. If no applicable rate exists when such a service is requested, the rate change procedures established in this Chapter shall apply. The Franchisee shall undertake to apply for any certificate of compliance or waiver necessary to permit the provision of a specific additional service. Should a dispute arise over any matter regarding additional services, the dispute may be resolved in accordance with the provisions of this Chapter relating to methods of resolving disputes. Nothing in this section shall preclude the offering of such new service on a temporary or experimental basis. In addition, public governmental and educational space shall be reserved in all information services initiated by the Franchisee at the same level as in cable television service.

5-18-17 All Channels Emergency Alert. The Franchisee shall, in the case of any emergency or disaster, make its entire system available without charge to the City or to any other governmental or civil defense agency that the City shall designate. The system shall be engineered to provide an audio alert system to allow authorized officials to automatically override the audio signal on all channels and transmit and report emergency information. The system shall also have the capability for visual transmission of emergency messages.

5-18-18 Subscriber Privacy. The Franchisee shall be constantly alert to possible abuses of the right of privacy or other legal rights of any subscriber, programmer, or general citizen resulting from any device or signal associated with the cable communications system. The possibility of such abuse shall be discussed at every scheduled review session.

The Franchisee shall abide by current Federal law and FCC regulations regarding protection of subscriber privacy.

No cable, line, wire, amplifier, converter, or other piece of equipment owned by the Franchisee shall be installed by the Franchisee within private easements without first securing the written permission of the owner, leasee, or tenant of any property involved.

5-18-19 Underground and Overground Installation Requirements.

A. The Franchisee may lease, rent, or in any other manner by mutual agreement obtain the use of towers, poles, lines, cables, and other equipment and facilities from utility companies operating within the City, and use towers, poles, lines, cables, and other equipment and facilities for the system. When and where practicable, the poles used by the Franchisee's distribution system shall be those erected and maintained by such utility companies operating within the City, provided mutually satisfactory rental agreements can be reached. It is the City's desire that all holders of public franchises in the City cooperate with the Franchisee and allow the Franchisee the use of their poles and pole line facilities whenever possible so that the number of new or additional poles installed in the City may be minimized.
B. The Franchisee shall have the right to erect, install, and maintain its own towers, poles, guys, anchors, underground conduits, and manholes as may be necessary for the proper construction and maintenance of the antenna site, headend, and distribution system, providing that the Franchisee has at the work site the necessary City permit(s) or copy thereof, for scheduled work, obtained in advance from the appropriate City Department.
C. The Franchisee shall have the right to establish terms, conditions, and specifications governing the form, type, size, quantity, and location of equipment of others on its poles, and shall have the further right to charge a fair rental for attachment space or spaces occupied by the said equipment and plant of others, except that no rent shall be paid by the City for its attachment to the Franchisee's poles. The City shall pay any costs incurred by the Franchisee in providing space for the City's attachments, including any necessary rearrangements of the Franchisee's equipment and plant to provide room for City attachments. Upon expiration, termination, or revocation of a franchise, or should a Franchisee wish to dispose of any of its poles, conduit or manholes, being used by the City, the City shall have the option to purchase them in place of their fair value based upon reproduction cost less depreciation.
D. In those areas of the City where transmission or distribution facilities of both telephone and power companies are underground or hereafter may be placed underground, the Franchisee shall likewise construct, operate, and maintain all of its transmission and distribution facilities underground to the maximum extent the then existing technology permits, in accordance with the most recent National Electrical Code as adopted by the City, the Bureau of Standards Handbook No. 81, and the Telephone System Practices Governing Joint Attachment Practices, and their successor documents, as well as in conformance with all applicable state and municipal ordinances and codes. If and when necessary, amplifiers and/or transformers in the Franchisee's transmission and distribution lines may be in appropriate housings on the surface of the ground. Such housings and the location and construction of all work required or pursuant to this section shall be approved in advance by the persons identified in Paragraph (B) of this section. Even when not required, underground installation is preferable to the placing of additional poles.
E. All transmission and distribution structures, lines, and equipment erected by the Franchisee in the City shall be located so as not to endanger or interfere with the normal use of streets, alleys, or other public ways and places so as to cause minimum interference with the rights or reasonable convenience of the general public and adjoining property owners and so as not to interfere with existing public utility installations and so as to comply with the most recent National Electrical Code as adopted by the City, the Bureau of Standards Handbook No. 81, and the Telephone System Practices Governing Joint Attachment Practices, and their successor documents, as well as in conformance with all applicable state and municipal ordinances and codes. The Franchisee shall make available to the City, maps, plats, and records of locations and character of all facilities for inspection at our local facility.

In the case of any disturbance by the Franchisee or its equipment of pavement, sidewalks, driveway, lawn, or other surfacing, the Franchisee shall, at its expense and in the manner required by the City, promptly replace and restore all such surfacing to as near as reasonably possible its prior or better condition.

F. The City reserves the right, upon reasonable notice, to require the Franchisee at its expense to protect, support, temporarily disconnect, relocate, or remove the Franchisee's equipment from a particular area of the City's streets if reasonably necessary by reason of traffic conditions; public safety, street construction or vacation; change or establishment of street grade; installation of sewers, drains, water pipes, power or communication lines, tracks, traffic signals, street lighting; or other conditions. Reasonable notice for this provision of the Chapter shall be construed to mean at least thirty (30) days, except in the case of emergencies.
G. The Franchisee shall not place poles, conduits, or other fixtures above or below ground where the same shall interfere with any gas, electric, telephone fixtures, water hydrant, or other utilities, and all such poles, conduits, or other fixtures above or below ground shall be so placed as to comply with all the requirements of the City.
H. The Franchisee shall, on request of any persons holding a moving permit issued by the City, temporarily move its wires or fixtures to permit the moving of buildings. The expense of such temporary removal shall be paid in advance by the person requesting the same, and the Franchisee shall be given not less than five (5) working days advance notice to arrange for such temporary changes.
I. The Franchisee shall have the authority, coextensive with the legal authority of the City, to trim any trees upon and overhanging the streets, alleys, sidewalks, and public place of the City so as to prevent the branches of such trees from coming in contact with wires and cables of the Franchisee, except that at the option of the City, trimming may be done by it or under its supervision and direction at the expense and liability of the Franchisee.

5-18-20 Consumer Service Standards. Nothing in this Ordinance shall be construed to prevent or prohibit: (i) the City of Muscatine and the Franchisee from agreeing to exceed the customer service standards set forth herein; (ii) the City from enforcing, through the franchise term, pre-existing customer service requirements that exceed the requirements set forth herein and are contained in current Franchise Agreements; (iii) the establishment or enforcement of any State or municipal law or regulation concerning customer service or consumer protection that imposes customer service or consumer protection requirements that exceed, or address matters not addressed herein.

The Franchisee shall maintain a local office to provide the necessary facilities, equipment and personnel to comply with the following consumer standards under normal conditions of operation:

A. Service Standards. The Franchisee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled Service Interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system. A written log or an equivalent stored in computer memory and capable of access and reproduction, shall be maintained for all Service Interruptions and requests for cable service as required by this Ordinance.
B. Telephone lines. Local toll-free or collect call telephone line capacity shall be made available by Franchisee to customers 24 hours per day, seven days a week, including holidays. The Franchisee shall use best efforts under Normal Operating Conditions

during Normal Business Hours to ensure that a minimum average of ninety percent (90%) of all callers (measured on a quarterly basis) for service will not be required to wait more than thirty (30) seconds before being connected to a trained customer service representative, and shall receive a busy signal less than three percent (3%) of the time (measured on a quarterly basis). If the call needs to be transferred, the transfer time shall not exceed thirty (30) seconds. Inquiries received after normal business hours may be answered by a service or an automated response system, and such calls must be responded to by a trained company representative on the next business day.

C. Local office. A business and service office, conveniently located within the City, open during Normal Business Hours, and adequately staffed to accept subscriber payments and respond to service requests and complaints.

D. Installation staff. An installation staff shall install service to any subscriber located up to 125 feet from the existing distribution system within seven (7) days after receipt of a request. This Standard shall be met no less than ninety-five percent (95%) of the time, measured on a quarterly basis.

E. Installation, Outages and Service call scheduling. Franchisee shall schedule, either at a specific time, or, at maximum, within a specified four (4) hour time period, all appointments with subscribers for installation or service. Franchisee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. If a Franchisee representative is running late for an appointment with a customer and will not be able to keep the appoint as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer. These Standards shall be met no less than ninety-five percent (95%) of the time, measured on a quarterly basis.

F. Repair standards. The Franchisee shall maintain a repair force of technicians who, under Normal Operating Conditions, are capable of responding to subscriber requests for service within the following time frames:

    1. System Service Interruption: Under Normal Operating Conditions, within two (2) hours, including weekends, of receiving subscribers calls which by number identify a system Service Interruption of sound or picture on one (1) or more channels, affecting all the subscribers of the system or two percent (2%) thereof.
    2. Isolated Service Interruption: Within twentyfour (24) hours, including weekends, of receiving requests for service identifying an Isolated Service Interruption (less than 2% of subscribers) of sound or picture for one (1) or more channels. This Standard shall be met no less than ninety-five percent (95%) of the time, measured on a quarterly basis.
    3. Inferior reception quality: Within forty-eight (48) hours, including weekends, of receiving a request for service identifying a problem concerning picture or sound quality. Franchisee shall be deemed to have responded to a request for service under the provisions of this Section when a technician arrives at the service location and begins work on the problem. In the case of a subscriber not being home when the technician arrives, response shall be deemed to have taken place if the technician leaves written notification of arrival.

G. Notification of Service Interruption to Cable Television Advisory Commission. The Franchisee shall promptly notify the Municipal Administrator, in writing, or if appropriate, by oral communication, of any significant interruption in the operation of the system. For the purposes of this section, a "significant interruption in the operation of the system" shall mean any interruption of sound or picture on one (1) or more channels a duration of at least one (1) hour to at least five percent (5%) of the subscribers, or an interruption of sound or picture on at least one (1) or more

channels initiated by the Franchisee of at least four (4) hours to any single subscriber.

H. Subscriber Credit for Service Interruption. Upon Service Interruption of subscriber's cable service, the following shall apply:
    1. For Service Interruptions of over twelve (12) hours and up to fourteen (14) days, the Franchisee shall provide, at the subscriber's request, a credit of one-thirtieth (1/30) of one month's fees for affected services for each 24-hour period service is interrupted for twelve (12) or more hours for all affected subscribers.
    2. For interruptions of fourteen (14) days or more in one month, the Franchisee shall provide, at the subscriber's request, a full month's credit for affected services for all affected subscribers.

5-18-21 Record of Complaints by Franchisee. Computer records setting forth the date and substance of each complaint received by phone, mail or other means during the preceding calendar month, if any, the name and address of each complaining party, and the date and nature of action taken by the Franchisee to respond to such complaints, or, if still pending, the status thereof, shall be maintained by the Franchisee and be available to the City for review for two years thereafter.

5-18-22 City Role in Complaints. Unresolved complaints concerning the system or its operation or maintenance shall be directed to the Office of the City Administrator. The City Administrator shall forward the complaint to the Franchisee or shall take the question up by correspondence with the Franchisee. Within such time as may be prescribed by the City Administrator, the Franchisee shall resolve the complaint or advise the City of its refusal or inability to do so. When the Franchisee resolves the complaint, it shall so notify the City. If a complaint has not been resolved, the complainant may petition the City to take any appropriate action authorized by this Chapter.

5-18-23 Review Sessions. In recognition of the fact that a great many technical, financial, marketing, and legal uncertainties are associated with all aspects of cable communications at the present time, it is the intent of the City to provide for a maximum feasible degree of flexibility in this franchise throughout its term to achieve an advanced and modern system for the City. The principal means for accomplishing this flexibility will be the scheduled review sessions provided for in this Chapter. It is intended that such review sessions will serve as a means of cooperatively working out solutions to problems that develop. Furthermore, such review sessions shall be two-way processes. For example, if either party has perceived that some major problem has developed, the session shall be devoted primarily to working out solutions acceptable to both parties.

5-18-24 Triennial Review Sessions. The City and the Franchisee shall hold scheduled review sessions no later than April 30, of calendar year 1997 and every third year thereafter for the duration of the franchise. All such review sessions shall be open to the public and notice thereof shall be published once, not less than ten (10) days nor more than twenty-five (25) days before each review session, as provided by law. The published notice shall specify the topics to be discussed.

5-18-25 Topics to be Reviewed. The following topics shall be discussed at every scheduled review session:

Recent and Developing Judicial and Federal Communication Rulings
Service Rate Structures

Free and Discounted Services
Application of New Technology or New Developments
System Performance
System Extension Policy
Services Provided
Programming Offered
Customer Complaints Review
Privacy and Human Rights
Community Development and Education
Interconnection
New Services

Other topics, in addition to those listed, may be added by either party. Members of the general public may also request additional topics.

5-18-26 Services of Consultant Permitted. The City may utilize the services of a consultant to gain additional information for use during the review sessions, renewal process and/or rate hearings, mediation, and arbitration sessions. The costs of such consultant shall be paid by the City.

5-18-27 Rate Regulation. The City reserves the right to regulate rates to the extent expressly permitted by Federal Law and FCC regulations.

5-18-28 Rate Adjustments. Any rate adjustments shall be filed with the City Clerk and the Cable Television Advisory Commission not later than 30 days prior to the implementation of the adjustment.

5-18-29 Switching Device. The Franchisee, upon request from any subscriber, shall install, at cost, a switching device to permit a subscriber to continue to utilize the subscriber's television antenna. The Franchisee shall not require the removal, or offer to remove, any subscriber's antenna or antenna lead-in wire. In order to restrict the viewing of unwanted programming upon the request of a subscriber, a cable operator shall provide (by sale or least at a reasonable cost) a device by which the subscriber can prohibit viewing of a particular cable service during periods selected by that subscriber.

5-18-30 Disconnection. There shall be no charge for disconnection of any installation. If any subscriber fails to pay a fee or charge, the Franchisee may disconnect the subscriber's service. Such disconnection shall not be effected until the subscriber has been given ten (10) days advance written notice of the intention to disconnect. After disconnection, upon payment of any required delinquent fee or reconnection charge, the Franchisee shall promptly reinstate the subscriber's service.

5-18-31 Termination of Service. Within 30 days of termination of service to any subscriber for any reason, the Franchisee shall, upon the subscriber's written request, promptly remove all its facilities and equipment from the subscriber's premises without charge.

5-18-32 Unauthorized Connections or Modifications.

A. It shall be unlawful for any firm, person, group, company, or corporation, without the expressed consent of the Franchisee, to make any connection, extension, or division whether physically, acoustically, inductively, electronically, or otherwise with or to

any segment of the system, except for residential inside wiring, for any purpose whatsoever.

B. It shall be unlawful for any firm, person, group, company, or corporation to willfully interfere, tamper, remove, obstruct, or damage any part, segment, or content of the system for any purpose whatsoever.
C. Any firm, person, group, company, or corporation convicted of a violation of this section shall be guilty of a misdemeanor, and shall be subject to all punishment under Iowa and Federal law.

5-18-33 Discriminatory or Preferential Practices. The Franchisee shall not, in making available the services or facilities of its system, or in its rules or regulations, or in any other respect, make or grant preferences or advantages to any subscriber or potential subscriber to the system, or to any user or potential user of the system and shall not subject any person to any prejudice or disadvantage based on their race, color, national origin or gender. This provision shall not prohibit promotional campaigns to stimulate subscriptions to the system or other legitimate uses thereof; nor shall it prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled.

5-18-34 Refunds to Subscribers and Programmers.

A. If the Franchisee fails to provide any material service requested by a subscriber or programmer in accordance with the current FCC standards, the Franchisee shall, after adequate notification and being afforded the opportunity to provide the service, promptly refund all deposits or advance charges paid for the service in question by the subscriber or programmer.
B. If any subscriber terminates for any other reason, the Franchisee shall refund the unused portion of any prepaid subscriber service fee on a daily pro rata basis.
C. Any disputes arising under this section shall be finally resolved in accordance with Section 22 of this Chapter.

5-18-35 Public Service Installations. The Franchisee shall, without charge for installation, maintenance, or service, install a single subscriber outlet at each public building and public school building in the City located within 200 feet of the existing feeder system. Such installations shall be made at such reasonable locations as shall be requested by the respective units of government or educational institutions. Any charge for relocation of such installations shall, however, be made at actual cost. Additional installations at the same location may be made at cost. No monthly service charges shall be made for the provision of Basic Service and Expanded Basic within such buildings.

The Franchisee shall also provide free live audio and video origination connection of the Cable Television System for each of the following: City of Muscatine, Musser Public Library, Muscatine Art Center, Muscatine School District, Muscatine Community College, and Veterans' Plaza Complex, provided that such facilities are within 500 feet of the existing return system.

5-18-36 Other Business Activities. Subject to the right of the City Council to change this policy, the Franchisee shall not engage in the business of selling, repairing, or installing television receivers, excluding converters, in the City of Muscatine during the term of this franchise. Nothing herein shall be deemed to prohibit the Franchisee, at a customer's request, from examining and adjusting a customer's receiver set to determine whether reception difficulties originate in the set or in Franchisee's system.

5-18-37 Franchisee Fee. As compensation for the franchise granted herein and in consideration for the use of the streets and public ways of the City for the construction, operation, maintenance, and reconstruction of a system within the city, the Franchisee shall pay to the City an annual amount equal to five percent (5%) of the Franchisee's Gross Annual Revenues as defined in Section 5-18-2 of this Ordinance, provided, however, that such amount shall not include any taxes on Cable Service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency and which are collected by the Franchisee on behalf of such governmental unit or agency. This includes, but is not limited to, all subscribers' payments, installation fees, converter boxes, advertising, leased access channels, pay-per-view and cable service exchanged in barter agreements. All funds due to the City pursuant to this subsection shall be deposited into the general fund of the City. Payment due to the City under this provision shall be made quarterly at the City Clerk's Office not later than 45 days following March 31, June 30, September 30 and December 31 each year. Any fee not paid when due shall bear interest at the rate of one and one-half percent (1 1/2%) per month from the date due. Each payment shall be accompanied by a detailed report showing the basis for the computation, specific income categories and such other relevant facts as may be required by the City. The acceptance of any payment shall not be construed as an accord that the amount paid is, in fact, the correct amount; nor shall such acceptance of payment be construed as a release of any claim the City may have for additional sums payable by the Franchisee. All amounts paid shall be subject to audit and recomputation by the City.

5-18-38 Construction and Operation Timetable. The Franchisee shall commence construction of the system not later than thirty (30) days after issuance of all the necessary permits and agreements relating to the Cable Television System. The Franchisee shall apply for all these necessary permits and agreements thirty (30) days after award of the franchise by the City. The Franchisee shall conduct any engineering studies necessary to permit the commencement of construction within thirty (30) days after issuance of the permits or agreements. Within one (1) year after construction commences, the Franchisee shall complete its studios and cablecasting facilities and the same shall be fully operational. Within one (1) year after construction commences, the Franchisee shall reasonably make cable service available to at least thirty-five percent (35%) of the potential subscriber terminals in the City. Within two (2) years after construction commences, the Franchisee shall complete construction of the system within the City.

5-18-39 Right of Inspection of Construction. The City shall have the right to inspect all construction or installation work performed subject to the provisions of this permit and to make such inspections as it shall find necessary to ensure compliance with the terms of this permit and other pertinent provisions of law.

5-18-40 Technical Standards.

A.

1. Methods of construction, installation, and maintenance of the Cable Television System shall comply with the most recent National Electrical Code adopted by the City, to the extent that such Code is consistent with local law affecting the construction, installation, maintenance of electric supply and communications lines. To the extent that such Code is inconsistent with other provisions of this franchise or with local law, the latter shall govern. The Franchisee must obtain all necessary construction or excavation permits in advance from the City.
2. Any tower constructed for use in the Cable Television System shall comply with the standards contained in Structured Standards for Steel Antenna

Towers and Antenna Supporting Structures, EIA Standards RS-222-A, as published by the Engineering Department of the Electronic Industries Association, 2001 "I" Street, N.W., Washington, D.C. 20006.

3. Installation and physical dimensions of any tower constructed for use in the Cable Television System shall comply with all appropriate Federal Aviation Agency regulations.
4. Any antenna structure used in the Cable Television System shall comply with all appropriate local, state and federal regulations.
5. All working facilities and conditions used during construction, installation, and maintenance of the Cable Television System shall comply with the standards of the Occupational Safety and Health Administration.

B.

1. Whenever a pattern of similar complaints emerges, or where there exists other evidence, which, in the judgment of the City, casts doubt on the reliability or quality of cable service, the City shall have the right and authority to compel the Franchisee to test, analyze, and report on the performance of the system. The City's right under this provision shall be limited to requiring tests, analyses, and reports covering specific subjects and characteristics based on said complaints or other evidence when and under such circumstances as the City has reasonable grounds to believe that the complaints or other evidence require that tests be performed to protect the public against substandard cable service.
2. Any special performance tests or measurements required by the City to be taken pursuant to subsection (3)1 shall be reported to the City within fourteen (14) days after such tests or measurements are performed. Such report shall include the following information: the nature of the complaint which precipitated the special tests; what system component was tested, the equipment used, and procedures employed in said testing; the results of such tests; and the method in which such complaints were resolved. Any other information pertinent to the special test shall be recorded.

C. Should any of the following occur, the Franchisee must notify the Commission within thirty (30) days prior to any change regarding:

1. Addition to, deletion of, or change in received channel.
2. Addition to, deletion of, or change in distributed channel or in channel conversion.
3. Change in location of headend or antenna sites.
4. Addition to or changes in location of centers for origination of programs and the installation of bi-directional facilities or additional lines to make connection to the headend.
5. Interconnection with other cable systems.

D. The Franchisee must comply with all FCC technical standards.

5-18-41 New Developments. The Franchisee is encouraged to upgrade its facilities, equipment, and service so that its system is as advanced as the current state of production technology will allow. Such new developments shall be a topic of discussion at all review sessions and shall be a factor to be considered in connection with requests for rate adjustments.

5-18-42 Communications with Regulatory Agencies. Copies of all petitions, applications, communications, reports, and all other documents submitted by the Franchisee or its parent companies to the FCC, Securities and Exchange Commission, or any other Federal or State regulator commission or agency shall be made available to the City upon written request to Franchisee.

5-18-43 Annual Report. No later than ninety (90) days after the close of the Franchisee's fiscal year, the Franchisee shall submit a detailed written informative report to the City, including the following information pertaining only to the Muscatine franchise:

A. A summary of the previous year's activities in development of the system, including, but not limited to, services begun or dropped and subscribers gained or lost.
B. A detailed revenue statement including a breakdown of all revenue sources upon which the City can verify Franchise Fee accuracy.
C. A current statement on the cost of construction by project categories.
D. A summary of complaints, identifying the number and specific nature of complaints and their disposition.
E. A list of key management for the Muscatine franchise along with their addresses and job titles.
F. The City shall have the right to have an independent firm of certified public accountants appointed by the City to inspect the Franchisee's books and records at reasonable times. Such firm of certified public accountants will be paid by the City and approved by the Franchisee, which approval will not be unreasonably withheld. Said accountant or accountants shall not disclose to the City any information other than that relating solely to the accuracy and completeness of payments and reports required of the Franchisee by this Chapter. At the time of any such inspection, Franchisee will make all books and records necessary for such inspection available at the Franchisee's Muscatine office.
G. The annual report of the parent company of a public corporation.
H. A summary of types of communication signals and services provided without charge or provided under a barter arrangement along with their dollar equivalent.

5-18-44 Security Fund and Performance Bond.

A. Within ten (10) days after execution of the Franchise Agreement, the Franchisee shall deposit with the City Clerk, and maintain on deposit through the term of this franchise, the sum of $5,000.00 as security for the faithful performance by it of all the provisions of this franchise and compliance with all orders, permits, and directions of any agency of the City having jurisdiction over its acts or defaults under this contract, and the payment by the Franchisee of any claims, liens, and taxes due the City which arise by reason of the construction, operation, or maintenance of the system.
B. Within ten (10) days after notice to it that any amount has been withdrawn from the security fund deposited pursuant to subdivision (A) of this section, the Franchisee shall pay to, or deposit with, the City Clerk a sum of money sufficient to restore such security fund to the original amount of $5,000.00.
C. If the Franchisee fails to pay to the City any compensation within the time fixed herein; or fails after ten (10) days notice to pay to the City any taxes due and unpaid; or fails to repay to the City within such ten (10) days, any damages, costs, or expenses which the City shall be compelled to pay by reason of any act or default of the Franchisee in connection with this franchise; or fails after three (3) days notice of such failure by the City Council to comply with any provision of this contract which the City Council reasonably determines can be remedied by an expenditure of the security, the City Clerk may immediately withdraw the amount thereof, with interest and any penalties, from the security fund. Upon such withdrawal, the City Clerk shall notify the company of the amount and date thereof.
D. The security fund deposited pursuant to this section shall become the property of the City in the event that this contract is cancelled by reason of the default of the

Franchisee. The Franchisee, however, shall be entitled to the return of such security fund, or portion thereof, as remains on deposit at the expiration of the term of this contract, provided that there is then no outstanding default on the part of the Franchisee. Interest earned by the investment of the security fund will accrue to the Franchisee.

E. The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by this contract or authorized by law, and no action, proceeding, or exercise of a right with respect to such security fund shall affect any other right the City may have.
F. Performance Bond. On or before the effective date of its franchise, the Franchisee shall post a performance bond in favor of the City in the amount of $45,000.00 as security for the faith or performance by it of all the provisions of this ordinance; compliance with all orders, permits, and directions of any agency of the City having jurisdiction over acts or defaults under this ordinance; and payment by the Franchisee of any claims due to the City which arise by reason of construction, operation, or maintenance of the system. Bonds shall be approved by the City's legal department.
G. In lieu of any bonds and other surety required of the Franchisee herein or other franchise document with the Franchising Authority, Franchising Authority agrees to accept a guarantee in lieu of bond from parent corporation of an incumbent Franchisee, in form and substance reasonably satisfactory to the Franchising Authority.

5-18-45 Cancellation and Expiration.

A. The Franchisee shall not be declared in default or be subject to any sanction under this ordinance where the Franchisee's performance is prevented for reasons beyond its control.
B. The Franchisee shall not be entitled to damages from the City sustained by the virtue of the closing, vacation, or relocation of any streets or alleys.
C. Upon cancellation or expiration of the franchise, the City may, in a lawful manner and upon payment in readily available funds, purchase the system for a price equal to its fair market value. The fair market value shall be determined by an independent organization acceptable to both parties in accordance with generally accepted cable television appraisal and accounting principles. The original cost of all tangible and intangible property, as well as salvage value, the book value, and replacement cost, cash flow, and other factors may be considered. However, under no circumstances shall any valuation be made for any right or privilege granted pursuant to this Chapter. Should a dispute arise over the determination of the fair market value of the system, the dispute shall be resolved by arbitration in accord with the rules of the American Arbitration Association. If the City elects to purchase the system, the Franchisee shall promptly execute all documents necessary to transfer title to the City and shall assign all of the contracts, leases, licenses, permits, and any other rights necessary to maintain continuity of service to the public. The Franchisee shall cooperate with the City to operate the system for a temporary period, in maintaining continuity of service. Nothing herein is intended as a waiver of any rights the City may have.

5-18-46 Enforcement. The Franchisee shall not be relieved of its obligation to comply with this ordinance by reason of the City's failure to enforce prompt compliance.

5-18-47 Indemnification. The Franchisee shall defend, indemnify, protect, and hold harmless the City from and against any and all liability, losses, and damage to property or bodily injury or death to any person, including payments made under workmen's compensation laws, which may arise out of or be caused by the erection, construction, replacement, removal, maintenance, or operation of Franchisee's Cable Television System and caused by any act or failure to act on the part of the Franchisee, its agents, officers, servants, or employees.

5-18-48 Insurance. The Franchisee shall maintain insurance in such amounts and kinds of coverages as may be specified by the City. Such coverages may be adjusted by the City with ninety (90) day notification. The Franchisee shall maintain such insurance with insurance underwriters authorized to do business in the State of Iowa. All policies shall name the City, its employees, servants, agents, and officers as additional insured parties. Certified copies of the insurance policies required by this section shall be filed with the City Clerk prior to the commencement of construction. Each policy shall provide that it may not be cancelled nor the amount of coverage altered until thirty (30) days after receipt by the City Clerk of a registered mail notice of such intent to cancel or alter coverage.

A. The Franchisee shall maintain and provide to the City Clerk proof of Public Liability Insurance for not less than the following amounts:

   $1,000,000 Any 1 Occurrence, Bodily Injury or Property Damage
   $1,000,000 Personal or Advertising Injury Liability, Any 1 Person or Organization
   $1,000,000 Products/Completed Operations Annual Aggregate Liability
   $5,000,000 General Aggregate

5-18-49 Foreclosure. A foreclosure or other judicial sale of all or part of the system shall be treated as a change in control of the Franchisee and the provisions of Section 6 of this Chapter shall apply.

5-18-50 Receivership. The City shall have the right to cancel this franchise one hundred twenty (120) days after the appointment of a receiver or trustee, to take over and conduct the businesses of the Franchisee, whether in receivership, reorganization, bankruptcy, or other action or proceedings, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless:

A. Within one hundred twenty (120) days after being elected or appointed such receiver or trustee shall have fully complied with all provisions of this ordinance and remedied all defaults thereunder; and
B. Shall have executed an agreement, approved by the court having jurisdiction, whereby such receiver or trustee agrees to be bound by this Chapter and the franchise granted to the Franchisee.

5-18-51 Publication of Notice. Whenever the provisions of this Chapter require that notice be published, such notice shall be prepared and published by the City. The cost of publication will be borne by the Franchisee.

5-18-52 Cost of Publication and Election. The Applicant shall assume the costs of publication of this Chapter, the costs of any other legal publication for amendments to this Chapter prior to franchise award, the costs of publication of any other ordinances or legal documents prior to franchise award, and the costs of the special election. The Franchisee seeking renewal shall assume the costs of publishing this chapter.

5-18-53 Transmission of Documents to City. Unless otherwise specifically provided, whenever the provisions of this Chapter require transmission of documents from the Franchisee to the City, such documents shall be mailed or delivered to the office of the City Clerk, City Hall, Muscatine, Iowa 52761, or to such other person as the City may in writing designate.

5-18-54 Severability. If any section, sentence, clause, or phrase of this Chapter is held unconstitutional, unenforceable or otherwise invalid, by the Federal Communications Commission, other Federal or State regulatory body, or any court of competent jurisdiction, such infirmity shall not affect the validity of this Chapter, and any portions in conflict are hereby repealed.

5-18-55 Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Chapter are hereby repealed.

Title 5 – Business Regulations
Chapter 19 – Cable Television Franchise

SECTIONS:
5-19-1 Term of Franchise
5-19-2 Effective Date of Franchise and Acceptance of Franchise
5-19-3 Rebuild of System
5-19-4 Transfer of Franchise
5-19-5 Severability
5-19-6 Adoption
5-19-7 Equal Protection

5-19-1 Term of Franchise. Cablevision VII Inc., its successors and assigns, is hereby granted a renewal of their nonexclusive right, franchise and authority for a period of fifteen (15) years to erect, maintain and operate a Cable Television System in Muscatine, Iowa, and to sell and supply individuals, firms and corporations within the corporate limits of the City of Muscatine, Iowa, Cable Service and other services in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across, or along any Public Way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System, subject to the conditions and restrictions provided and subject to the cable television regulatory ordinance, passed and adopted July 21, 1994.

5-19-2. Effective Date of Franchise and Acceptance of Franchise. This franchise and all rights thereunder shall become effective after final passage and publication hereof; within thirty (30) days after the effective date of this franchise ordinance renewal, Cablevision VII Inc. shall file with the Clerk an acceptance in writing of this franchise renewal and pay all costs as required under the laws of the State of Iowa.

5-19-3. Rebuild of System. The Franchisee shall rebuild/upgrade its system to a capacity capable of at least 60 channels utilizing fiber optics as necessary to replace existing trunkline in a manner which permits the Franchisee to take full advantage of the benefits of that technology, including increased reliability and improved system performance. Work shall be completed no later than December 31, 1998.

5-19-4 Transfer of Franchise. The Franchisee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Franchisee, without the prior consent of the Franchising Authority, such consent not to be unreasonably withheld. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Franchisee in the Franchise or System in order to secure indebtedness. Within 30 days of receiving the request for transfer, the Franchising Authority shall in accordance with FCC rules and regulations, notify the Franchisee in writing of the information it requires to determine the legal, financial and technical qualifications of the transferee.

5-19-5 Severability. If any section, subsection, sentence, clause, phrase, or portion of this franchise ordinance shall be held invalid or unenforceable or unconstitutional, the remaining provisions shall remain in full force and effect.

5-19-6 Adoption. This franchise renewal was awarded by the City Council on August 18, 1994 and was published as required on September 7, 1994 and therefore, this franchise renewal shall expire on September 7, 2009.

5-19-7 Equal Protection. In the event the Franchising Authority enters into a franchise, permit, license authorization or other agreement of any kind with any other person or entity other than the Franchisee to enter into the Franchising Authority's streets and Public Ways for the purpose of constructing or operating a Cable System or providing Cable Service to any part of the Service Area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that the operator not be granted an unfair competitive advantage over another and to provide all parties equal protection under the law.

Title 5 – Business Regulations
Chapter 20 – Residential Sales

SECTIONS:
5-20-1 Purpose
5-20-2 Definitions
5-20-3 Signs
5-20-4 Residential Sales Regulations
5-20-5 Enforcement

5-20-1 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.

5-20-2 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.

5-20-3 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 twentyfour (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 to be placed in violation of this Section shall be removed immediately by that employee and disposed of. Violation of this Section shall result in the issuance of a citation to the owner of the property referenced on the sign as follows:
    1. Upon the first conviction, the owner shall be subject to the payment of a fine of ten dollars ($10.00); upon the second and subsequent conviction, the owner shall be fined twentyfive dollars ($25.00); and upon the third and all subsequent convictions, shall be fined an amount not less than fifty dollars ($50.00) nor more than seventy-five dollars ($75.00) or be subject to not more than thirty (30) days in jail.

5-20-4 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.

5-20-5 Enforcement. It shall be the policy of the City to enforce the regulations under this Chapter by "substantial complaint", except as provided in Section 5-20-3.

Title 6 – Fire Regulations
Chapter 1 – Fire Department Regulations

SECTIONS:
6-1-1 Duties
6-1-2 Authority for Enforcement
6-1-3 Powers
6-1-4 Fire Prevention Rules
6-1-5 Authority at Fires and Other Emergencies
6-1-6 May Demolish Buildings
6-1-7 Resignations; Duty at Fires
6-1-8 Records of Fires
6-1-9 Investigations
6-1-10 Buildings; Apparatus
6-1-11 False Information
6-1-12 Outside City Limits
6-1-13 Priorities
6-1-14 Decisions
6-1-15 Fire Department Employees Outside Corporate Limits
6-1-16 Fire in Public Places; Notice

6-1-1 Duties. The Chief of the Fire Department shall be the executive head of the Fire Department and his/her orders shall be obeyed by all members of the Department. The Fire Chief shall devote his/her entire time to the service of the City and shall not be absent from the City more than twenty-four (24) hours without notification to the Mayor or City Administrator. He/she shall have general charge of the property belonging to the City connected with and used by the Fire Department and shall see that it is kept in good repair and ready for immediate use at all times. He/she shall have his/her headquarters at the central station and shall maintain an adequate training program within the Fire Department. Whenever he/she is absent from the City, he/she shall notify the Assistant Chief or the Captain in command at the central station.

6-1-2 Authority for Enforcement. Under the chiefs direction, the Fire Department is authorized to enforce all ordinances of the jurisdiction pertaining to:

A. The prevention of fires.
B. The suppression or extinguishing of dangerous or hazardous fires.
C. The storage, use and handling of hazardous materials.
D. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
E. The maintenance and regulation of fire escapes.
F. The maintenance of fire protection features and the elimination of fire hazards on land and in buildings, structures and other property, including working with the Building and Zoning Department in review of structures under construction.
G. The maintenance of exits.
H. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

6-1-3 Powers. The Chief of the Fire Department may peremptorily suspend or discharge any subordinate then under his/her direction for neglect of duty, disobedience of orders, misconduct, or failure to perform his/her duties properly.

6-1-4 Fire Prevention Rules. The Chief, with the approval of the City Administrator, is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of all local fire prevention laws and ordinances.

6-1-5 Authority at Fires and Other Emergencies.

A. General. The Chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of duty. In the exercise of such power, the Chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove or cause to be removed or kept away from the scene any vehicle, vessel or thing which may impede or interfere with the operations of the fire department and, in the judgment of the chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.
B. Barricades. The Chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accident or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

6-1-6 May Demolish Buildings. The Chief of the Fire Department or designated Officer in Charge shall have the power to tear down, demolish, destroy, or otherwise remove any building or erection of any kind or to order the same to be done whenever, in his/her opinion and judgment, it is necessary to do so in order to arrest the progress of or to extinguish any conflagration.

6-1-7 Resignations; Duty at Fires. No member of the fire department shall resign at the time of an emergency or shall willfully fail or neglect to discharge his/her duty at such time.

6-1-8 Records of Fires. The Chief of the Fire Department shall keep a record of all emergency calls and all the facts concerning the same, including statistics, as to the circumstances surrounding such emergencies and the injuries or damage caused thereby.

6-1-9 Investigations. The Fire Department is authorized to promptly investigate the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to persons or destruction or damage to property and, if it appears that such fire is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the fire and are authorized to pursue the investigation to its conclusion.

The Chief, Officer in Charge, or designated representative is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials.

6-1-10 Buildings; Apparatus. The Chief of the Fire Department shall have exclusive supervision and control of engines, machinery, or apparatus used by the Fire Department. It shall be the duty of the Chief of the Fire Department to make inspections as often as deemed necessary, to carefully examine the condition of all such property, including

buildings, and see that the same is at all times in good repair and condition, and to report to the City Administrator any major defect in the same, or any major repairs, attention, alterations, or additions required, and shall, with the consent of the Mayor and Council, cause all such major repairs to be made without delay.

6-1-11 False Information. No person shall, without reasonable cause therefore, for the purpose of either misleading or deceiving, give any alarm of fire, or give or circulate false information as to the location of any bomb, explosive, or other hazardous device or dangerous instrument upon the premises of any building or property or permit said false alarm or information to be given verbally or through any alarm or communication system.

6-1-12 Outside City Limits. The fire fighting equipment owned by the City shall not leave the corporate limits of the City except under the following conditions:

A. In response to calls where specified fire agreements have been approved by the City Council.
B. In response to a call for properties owned by the City outside the City Limits.
C. In case of emergencies other than buildings, fire department trucks and equipment may respond if deemed advisable by the Fire Chief, or his/her designated representative; provided, however, that there is no present demand from within the City.
D. Where mutual-aid agreements exist with other governmental units, a City truck may respond to that call; provided, however, that there is no present demand from within the City.
E. In response to calls from Lock and Dam No. 16.
F. For special events or activities as may be approved by the City Administrator and City Council.

6-1-13 Priorities. For the purpose of clarification, the priority of calls shall be as follows:

A. Calls within the Corporate Limits of the City.
B. Calls listed in subsections (a) through (f) of Section 6-1-12 of this Chapter, as prioritized by the Chief.

6-1-14 Decisions. If any situation arises under the preceding Sections of this Chapter which calls for a decision, that decision shall be made by the Fire Chief or the officer in charge of the Fire Department at the time of the call.

6-1-15 Fire Department Employees Outside Corporate Limits. Fire department employees operating equipment owned by the City outside the corporate limits of the City, under the provisions of this Chapter, shall be entitled to all the rights and privileges as provided in the Code of Iowa; relative to disabled and retired fire fighters, and providing a retirement system for fire fighters, and acts amendatory thereto.

6-1-16 Fire in Public Places; Notice.

A. No person, by smoking or attempting to light or to smoke cigarettes, cigars, pipes, or tobacco in any manner, in which lighters or matches are employed, shall in a careless, reckless, or negligent manner whatsoever, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, or any household fittings in

any sleeping room, lodging house, or room of any hotel, rooming house, or other place of public abode, so as to endanger life or property in any way or to any extent.

B. In each sleeping room of all hotels, rooming houses, lodging houses, and other places of public abode, a plainly printed notice shall be posted in a conspicuous place advising tenants of the provisions of this Section.

Title 6 – Fire Regulations
Chapter 2 – Open Burning

SECTIONS:
6-2-1 No Open Burning; Permit Required
6-2-2 Open Burning Permit Purposes
6-2-3 Hours Open Burning Permitted
6-2-4 Open Burning Restrictions

6-2-1 No Open Burning; Permit Required. There will be no open burning within the corporate City Limits without a permit having been issued by a representative of the Fire Department or by special exception of City Council.

6-2-2 Open Burning Permit Purposes. Permits for open burning will be issued for the following purposes:

A. Bon fires by organizations such as the Muscatine High School, Boy Scouts, Girl Scouts, churches, etc., with the purpose of these bon fires being directed towards raising school spirit, ceremonial events and so on.
B. Wiener roasts, which would be limited to the actual purpose of having a wiener roast and not for the intent of burning large quantities of brush or other combustible material.
C. Burning of actual prairie grass fields with the prior approval of appropriate Parks and Recreation personnel.
D. Individuals, who have property of one acre or more, or developed for other approved purposes may be issued permits to burn leaves, organic matter, brush and trees, gathered from that property, but not for building materials. Prior to the permit being issued, the fire department representative will attempt to insure the fire poses no problem with relation to smoke obscuring roadways, creating a nuisance or of the fire spreading beyond the control of the responsible individual.
E. Fire Department training activities including fires in structures and small fires started for fire extinguisher classes.

6-2-3 Hours Open Burning Permitted. Open burning, when permitted, shall be done only between the hours of 7:00 a.m. and 9:00 p.m. on the days stipulated on the permit. Fires shall not be allowed to burn or smolder outside that time period.

6-2-4 Open Burning Restrictions.

A. Open burning shall not be conducted within 50 feet of any structure or other combustible material. Conditions which could cause the fire to spread to within 50 feet of a structure shall be eliminated prior to ignition.
B. A hose connected to an adequate water supply or other approved fire-extinguishing equipment shall be readily available for use at open burning sites.
C. Burning material shall be constantly attended by a person knowledgeable of the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.
D. The chief is authorized to require that open burning be immediately discontinued if the chief determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief to constitute a hazardous condition.

E. Open burning on any street or alley within the City is prohibited.

Title 6 – Fire Regulations

Chapter 3 – Fire Prevention Codes

SECTIONS:

6-3-1 Adoption of Fire Prevention Codes
6-3-2 Establishment and Duties of Bureau of Fire Prevention
6-3-3 Definitions
6-3-4 Amendments Made in the Uniform Fire Code
6-3-5 Appeals
6-3-6 Penalties
6-3-7 Hazardous Materials

6-3-1 Adoption of Fire Prevention Codes. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Fire Code", 2006 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Fire 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.

6-3-2 Establishment and Duties of Bureau of Fire Prevention. The fire prevention codes adopted by the City Council shall be enforced by the Bureau of Fire Prevention in the fire department of the City of Muscatine, Iowa, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department, Fire Marshal, Fire Inspector, or the designated representative(s).

6-3-3 Definitions. Wherever the word "jurisdiction" is used in any of the fire prevention codes, it is the City of Muscatine, and all properties outside the corporate City limits which are owned by, or have signed contracts for the provision of Fire Department Services with, the City of Muscatine.

6-3-4 Amendments Made to the International Fire Code. The International Fire Code is amended and changed in the following respects:

Delete Section 3301.1.3 (fireworks)

Delete Section 3302.1 definition of fireworks

Delete Section 307 in its entirety. (open burning)

Delete Section 401 in its entirety. (false reporting)

6-3-5 Appeals. Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of a provision of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Fire Code Board of Appeals within 30 days from the date of the decision.

6-3-6 Penalties.

A. No person shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or shall operate or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or shall fail to comply with such an order of the Chief as affirmed by the Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, or shall severally for each and every such violation and noncompliance, respectively, be guilty, as elsewhere set out in the City Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

6-3-7 Hazardous Materials.

A. Definitions of terms pertaining to the prevention, control and mitigation of dangerous conditions related to the storage, dispensing, use, handling, and transportation of hazardous materials shall be as defined in Chapter 27, Section 2701.2.2.1 and 2701.2.2.2 of the International Fire Code, as adopted in Section 1 of this chapter.
B. The person, firm, or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the chief, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.
C. Costs associated with the response of the City of Muscatine to any unauthorized discharge shall be borne by the owner, operator or other person responsible for the unauthorized discharge.
D. In the absence of an assignment of responsibility for costs to an owner, operator or other responsible person, the costs associated with cleanup or response shall be borne by the owner of the hazardous material.

Title 6 – Fire Regulations

Chapter 4 – Fireworks and Explosives

SECTIONS:

6-4-1 Explosives, Retail Sales
6-4-2 Storage Requirements, Explosive Gunpowders
6-4-3 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited
6-4-4 Fireworks Defined
6-4-5 Use, Possession, or Sale Unlawful
6-4-6 Bond for Fireworks Display Required
6-4-7 Disposal of Unfired Fireworks
6-4-8 Exception
6-4-9 Seizure of Fireworks

6-4-1 Explosives, Retail Sales. Storage, handling, and display of sporting gunpowders, primers, percussion caps and ammunition shall be in accordance with the provisions of the Uniform Fire Code, Article 77. A permit from the Fire Department is required for storage, handling, display and sales of such explosives.

6-4-2 Storage Requirements, Explosive Gunpowders. Other than as provided for Retail Sales in Section 6-4-1, no person shall be permitted to keep more than twenty-five (25) pounds of gunpowder or five (5) pounds of black powder in any building. Powder shall be kept in closed kegs or metallic canisters in a place secure from fire, and where it can easily and safely be removed in case of fire. Nothing in this Section shall be so construed as to prevent persons from keeping powder in smaller quantities for common hunting purposes, or the legal transportation thereof, as permitted by State or Federal authorities.

6-4-3 Establishments of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the corporate City limits of the City of Muscatine, except as specifically allowed by the Chief, such as, but not limited to, what is permitted in 6-4-4, Fireworks Defined. The City Council shall have power to adopt reasonable rules and regulations for granting of permits for use of explosives

6-4-4 Fireworks Defined. The term "fireworks" shall mean and include 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 shall include blank cartridges, fire crackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction and any fireworks containing any explosives or inflammable compound or other device containing any explosive substance. The term "fireworks" shall not include gold star producing sparklers on wires, which contain no magnesium or chlorate or perchlorate, flitter sparklers or paper tubes that do not exceed 1/8 of an inch in diameter, toy snakes which contain no mercury, nor paper caps containing an average of twenty five hundredths of a grain of explosive content per cap or less used in cap pistols.

6-4-5 Use, Possession, or Sale Unlawful.

A. Except as hereinafter provided, it shall be unlawful for any person to possess, store, expose for sale, sell or retail or use or explode any fireworks, provided, that the City

Council shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such use or display shall be handled by a competent operator approved by the Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Chief after proper investigation, not to be hazardous to property or endanger any person.

B. Application for permits shall be made 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. After such privilege shall be granted, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

6-4-6 Bond for Fireworks Display Required. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the City Council 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.

6-4-7 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.

6-4-8 Exception. Nothing in this article shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

6-4-9 Seizure of Fireworks. The 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.

Title 6 – Fire Regulations
Chapter 5 – Fire Inspections

SECTIONS:
6-5-1 Inspections
6-5-2 Nationally Recognized Standards
6-5-3 Alternate Materials and Methods
6-5-4 Technical Assistance
6-5-5 Liability
6-5-6 Validity

6-5-1 Inspections. The Fire Prevention Bureau shall inspect, as often as the Chief deems necessary, buildings and premises, including such other hazards or appliances as the Chief may designate for the purpose of ascertaining and causing to be corrected any conditions or violations of provisions of this code or of any other law or standard affecting fire safety.

6-5-2 Nationally Recognized Standards. Where no applicable standards or requirements are set forth or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Chief shall be deemed as prima facie evidence of compliance with the intent of this ordinance. Nothing contained in this title shall derogate from the power of the Chief to determine compliance with codes or standards for those activities or installations within the Chief's jurisdiction or responsibility.

6-5-3 Alternate Materials and Methods.

A. Practical Difficulties. The Chief is authorized to modify any of the provisions of local fire prevention laws and ordinances upon application in writing by the owner, a lessee or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of said law or ordinance, provided that the spirit of the law or ordinance shall be complied with, public safety secured and substantial justice done. The particulars of such modification and the decision of the Chief shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.
B. Alternate Materials. The Chief, on notice to the Building Official, is authorized to approve alternate materials or methods, provided that the Chief finds that the proposed design, use or operation satisfactorily complies with the intent of the local law or ordinance and that the material, method of work performed or operation is, for the purpose intended, at least equivalent to that prescribed in quality, strength, effectiveness, fire resistance, durability and safety. Approvals under the authority herein contained shall be subject to the approval of the Building Official whenever the alternate material or method involves matters regulated by the Building Code.
C. Proof of Compliance. The Chief is authorized to require tests as proof of compliance with the intent of this code. Such tests shall be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

6-5-4 Technical Assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the Chief is authorized to require

the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety specialty organization acceptable to the Chief and the owner and shall analyze the fire-safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes.

6-5-5 Liability. The Chief and other individuals charged by the Chief with the control or extinguishments of any fire, the enforcement of this chapter, any fire prevention law or ordinance, or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Chief or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this chapter or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this chapter or any permits or certificates issued.

6-5-6 Validity. If any provision of any chapter of this Title or the application thereof to any person or circumstance is held invalid, the remainder of City Code and the application of such provision to other persons or circumstances shall not be affected hereby.

Title 7 – Police Regulations
Chapter 1 – Police Department

SECTIONS:
7-1-1 Creation; Appointment
7-1-2 Chain of Command
7-1-3 Sergeant at Arms
7-1-4 Duties of Chief of Police
7-1-5 Uniforms
7-1-6 Obedience to Superior Officers
7-1-7 False Alarm
7-1-8 Rules

7-1-1 Creation; Appointment. There is hereby established a Police Department, consisting of a Chief of Police and such other members as the Council may from time to time provide, which officers and men shall be appointed as provided in the Civil Service Law of the State of Iowa.

7-1-2 Chain of Command. The chain of command in the Police Department shall be as prescribed in the rules and regulations of the Department.

7-1-3 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 chamber in order, and promptly serve or have served all notices or orders required of him or her by the Mayor or Council.

7-1-4 Duties of Chief of Police. The Chief of Police shall be the executive head of the Police Department, and his or her orders shall be obeyed implicitly. It shall be the duty of the Chief of Police to cause the public peace to be preserved and to see that all the laws are enforced; and whenever any violations thereof shall come to his or her knowledge or be reported to him or her, he or she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender. He or she and his or her subordinates shall, in case of riot, tumult, insurrection or threatening thereof, take command in person of the police officers and direct their movements and operations in the discharge of their duties. He or she shall be responsible for the efficiency, general conduct, and good order of the Department. Annually, the Police Chief shall make and file with the Clerk an annual report showing a summary of the business of the Department.

7-1-5 Uniforms. Each member of the Police Department shall be required to properly wear suitable uniforms as directed by the Chief of Police; the same to be according to the design, color, and material as prescribed by the Chief of Police.

7-1-6 Obedience to Superior Officers. All members of the Police Department shall observe and obey the orders of their superior officers.

7-1-7 False Alarm. Any person who shall, without reasonable cause therefore, or shall for the purpose of either misleading, deceiving, or joking, notify or cause to be notified or informed any police officer that his or her presence or services are needed at any particular point, and thus cause such officer to go to such point, or who shall cause, suffer, or permit any false call for such officer to be made by or through any emergency system or telephone, shall be deemed guilty of a misdemeanor.

7-1-8 Rules. The Chief of Police shall have authority to adopt such departmental rules as he or she deems necessary for the orderly administration and operation of the Police Department.

Title 7 – Police Regulations
Chapter 2 – Alarm Regulations

SECTIONS:

I. General Provision
- 7-2-1 Purpose
- 7-2-2 Definitions
- 7-2-3 Automatic Protection Devices
- 7-2-4 Direct Alarm Systems
- 7-2-5 Alarm System Restrictions

II. Licensing Requirements and Procedures
- 7-2-6 Alarm Business -- License Required
- 7-2-7 Alarm Agent -- License Required
- 7-2-8 Alarm System -- Permit Required
- 7-2-9 Central Station System -- License Required
- 7-2-10 Modified Central Station -- License Required
- 7-2-11 Telephone Answering Service -- License Required
- 7-2-12 License and Permit Applications and Fees
- 7-2-13 License and Permit Renewal, Modifications
- 7-2-14 Issuance of License, Permit, or Renewal
- 7-2-15 Revocation and Suspension of Licenses and Permits
- 7-2-16 Notice of Decision
- 7-2-17 Appeal Notice
- 7-2-18 Appeal Procedure
- 7-2-19 Business License Tax
- 7-2-20 Posting of Licenses and Permits
- 7-2-21 Transfer of License or Permit Prohibited
- 7-2-22 Failure to Pay Ad Valorem Taxes
- 7-2-23 Service Available
- 7-2-24 Responsibility for Alarm Response
- 7-2-25 City's Right to Own Certain Equipment

III. Enforcement and Administration
- 7-2-26 Generally
- 7-2-27 Testing of Equipment
- 7-2-28 False Fire Alarms
- 7-2-29 False Police Alarms
- 7-2-30 Change of Location
- 7-2-31 Regulation of Charges
- 7-2-32 Liability of the City Limited
- 7-2-33 Conflict of Interest Prohibited
- 7-2-34 Violations and Penalties

I. GENERAL PROVISIONS

7-2-1 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. It is further the purpose of this Ordinance to control the use of security and fire alarms connected to the City's Public Safety Building.

7-2-2 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.

1. "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.
2. "Alarm business" means the business of selling, leasing, maintaining, inspecting, servicing, repairing, replacing, altering, moving, or installing an alarm system.
3. "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 system. Fire alarms are included in this definition of alarm systems.
4. "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.
5. "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.
6. "Burglar alarm system" means a method of detecting and signaling the presence, entry, or attempted entry of an intruder into a protected premises.
7. "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.
8. "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.

9. "Direct alarm system" means an alarm system which has the capability of transmitting signals for reception by the communications center of the police department.
10. "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.
11. "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.
12. "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.
13. "Fire chief" means the chief of the fire department of the City, or the chief's authorized representative.
14. "Fire Department" means the fire department of the City.
15. "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.
16. "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.
17. "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.
18. "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".
19. "Person" means any individual, partnership, corporation, association, or other organization, but does not include the City.
20. "Police chief" means the chief of the police department of the City or the chief's authorized representative.
21. "Police Department" means the police department of the City.
22. "Protected premises" means that part of a building or real estate to which protection is afforded by an alarm system.

23. "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.
24. "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.
25. "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.
26. "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.
27. "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.
28. "This chapter" includes any regulations adopted pursuant to the provisions of Section 7-2-26 and the standards, rules, and regulations established by the chief for direct alarm systems.

7-2-3 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 police or fire department, as appropriate:
    1. A licensed central state system;
    2. A licensed modified central station;
    3. A licensed telephone monitoring

7-2-4 Direct alarm systems

A. No direct alarm system shall be permitted with the police or fire department except such as is connected to an indicator panel installed in uniform consoles within the communications facilities of the police or fire department pursuant to a permit issued in accordance with the provisions of this chapter.
B. The chief may limit the number of such permits and may set standards, rules, and regulations governing direct alarm systems.

7-2-5 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 minutes from the time it was activated.

II. LICENSING REQUIREMENTS AND PROCEDURES

7-2-6 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.

7-2-7 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.

7-2-8 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 city clerk 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 the City of Muscatine police/fire department communication center, 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 chief and all fees to the city treasurer. Those conducting alarm businesses are further required to report, within thirty days, the discontinued use of any alarm system serviced by the alarm business to the police 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 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 days, the discontinued use of the alarm system to the police chief.

7-2-9 Central station system -- license required - no person shall operate a central station system, which relays messages to the police department in the absence of a currently valid central station system license issued pursuant to the provisions of this chapter.

7-2-10 Modified central station -- license required - No person shall conduct a modified central station system which relays messages to the police department in the absence of a currently valid license issued pursuant to the provisions of this chapter.

7-2-11 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 department from automatic protection devices in the absence of a currently valid telephone answering service license issued pursuant to the provisions of this chapter.

7-2-12 License and permit applications and fees

A. Applications for licenses and permits required by this chapter shall be filed with the City's Department of Finance on forms provided for that purpose, and shall be reviewed by the police chief.
B. Each application shall be accompanied by a receipt for a non-refundable fee from the city treasurer as follows:
    1. For an alarm business, central station system, modified central station, or telephone answering service an annual fee of one-hundred dollars ($100.00).
    2. For an alarm agent a fee of ten dollars ($10.00).
    3. For a direct alarm system permit from a commercial alarm company a fee of one hundred dollars ($100.00).
    4. For an alarm system permit from a non-commercial private residential or commercial user a fee of twenty-five dollars ($25.00).

7-2-13 License and permit renewal, modifications

A. All licenses and direct alarm system permits 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 City's Department of Finance and reviewed by the police chief on forms provided for that purpose. The fee for the renewal of each license and direct alarm system permit shall be the same as the initial application fee and shall be paid to the city treasurer 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.

7-2-14 Issuance of license, permit, or renewal

A. Upon approval by the police chief of the application for a license or permit, or for the renewal thereof, the chief shall endorse his/her approval thereon and transmit the application together with the treasurer's 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.
B. The 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 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 years from the date of the application.

C. The chief shall have a reasonable time to investigate the application for a permit, or for the renewal thereof, to the extent deemed necessary. The chief may also inspect the alarm system and protected premises to the extent deemed necessary. Thereafter, the permit shall be issued unless the 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.

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.

7-2-15 <u>Revocation and suspension of licenses and permits</u>

A. Grounds. A license granted under this chapter may be suspended or revoked by the chief if he/she finds 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 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. Any person aggrieved by the action of the police chief may appeal to the city council within the time and manner provided in this chapter.

7-2-16 <u>Notice of decision</u>

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 chief shall serve a written copy of his decision 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.

7-2-17 Appeal notice

A. An applicant, licensee, or permittee aggrieved by the decision of the chief 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 chief's decision. The notice of appeal shall briefly state the basis for such appeal.

7-2-18 Appeal procedure

A. Hearing. Upon receipt of the notice of appeal together with an appeal fee of five dollars ($5.00), 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 cause why the determination of the chief 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 chief was arbitrary, capricious, or in excess of the chief's 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 chief 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 council shall give to the chief a copy of such decision.

7-2-19 Business license tax - Nothing contained in this chapter shall be construed as a waiver or exemption from any business license tax otherwise applicable.

7-2-20 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 which so engaged and shall display said card to any police officer or fireman upon demand. An alarm system permit shall be posted at all times on the protected premises.

7-2-21 Transfer of license or permit prohibited - No license or permit issued pursuant to this chapter shall be transferable.

7-2-22 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.

7-2-23 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.

7-2-24 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 30 minutes of notification. Failure to respond to such notification on more than one occasion will result in the revocation of the alarm permit

7-2-25 City's right to own certain equipment

A. All alarms will be routed through a central monitoring panel owned and maintained by a single alarm company. The City reserves the right to own all indicator panels and accessory equipment for direct alarm systems located within the police or fire departments. In such cases, each direct alarm system permittee, in addition to the annual permit fee, shall be required to pay an initial installation fee and an annual user fee as the same may be established from time to time by council resolution and uniformly applied to cover the cost of the maintenance of such facilities. In the event the city decides not to own the equipment within the police or fire departments, but to provide for its installation and maintenance by a third party, the city shall establish and regulate reasonable fees and charges which may be charged by direct alarm system permittee, and the third party shall, at no additional cost to the city, make the necessary connection to the indicator panel and maintain the required equipment for all direct alarm systems located within city-owned buildings as requested by the city. All such fees provided by this subsection shall be payable annually on or before April 1 of each year.
B. The police chief may set standards and rules and regulations governing all indicator panels and accessory equipment for direct alarm systems located within the police department.

III. ENFORCEMENT AND ADMINISTRATION

7-2-26 Generally

A. Enforcement and administration of this chapter shall be functions of the chief of the respective departments (police or fire) concerned except where this chapter specifically assigns responsibility to other parties.
B. The chief 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 chief and city clerk.

7-2-27 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 department 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 department.

7-2-28 False fire alarms

A. A report on a form approved by the chief shall be forwarded, if requested by the chief, to the police or fire department within forty-eight (48) hours, Sundays and holidays excepted, with regard to each and every false alarm transmitted to the police department, 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 of 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 police or fire department, the chief may decline to respond to any alarms until the cause of such false fire alarms is corrected. The chief shall make reasonable effort to give prompt notice of such action to the owner or occupant of the protected premises.

7-2-29 False police alarms

A. Reports. A report on a form approved by the 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 police department 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.

7-2-30 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.

7-2-31 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.

7-2-32 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.

7-2-33 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.

7-2-34 Violations and penalties

A. An alarm user who has more than four (4) false police and/or fire alarms within a consecutive twelve (12) month period shall be deemed to have committed a municipal infraction for a fifth (5th) or any subsequent false alarms within a consecutive twelve (12) month period. The fifth (5th) false alarm shall be deemed a first violation and shall, upon judgment against the violator, be subject to a civil penalty of fifty dollars ($50.00). A sixth (6th), seventh (7th), or eighth (8th) false alarm shall be a repeat infraction and shall, upon judgment against the violator, be subject to a civil penalty of one hundred dollars ($100.00) for each repeat infraction. A ninth (9th) false alarm within a consecutive twelve (12) month period shall result in the automatic suspension of the alarm system permit. The effect of the suspension

shall mean that the police and/or fire departments need not respond to alarm warnings at the licensed or permitted premises until such time as a new alarm system permit has been obtained by the alarm user. Prior to the issuance of a new alarm system permit the alarm user must have the system tested and certified as mechanically sound and all fines for previously issued citations for false alarms shall be paid. No alarm which occurs within fourteen (14) days of the date of notification of the installation of a new alarm system shall be considered to be a false alarm for purposes of determining the number of false alarms per consecutive twelve (12) month period or for the purpose of imposing a penalty.

B. Anyone who violates any of the other provisions of this chapter shall be deemed to have committed a municipal infraction and shall, upon judgment against the violator, be subject to a civil penalty of one hundred dollars ($100.00) for the first infraction and two hundred dollars ($200.00) for each repeat infraction. In addition to being subject to the imposition of civil penalties, the city may also request that the court order equitable relief to prevent, correct, or abate such violations. Each day that the violation is permitted to exist after notification in writing by the chief or city clerk, and the expiration of the time designated for correction in the aforesaid notification, shall constitute a separate or repeat municipal infraction offense.

Title 7 – Police Regulations
Chapter 3 – Bicycles

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

7-3-1 Registration Required. Every person who shall own a bicycle in the City shall register such bicycle as provided in this chapter.

7-3-2 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, address, type, color, manufacturer, and serial number.

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

7-3-4 Second Hand Sales Report. All persons buying or selling second hand bicycles shall notify the Police Department within five (5) days of the sale.

7-3-5 Destroying Frame Number or License. No person shall willfully or maliciously remove or destroy any frame number or license.

7-3-6 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 determined by the provisions of Title 5, Chapter 15, of the City Code.

7-3-7 License Fees. The bicycle license fee shall be as determined by Resolution of the City Council and as stipulated in Title 5, Chapter 15, of the City Code.

7-3-8 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.

7-3-9 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 7-3-8 of this chapter.

7-3-10 Number of Persons. Only one person shall ride a bicycle at any time, unless it is of the tandem type.

7-3-11 Riding Two Abreast. Bicyclists riding upon any street shall not ride more than two (2) abreast.

7-3-12 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.

7-3-13 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.

7-3-14 Traffic Regulations. All persons riding bicycle 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 7 – Police Regulations
Chapter 4 – Controlled Access Facility

SECTIONS:
7-4-1 Purpose
7-4-2 Definition
7-4-3 Exceptions
7-4-4 State Law; Law of the Road

7-4-1 Purpose. This chapter shall be deemed an exercise of the police power of the City under the Code of Iowa for the preservation of the public peace, health, safety, and the promotion of the general welfare.

7-4-2 Definition. For the purpose of this chapter, a "Controlled Access Facility" shall mean: A highway or street especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right of easement or only on 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.)

7-4-3 Exceptions. This Chapter shall not be construed to effect existing entrances to the various Primary Road Extensions in the City, a copy of which is on file in the Office of the Clerk, and which is referred to for purposes of identification as Public Document No. 58597.

7-4-4 State Law; Law of the Road. Section 321.366 of the Code of Iowa is hereby adopted by reference and it shall be unlawful for any person to violate any provision or amendments thereto.

Title 7 – Police Regulations
Chapter 5 – Adult Crossing Guards

SECTIONS:
7-5-1 Administration
7-5-2 Compensation and Status of Guards
7-5-3 Violation

7-5-1 Administration. The Chief of Police is authorized to appoint persons as Adult Crossing Guards, provided all such persons shall meet the qualifications established by the City Council. The Chief of Police shall train and supervise the Crossing Guards, and shall have authority to discharge said Crossing Guards when necessary. The Chief of Police shall perform such other duties in connection with the administration of this program as may be requested by the City Council.

7-5-2 Compensation and Status of Guards. Crossing Guards shall be paid at such rate as may be fixed from time to time by the Council. Crossing Guards shall not be a part of, nor affiliated or connected in any official capacity with the City Police Department. Crossing Guards shall have and exercise only such limited police powers as may be delegated to them by the Chief of Police. Crossing Guards shall not have civil service status.

7-5-3 Violation. It shall be unlawful for any person to disobey the signal or direction of an Adult Crossing Guard while in the performance of his or her duties.

Title 7 – Police Regulations
Chapter 6 – Curfew

SECTIONS:
7-6-1 Title
7-6-2 Definitions
7-6-3 Hours of Curfew
7-6-4 Exception
7-6-5 Responsibility of Parent or Guardian
7-6-6 Full Force and Effect
7-6-7 Repealer
7-6-8 Severability of Provisions
7-6-9 Enforcement
7-6-10 Penalty

7-6-1 Title. This ordinance may be known and cited as the "City Curfew Ordinance" of Muscatine, Iowa.

7-6-2 Definitions.

A. Minor - An unemancipated person who has not yet reached the 18th birthday.
B. 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 parent is, or by virtue of Court Order.
C. 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.

7-6-3 Hours of Curfew. It shall be unlawful for any minor under the age of fifteen (15) to be or remain, in or upon any of the alleys, streets, or other public places in the City between the hours of nine-thirty o'clock (9:30) p.m. and six o'clock (6:00) a.m. of the following day. It shall be unlawful for any minor under the age of eighteen (18) years and over the age of fourteen (14) to be or remain, in or upon any of the alleys, streets, or other public places in the City between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. of the following day.

7-6-4 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:

A. When the minor is accompanied by the minor's parent.
B. When the minor is accompanied by an adult at least twenty-one (21) 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. Such permission authorization shall be in written form, shall specify the particular reason or event that the minor is permitted to be with the authorized adult, signed and dated by the minor's parent within twenty-four (24) hours of the beginning of the period for which the authorization is given which period shall not be longer than seventy-two (72) hours except for extenuating circumstances clearly stated, carried by the authorized adult and shall be presented to a peace officer upon request.

C. 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.
D. When the minor is traveling, via direct route, to or from a place of employment, or such travel necessary in conjunction with employment duties.
E. 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.
F. 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.
G. When the minor is traveling to or from a City, school or church sponsored after prom event.

7-6-5 Responsibility of Parent or Guardian. 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 7-6-3, except as otherwise provided in subsection 7-6-4.

7-6-6 Full Force and Effect. This ordinance shall be in full force and effect from the date of passage and publication as required by law.

7-6-7 Repealer. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith. Title 7, Chapter 6 in effect prior to the enactment of this ordinance is repealed, as well as any other ordinance which is inconsistent herewith.

7-6-8 Severability of Provisions. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

7-6-9 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.

7-6-10 Penalty. Any minor violating the provisions of this ordinance shall be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00). Any parent, legal guardian, or other adult person having the care and custody of a minor violating this ordinance shall be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or confined in jail for a period not exceeding thirty (30) days.

Title 7 - Police Regulations
Chapter 7 - Damage and Trespass to Property

SECTIONS:
7-7-1 Criminal Mischief
7-7-2 Multiple Acts
7-7-3 Trespass
7-7-4 Property Defined
7-7-5 Exception
7-7-6 Penalty

7-7-1 Criminal Mischief. 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.

7-7-2 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.

7-7-3 Trespass. It shall be unlawful for any person to do one or more of the following acts:

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.
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.
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.
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.

7-7-4 Property Defined. For the purposes of Section 7-7-2, the term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.

7-7-5 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.

7-7-6 Penalty. Any person violating the provisions of this Chapter shall be subject to a fine not to exceed one hundred dollars ($100.00), or imprisonment in the County Jail not to exceed thirty (30) days.

Title 7 – Police Regulations

Chapter 8 – Driving Rules

SECTIONS:

7-8-1 Driving Through Funeral; Other Processions.
7-8-2 Drivers in Procession
7-8-3 Driving on Sidewalks
7-8-4 Careless Driving
7-8-5 Driving on Private Property

7-8-1 Driving Through Funeral; Other Processions. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized processions while they are in motion and when such vehicles are conspicuously designated as required by this Code. This provision shall not apply at intersections where traffic is controlled by traffic control signals or Police Officers.

7-8-2 Drivers in Procession. 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.

7-8-3 Driving on Sidewalks. The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

7-8-4 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.

7-8-5 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.

Title 7 – Police Regulations
Chapter 9 – General Offenses

SECTIONS:
7-9-1 Firecrackers; Explosives
7-9-2 False Information as to Bombs, etc.
7-9-3 Disturbing the Peace
7-9-4 Permitting Disturbing of Peace
7-9-5 Disturbing the Peace by Person, Association, Firm, or Corporation Legally Holding an Outdoor Commercial Entertainment Establishment Permit
7-9-6 Possession of Beer or Alcoholic Liquor
7-9-7 Walking, Jogging, or Running Along Roadways
7-9-8 Misdemeanor Assault
7-9-9 Misdemeanor Theft

7-9-1 Firecrackers; Explosives. Any person who shall have in his or her possession or explode any firecracker or other fireworks, or throw into any street or alley any squib or other article containing powder or other explosive material, shall be deemed guilty of a misdemeanor; provided that the Council may, by resolution, permit the operation of the preceding provisions of this section, in whole or in part, on the Fourth of July or any other day of public rejoicing.

7-9-2 False Information as to Bombs, etc. No person shall give or circulate false information as to the location of any bomb, explosive, or other hazardous device or dangerous instrument upon the premises of any school, church, theater, auditorium, or other place of lawful assembly, with the willful intent of disturbing or interrupting the usual, legal, and normal operations of said school, church, theater, auditorium, or other place of lawful assembly.

7-9-3 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.

7-9-4 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.

7-9-5 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 of $500.00 for the first violation and a civil penalty of $750.00 for each subsequent violation. 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.

7-9-6 Possession of Beer or Alcoholic Liquor. No person or persons under the age of twenty one (21) years shall individually or jointly have in his or their possession or control beer or alcoholic liquor. The provisions of this section shall not apply to any person under the age of twenty (20) years of age and born on or before September 1, 1967, or to any person under the age of twenty one (21) years who:

A. Is provided alcoholic liquor or beer as permitted by the Code of Iowa.
B. Is a regular employee of a liquor control licensee or a beer permittee, while performing regular duties during the course of employment.

   A person 19 or 20 years of age, other than a licensee or a permittee under Chapter 123, Code of Iowa, who violates this section shall, upon conviction, be subject to a fine of fifteen dollars ($15.00).

7-9-7 Walking, Jogging, or Running Along Roadways.

A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk, jog, or run along and upon an adjacent roadway.
B. Where sidewalks are not provided, any pedestrian walking, jogging, or running along and upon a highway or roadway shall, when practicable, walk only on the left side of

the highway or roadway or its shoulder facing traffic which may approach from the opposite direction.

C. No person shall stand in the roadway for the purpose of soliciting a ride from the driver of any vehicle.

7-9-8 Misdemeanor Assault. A person is guilty of misdemeanor assault when they commit an act as defined in Chapter 708.1, paragraph 1 or 2 of the Code of Iowa, when the act does not result in injury. Any person who violates this ordinance is guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) and/or confinement in jail for a period not exceeding thirty (30) days.

7-9-9 Misdemeanor Theft. A person is guilty of misdemeanor theft when they commit an act as defined in Chapter 714.1 of the Code of Iowa and the value of the property or service does not exceed Two Hundred Dollars ($200.00). Any person who violates this ordinance is guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) and/or confinement in jail for a period not exceeding thirty (30) days.

Title 7 – Police Regulations
Chapter 10 – Intoxication

SECTIONS:
7-10-1 Public Intoxication
7-10-2 Public Consumption; Possession of Open Containers

7-10-1 Public Intoxication. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this section is guilty of a simple misdemeanor. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the state commissioner of public safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered to person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this section is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of the arrest.

7-10-2 Public Consumption; Possession of Open Containers. It shall be unlawful for any person to use or consume alcoholic liquors or beer upon the public streets, highways, or in any public place or private property without the owner's consent, or to possess any open container of beer or alcoholic beverages upon the public streets or highways, including the sidewalk within the public right-of-way, and in any public place, except premises covered by a beer or liquor control license, or to possess or consume alcoholic liquors or beer on any public school property.

Title 7 – Police Regulations

Chapter 11 – Loading and Unloading Zones

SECTIONS:

7-11-1 Curb Loading Zones
7-11-2 Curb Painted Yellow
7-11-3 Standing in Loading Zone
7-11-4 Public Carrier Stops and Stands
7-11-5 Parking of Buses and Taxicabs
7-11-6 Use of Bus and Taxicab Stands

7-11-1 Curb Loading Zones. The City Administrator and Chief of Police are hereby authorized to determine the location of loading zones and passenger loading zones and, upon approval of Council, 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.

7-11-2 Curb Painted Yellow. It shall be unlawful for any person to park any vehicle alongside of any curb painted yellow.

7-11-3 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.

7-11-4 Public Carrier Stops and Stands. The City Administrator and Chief of Police 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.

7-11-5 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.

7-11-6 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 – Police Regulations
Chapter 12 – Noise Regulations

SECTIONS:
7-12-1 Definitions
7-12-2 Motor Vehicle Maximum Sound Levels
7-12-3 Motorized Vehicles Operating Off of Public Right-of-Way
7-12-4 Noise Measurement Procedures
7-12-5 Exceptions
7-12-6 Penalty

7-12-1 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) of 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, gocarts, 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 minibikes.
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.

7-12-2 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)

	Sound Level in dBA	
Vehicle Class	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 motor 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.

7-12-3 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)

Vehicle Type	Sound Level, dBA
Snowmobile	78
Motorcycle	78
Any Other Motorized Vehicle	78

7-12-4 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').

7-12-5 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.

7-12-6 Penalty. Any person who violates any of the provisions of this chapter shall be deemed guilty of a simple misdemeanor and upon conviction shall be fined in an amount not less than twenty dollars ($20.00) nor more than one hundred dollars ($100.00), or imprisoned for a term not exceeding thirty (30) days. Each day said violation is permitted to continue shall constitute a separate and distinct offense and violation.

Title 7 – Police Regulations
Chapter 13 – Obstructing a Public Official

SECTIONS:

7-13-1 Interference With Official Acts
7-13-2 Refusing to Assist Officer
7-13-3 Harassment of Public Officers and Employees
7-13-4 False Reports to Law Enforcement Authorities

7-13-1 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.

7-13-2 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.

7-13-3 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.

7-13-4 False Reports to Law Enforcement Authorities. It shall be unlawful for any person to report or cause to be reported false information to a fire department or to a law enforcement authority, knowing that the information is false, or to report the alleged occurrence of criminal acts knowing the same did not occur.

Title 7 – Police Regulations
Chapter 14 – Drug Paraphernalia

SECTIONS:
7-14-1 Definitions
7-14-2 Manufacture, Deliver, Sell or Possession
7-14-3 Advertisement of Drug Paraphernalia Prohibited
7-14-4 Penalty for Violation

7-14-1 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.

7-14-2 Manufacture, Deliver, Sell or Possession. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

7-14-3 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.

7-14-4 Penalty for Violation. Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) and/or imprisoned in the County jail for not more than (30) days.

Title 7 – Police Regulations
Chapter 15 – Parking Meters and Lots

SECTIONS:
7-15-1 Definitions
7-15-2 Individual Parking Spaces
7-15-3 Installation and Construction; Control and Maintenance of Meters
7-15-4 Zones Established
7-15-5 Coin Operation of Meters
7-15-6 On Street Meter Rates
7-15-7 Municipal Parking Facility Rates
7-15-8 Hours Meters and Lots to be Operated
7-15-9 Parking Meter Violations
7-15-10 Parking for the Physically Handicapped
7-15-11 Administration
7-15-12 Parking Meter Funds
7-15-13 Ticketing and Payment of Parking Violation
7-15-14 Notice of Violation
7-15-15 Impoundment
7-15-16 Compliance
7-15-17 Reservation of Powers

7-15-1 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 an. 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 otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise 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 a parking meter 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 meter zone" shall mean any restricted street upon which parking meter's are installed and in operation.
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 meter 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.

I. "Attendant Lot" is an off-street parking lot with an attendant who collects the parking fees for vehicles parked in the lot at the rate as established by the Council as provided in this Chapter 15.

7-15-2 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 7-15-4 of this 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.

7-15-3 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 meter zones established by Section 7-15-4 of this 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 this Title. 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.

7-15-4 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 parking meter 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 Sixth Street.
F. Walnut Street, both sides, from Mississippi Drive to Fourth 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, both sides, from Mississippi Drive to Alley #1 and from Alley #1 to Second Street on the east side.
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 East 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.

7-15-5 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 of the United States as is required for that parking meter and is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to deposit such proper coin and to set the timing mechanism in operation, when so required, shall constitute a violation of this chapter. Upon the deposit of such coin 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 so long as his 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.

7-15-6 On Street Meter Rates. Parking or standing a vehicle in a designated space in an on-street parking meter 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 parking meter district 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.

7-15-7 Municipal Parking Facility Rates.

A. The Council may, by resolution from time to time establish the parking rate for off street metered 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 Department of Public Safety 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 Department of Public Safety 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.

7-15-8 Hours Meters and Lots to be Operated.

A. Parking meters shall be operated in the parking zones established by Section 7-15-4 of this 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, Chapter 11, Section 8, of the City Code of the City of Muscatine, Iowa. 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 money in the parking meter as herein provided; and the off-street lots.
D. Vehicles shall not be parked in designated parking spaces in Lot #2 and Lot #4 which are not parking meter spaces beyond the length of time provided by resolution according to Section 7-15-8(C) and further shall not be parked in more than one such parking space in either Lot #2 or Lot #4 during any consecutive twenty four (24) hour period.
E. The Council may, by resolution from time to time establish attendant lots, the parking rate and hours of operation for attendant lots and the rate and hours of operation for leased or reserved parking spaces.

7-15-9 Parking Meter Violations.

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 United States money 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 meter zone 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 meter 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. Deposit of Slugs. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins, except that a token bearing the imprint "Greater

Downtown Muscatine Association" purchased from the Office of the City Clerk which shall be considered lawful tender.

G. 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.

H. Penalty. The penalty for offenses for meter or nonmeter parking violations shall be as prescribed in Section 7-15-14 of this Chapter.

7-15-10 Parking for the Physically Handicapped.

A. 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. Such devices shall be those issued by the Department of Transportation of the State and shall be displayed in a motor vehicle being used by an individual, either as operator or passenger, who is confined to a wheelchair or is otherwise so physically handicapped that he/she has significant difficulty or insecurity in walking. Such designated parking place shall be no less than twelve feet (12') wide, except in the case of parallel parking spaces on public streets.

B. Any parking space located in on-street parking areas or off-street parking facilities, either public or private, intended to be a handicapped parking space shall be so designated by a separate sign showing the international symbol of accessibility for each parking space erected in accordance with the Uniform Traffic Control Device Manual.

C. The use of a space designated as a handicapped parking space by the display of the international symbol of accessibility located in on-street parking areas or off-street parking facilities, either public or private, by a motor vehicle not displaying a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person as operator or passenger is a misdemeanor for which a fine may be imposed upon the owner, operator, or lessee of the motor vehicle.

7-15-11 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 as required by the City Council.

D. A three (3) member administrative review panel will be established with a representative from the Police Department, the Finance Department and a citizen-at-large to be appointed by the City Council. The administrative review panel will meet once a month to adjudicate appeals made by motor vehicle operators. All appeals must be filed with the city's Parking Bureau within ten (10) days of receipt of ticket. The administrative review panel will render a decision on a ticket of dismissed or not dismissed and notify the motor vehicle operator accordingly. If the operator disagrees with the decision, he/she may have the matter brought before a judicial magistrate for a determination.

7-15-12 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 meter 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.

7-15-13 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 this 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 Sections 7-15-9 and 7-15-10.
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.

7-15-14 Notice of Violation. Members of the Police Department and/or meter attendants shall attach to any vehicle parked in violation of this Chapter a citation to the owner or operator thereof that such vehicle has been parked in violation of a provision of this Chapter and instructing such owner or operator to report to the Finance Office in City Hall in regard to such violation. The following regulations shall apply:

A. If a citation issued for a vehicle parked in a parking space while the parking meter indicates that time has expired, but said vehicle has not been parked beyond the parking time limit set for such parking space, the penalty shall be ten dollars ($10.00); except, the penalty shall be five dollars ($5.00) if the violation is admitted and paid within seventy-two (72) hours of the time and date of issue. 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.
B. If a citation is issued for a vehicle parked in a parking space beyond the parking time limit set for such parking space, the penalty shall be ten dollars ($10.00); except, the penalty shall be five dollars ($5.00) if the violation is admitted and paid within seventytwo (72) hours of the time and date of issue. 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.

C. All fines for parking in a handicapped parking space by unauthorized vehicles shall be equal to the amount as specified in the Code of Iowa.
D. Under subsections (A), (B), and (C) of this section, the money may be collected by designated individuals on duty who shall keep an accurate record and transfer the money so collected to the Finance Office.
E. If payment is not made within a reasonable period of time, not to exceed ninety (90) days, the violator shall be made to appear before a Magistrate or the Associate District Court Judge.

7-15-15 Impoundment.

A. No vehicle shall be impounded by the city unless such vehicle is on a public street or in a public lot.
B. Whenever it is determined that any vehicle has accumulated ten (10) or more parking tickets or twenty-five dollars ($25.00) or more worth of accumulated parking violations as defined in the provisions of this Code, such vehicle may be impounded subject to the following conditions:
    1. Impoundment shall occur only after notice and opportunity for an administrative hearing is offered to the last known registered owner of such motor vehicle.
    2. Notice shall constitute the following: Written notification by first class mail stating the license number of the vehicle at issue; the owner's name; a brief description of the parking tickets issued to such vehicle; that the owner has the right to request an administrative hearing before impoundment if such request is made within ten (10) days of the mailing date of the notice; that the hearing shall be as to the merits of whether to impound such motor vehicle for unpaid parking violations; that failure to request a hearing in a timely fashion or failure to appear at such hearing constitutes a waiver to an opportunity for hearing; and that the owner shall be responsible for all charges and costs incurred in impounding such vehicles.
    3. The hearing shall be conducted before the Administrative Parking Review Panel made up of a representative of the Finance Department, Police Department and a private citizen to be appointed by the City Council, and shall be limited as to whether such vehicle shall be impounded for unpaid parking tickets. The owner may at that time pay for any outstanding tickets.
    4. Should the City Administrator or his/her designate or the Administrative Parking Review Panel determine that the vehicle shall be impounded, he/she shall notify the owner, either orally at the conclusion of the hearing or by letter; however, no such notice need be given should the owner or designated representative fail to appear at such hearing.
    5. The city shall notify the last known registered owner of such impounded vehicles by certified mail if the name and address of such owner can be ascertained with reasonable diligence unless the owner or operator has appeared and has made claim to the seized vehicle.
C. Entrance into impounded vehicles. If it is necessary to enter a locked or unlocked vehicle in order to impound such vehicle, such entrance must be made in the presence of a police officer. The police officer shall conduct a search of such vehicle as he/she deems necessary to protect the contents therein, however, such search need not be a complete inventory.
D. Release of impounded vehicles. The registered owner or operator may reclaim any vehicle impounded pursuant to the provisions herein by appearing before the City Administrator, or his/her representative, within ten (10) days of written notification. At such time, the owner or the operator shall sign a certificate that he/she is the

registered owner or operator of the impounded vehicle, pay for all charges and costs incurred in impounding the vehicle and pay for all outstanding parking tickets. It shall be unlawful for any person to reclaim any vehicle impounded pursuant to the provisions herein, contrary to the procedure set forth in this section. All unclaimed vehicles are subject to public auction in accordance with the Code of Iowa.

7-15-16 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.

7-15-17 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 – Police Regulations
Chapter 16 – Parental Responsibilities

SECTIONS:
7-16-1 Title and Purpose
7-16-2 Definitions
7-16-3 Parental Duties
7-16-4 Parental Violation and Penalty
7-16-5 Notification of Parents; Record of Notification
7-16-6 Liability of Parents; Record of Notification

7-16-1. 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.

7-16-2. 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.

7-16-3. 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 7, Chapter 6, 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 Resources 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.

7-16-4. Parental Violation and Penalty.

A. No parent of any minor under the age of eighteen (18) years shall fail to exercise reasonable parental control over such minor. An adjudication said minor has committed a felony, misdemeanor or violation of an ordinance except traffic violations may be considered as evidence that said parent failed to exercise reasonable parental control.
B. Pursuant to the violation of this ordinance, the parent of minor shall be held civilly responsible for the damages caused by the commission of any delinquent act within the City of Muscatine.
C. Upon the first adjudication of a minor of committing a felony, misdemeanor, or ordinance violation except traffic violations the notice sent to the parent as provided in this Chapter shall be considered as a warning.
D. Upon subsequent adjudication of a minor within two (2) years of his or her first adjudication, as provided above, following the aforesaid notice to parent, a first violation of this ordinance will be deemed to have occurred and the parent shall be subject to a civil penalty of fifty dollars ($50.00).
E. Upon the second offense of a violation of this Ordinance, the parent shall be subject to a civil penalty of one hundred dollars ($100.00), and in addition, shall be required to participate in, through completion, a City Approved, community based treatment program (such as parenting skills, family services, employment and training, etc.) or community service working in a tutorial or educational setting.
F. Upon the third or subsequent offense of a violation of this ordinance, the parent shall be subject to a civil penalty of two hundred dollars ($200.00).
G. A violation of this Chapter is a municipal infraction as provided in Iowa Code Section 364.22.

7-16-5. 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 the minor's school attendance center.

7-16-6. Liability of Parents; Record of Notification.

A. Injuring or destroying property or acts of vandalism. It shall be unlawful for any person to willfully or maliciously break, deface, injure or destroy any property within the City of Muscatine, whether such property is owned by the state, county, city or any other governmental body, or owned by any private person. It shall be a violation of this section for any person to commit an act of vandalism.
B. 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,
C. 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.
D. Other Liability. This article shall not effect 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 7 – Police Regulations
Chapter 17 – Public Disorder

SECTIONS:
7-17-1 Disorderly Conduct
7-17-2 Unlawful Assembly
7-17-3 Failure to Disburse
7-17-4 Permitting Disorderly Conduct
7-17-5 Disorderly Conduct in a Place of Business

7-17-1 Disorderly Conduct. It shall be unlawful for any person to do any of the following:

A. Engage 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 the sport.
B. Make any loud and raucous noise in the vicinity of any residence, public building, or hospital which:
    1. Endangers or injures the safety or health of humans or animals.
    2. Annoys or disturbs a reasonable person of normal sensitivities.
    3. Endangers or injures personal or real property.
C. Direct abusive epithets or make any threatening gesture which the person knows or reasonably knows is likely to provoke a violent reaction by another.
D. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
E. By words, or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
F. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, or the entrance or the exit of any business house, dwelling house, theater, lecture room, or church with the intent to prevent or hinder its lawful use by others.
G. Urinate or defecate on any public street, sidewalk, alley, or park.

7-17-2 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.

7-17-3 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.

7-17-4 Permitting Disorderly Conduct. It shall be unlawful for any person to allow or permit any disorderly conduct as defined in Section 7-17-1 in any house or upon any premises owned, occupied, or possessed by him.

7-17-5 Disorderly Conduct in a Place of Business. It shall be unlawful for any person to commit any of the following acts:

A. Use of abusive or obscene language, profanity, insulting names or epithets which by their very utterance tends to incite another to an immediate breach of the peace; talking, calling, or yelling so loudly as to disrupt other persons in lawful pursuits of the immediate locality, quarreling, fighting, brawling, or striking or beating another person, in any store, hotel, tavern, grocery, inn, restaurant, or any other place of business within the City, or any parking lot in the immediate proximity of such place of business.
B. Authorize or permit such conduct as described in the foregoing section upon any property which the person owns, leases, or has charge or control of, or any such place of business or parking lot during the hours such business is being conducted; PROVIDED, however, that the prompt notification of the Police Department of the occurrence of such conduct shall be sufficient to show lack of authorization or permission.

Title 7 – Police Regulations

Chapter 18 – Snow Emergency Regulations

SECTIONS:

7-18-1 Definitions
7-18-2 Snow Emergency Routes
7-183 Signs
7-18-4 Parking on Snow Emergency Routes
7-18-5 Duration of Snow Emergency
7-18-6 Conflict of Ordinances
7-18-7 Notice of Snow Emergency
7-18-8 Termination of Snow Emergency
7-18-9 Stalled Vehicles
7-18-10 Removal and Impounding of Vehicles
7-18-11 Citation of Vehicle
7-18-12 Evidentiary Presumption

7-18-1 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance.

A. "Director" means the Public Works Director or the Roadway Maintenance Supervisor.
B. "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
C. "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
D. "Snow emergency routes" are those streets marked as such in accordance with the provisions of this Ordinance.
E. "Secondary streets" are any streets which are not marked "snow emergency routes".

7-18-2 Snow Emergency Routes. The snow emergency routes shall consist of such streets or portions of streets as the City Council may from time to time designate by appropriate motion.

7-18-3 Signs. On those streets or parts thereof designated by the Council as snow emergency routes, special signs shall be posted at intervals not exceeding six hundred feet (600') with the wording: "Snow Emergency Route. No Parking During Snow Removal". These signs shall be distinctive and uniform in appearance, shall be plainly readable to persons traveling on the street or highway And shall comply with the Manual on Uniform Traffic Control Devices, as adopted by the City.

7-18-4 Parking on Snow Emergency Routes. Whenever the Director determines, on the basis of falling snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing and other purposes, he or she shall declare a snow emergency on all or a portion of the emergency routes. While a snow emergency is in effect, no person shall park, or allow to remain parked, any vehicle on any portion of a snow emergency route to which the snow emergency applies. Nothing in this section shall permit parking at any time or place otherwise forbidden by any other provision of law.

7-18-5 Duration of Snow Emergency. Once declared, a snow emergency shall remain in effect until terminated by announcement of the Director, in accord with this chapter.

7-18-6 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.

7-18-7 Notice of Snow Emergency. The Director shall cause each declaration of a snow emergency made by him or her under this Ordinance to be publicly announced by means of broadcasts or telecasts from stations with a normal operating range covering the City, and he or she may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Director, including the effective time and the streets or areas affected. A snow emergency declared by the Director shall not go into effect less than two (2) hours after it has been announced in the news media between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. The Director shall keep a record of the time and date when each snow emergency is first announced to the public.

7-18-8 Termination of Snow Emergency. Whenever the Director determines the need for a snow emergency no longer exists, he or she may declare it terminated, in whole or in part, effective immediately upon announcement through appropriate news media.

7-18-9 Stalled Vehicles. Whenever a vehicle becomes stalled or immobilized, for any reason, on any part of a snow emergency route during a snow emergency, the person operating that vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of the snow emergency route, either onto the first cross street which is not a snow emergency route, or onto the public space portion of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of such snow emergency route except for a reasonable time necessary to receive assistance.

7-18-10 Removal and Impounding of Vehicles. Members of the Police Department are authorized to remove or have removed a vehicle from a street to a garage or other place of safety when:

A. The vehicle is parked on a part of a snow emergency route on which a snow emergency is in effect.
B. The vehicle is stalled or immobilized on a part of a snow emergency route on which there is a snow emergency in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Chapter.
C. The vehicle is parked in violation of any parking Ordinance or provision of law and is interfering or about to interfere with snow removal operation. When an officer removes or has removed a vehicle from a street as authorized herein and the Police Department knows, or is able to ascertain from the registration records in the vehicle, the name and address of the owner thereof, the Police Department shall, within twenty-four (24) hours, give written notice to such owner of the fact of removal, the reasons therefore, and the place to which the vehicle has been removed. If the owner does not appear within three (3) days to identify and claim the vehicle and pay the removal and storage costs, such vehicle shall be considered to be an abandoned vehicle and the Police Department shall proceed to sell or dispose of the same in accord with the provisions of the Code of Iowa.

7-18-11 Citation on Vehicle. Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this chapter, and is not removed and impounded, the officer finding such vehicle may take its registration number and any other information displayed on the vehicle which identifies its user, and conspicuously affix to such vehicle a traffic citation for the driver to answer the charge against him on the date, time, and place specified in the citation. Nothing herein shall be construed as prohibiting both removal of a vehicle and prosecution of the driver for violation of this chapter.

7-18-12 Evidentiary Presumption. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of this chapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Chapter, together with proof that the defendant named in the complaint was at the time the registered owner of that vehicle is presumptive evidence that the defendant was the person who parked or left the vehicle in violation of this Ordinance.

Title 7 – Police Regulations

Chapter 19 – Traffic: Control Devices

SECTIONS:

7-19-1 Authority to Install
7-19-2 Adoption of Manual
7-19-3 Crosswalks; Safety Zones; Traffic Lanes
7-19-4 Authority to Sign One-Way Streets and Alleys

7-19-1 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.

7-19-2 Adoption of Manual. The Manual on Uniform Traffic Control Devices, as adopted by the Federal Highway Administrator and as adopted by the Iowa State Highway Commission and subject to such changes and amendments as may be imposed thereon by the Iowa State Highway Commission, be and the same is hereby adopted and incorporated by reference into the City Code of the City of Muscatine, Iowa, as if fully set out herein, as authorized by the Code of Iowa.

7-19-3 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 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.

7-19-4 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.

TITLE 7 - POLICE REGULATIONS
CHAPTER 20 - TRAFFIC: IN GENERAL

SECTIONS:

7-20-1 Definitions
7-20-2 Parades; Processions
7-20-3 Clinging to Vehicles
7-20-4 Riding on Parts of Vehicles Not for Passengers
7-20-5 State Law; Law of the Road
7-20-6 Operation of Golf Carts
7-20-7 Avoidance of Traffic Control Devices
7-20-8 Speed Limits
7-20-9 All-Terrain Vehicles
7-20-10 Automated Traffic Enforcement

7-20-1 Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this section:

A. "Bicycle" shall mean every device 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. "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.

E. "Stop" shall mean complete cessation of movement when required.

F. "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.

G. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

7-20-2 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 5, Chapter 12 of the City Code.

7-20-3 Clinging to Vehicles. Any person riding upon any bicycle, moped, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

7-20-4 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.

7-20-5 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.

7-20-6 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.

7-20-7 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.

7-20-8 Speed Limits.

A. The lawful speed for the operation of a motor vehicle on Industrial Connector Road between Grandview Avenue and Stewart Road shall be 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 35 miles per hour except for the school district 200 feet either direction from Muscatine High School and Hayes Elementary School, where the speed shall be 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 20 miles per hour.

D. The lawful speed for the operation of a motor vehicle on Houser Street between Mulberry and Lucas Street shall be 30 miles per hour except for the school district 200 feet either direction from L.L. Pickett School at 1420 Houser Street, where the speed shall be 25 miles per hour while children are present and any speed in excess thereof shall be unlawful.

7-20-9 All-Terrain Vehicles. As provided in Iowa Code Section 321G.9(4)(a) and any amendments thereto, the registered all-terrain vehicle owned by the City of Muscatine may be operated by Muscatine police officers 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 Chief of Police.

7-20-10 Automated Traffic Enforcement.

A. 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 their 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.

B. Definitions

1. 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.

2. 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.

C. Offense

1. 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.

2 The vehicle owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the posted speed limit through the marked intersections.

3. 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.

D. Exceptions to Owner Liability

There shall be no liability pursuant to this section if:

1. 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 Muscatine municipal ordinance 7-20-5; or

2. 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

3. The vehicle in question was lawfully participating in a funeral procession; or

4. 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.

E. Penalty and Appeal

1. Any violation of subsection C 1 above shall be considered a notice of violation for which a civil fine of seventy-five dollars shall be imposed, payable to the City of Muscatine.

2. Any violation of subsection C, 2 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.

Speed Over Limit	**Civil Fine**
1 through 10 mph	$0
11 through 20 mph	$75
21 through 25 mph	$100
26 through 30 mph	$250
Over 30 mph	$350

3. 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.

4. 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 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.

5. 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 30 days following the mailing of the notice, a second violation notice shall be mailed with a $35.00 late fee added to the civil fine. If at the end of the 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.

6. If the recipient of an automated traffic enforcement citations 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 – Police Regulations

Chapter 21 – Traffic: Junk, Obsolete, Stored Vehicles

SECTIONS:

7-21-1 Definitions
7-21-2 Storing on Streets Illegal
7-21-3 Violation
7-21-4 Removal
7-21-5 Junked Vehicles
7-21-6 Owner Subject to Fine
7-21-7 Junked Vehicles; Removal

7-21-1 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.
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.

7-21-2 Storing on Streets Illegal. No motor vehicle, trailer, boat, or other personal property shall be stored on the streets of the city

7-21-3 Violation. Any motor vehicle, trailer, boat, or other personal property which is found to be in violation of Section 7-21-2 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.

7-21-4 Removal. In the event that a motor vehicle is in violation of Section 7-21-2 for a period of longer than forty-eight (48) hours, then in addition to the penalty imposed by Section 7-21-3, said vehicle may be removed or caused to be removed by the city. Said 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.

7-21-5 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.

7-21-6 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 7-21-5 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.

7-21-7 Junked Vehicles; Removal. In addition to the penalty provided by Section 7-21-6, 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 – Police Regulations

Chapter 22 – Traffic: Stopping, Standing, Parking

SECTIONS:

7-22-1 Standing, Parking Close to Curb
7-22-2 Markings Indicating Angle Parking
7-22-3 Angle Parking Signs, Markings
7-22-4 Parking Restrictions
7-22-5 Moving Other Vehicles into Prohibited Area
7-22-6 Unattended Motor Vehicle
7-22-7 Parking in Alleys
7-22-8 All-night Parking Prohibited
7-22-9 Parking for Certain Purposes Prohibited
7-22-10 Hazardous or Congested Places
7-22-11 Parking on Private Property
7-22-12 Notice of Violation
7-22-13 Form of Notice of Violation

7-22-1 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.

7-22-2 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.

7-22-3 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.

7-22-4 Parking Restrictions. 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. 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.
B. 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.
C. 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.
D. 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.

E. On the City Street right-of-way between the curb and the adjoining private property line. 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:
    1. Provide the written consent of the property owners on either side of the property owner requesting the lease.
    2. Furnish the names and mailing addresses of all property owners between the intersecting streets where the lease is proposed.
    3. 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.
    4. 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.
    5. 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.
    6. 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.
    7. 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 twenty-five dollars ($25.00) to cover the administrative cost of processing the review and mailings, this fee shall not be refundable.

7-22-5 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.

7-22-6 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.

7-22-7 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 roadway 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.

7-22-8 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.

7-22-9 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.

7-22-10 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 curbing 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 at hazardous or congested places, as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

7-22-11 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 following procedure: The owner of such motor vehicle may reclaim such vehicle pursuant to state law.

7-22-12 Notice of Violation.

A. If a citation for a vehicle parked in violation of this chapter is returned to the police station within twenty-four (24) hours, the penalty shall be ten dollars ($10.00).
B. If the citation is returned to the police station more than twenty-four (24) hours after having been issued, or the citation is contested by the violator, the violator shall be made to appear before a Magistrate or the Associate District Court Judge.
C. The money may be collected by the police officer or clerk on duty who shall keep an accurate record and transfer the money so collected to the Finance Office.

7-22-13 Form of Notice of Violation. The citation or notice of violation referred to in Section 12 of this chapter shall be in substantially the following form:

CITY OF MUSCATINE
POLICE DEPARTMENT

Date: _____ Time: _____
Location: _____
License No: _____ Make: _____
Model: _____ Color: _____
Name: _____

Address: _____

You are in violation of the City Ordinance checked below:

_____ 1. Parking, 2:00 a.m. to 6:00 a.m.
_____ 2. Parking in Alley
_____ 3. Parking within 5 ft. Fire Hydrant
_____ 4. Double Parking
_____ 5. No Parking Zone
_____ 6. Wrong Side of Street
_____ 7. Over 24 hours
_____ 8. Over 48 hours
_____ 9. Loading Zone
_____ 10. Bus Zone
_____ 11. Other_____

The fine for this violation is $5.00 if paid within 24 hours of time of violation. If not paid within 24 hours, a warrant will be issued for your arrest.

This citation may be paid in person or by mail to the Muscatine Police Department, 312 E. 5th Street, Muscatine, Iowa 52761.

Office Number_____

Title 7 – Police Regulations
Chapter 23 – Traffic: Weight Embargos

SECTIONS:
7-23-1 Weight Embargo
7-23-2 Exceptions
7-23-3 Truck Route
7-23-4 Violation
7-23-5 Length and Weight Exception

7-23-1 Weight Embargo. The City Council may by motion place weight embargoes upon streets in the City of Muscatine, Iowa. The motion shall specifically designate the street upon which the embargo is imposed and direct the City Administrator, or his or her designate, to place and maintain signs indicating such embargo.

7-23-2 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. Schoolbuses.
C. City emergency or service vehicles.

7-23-3 Truck Route. As used in this section, truck shall mean motor truck, truck tractor, trailer, semi-trailer, as defined in the Code of Iowa, Chapter 321, 1989 and as subsequently amended. The operation of any truck exceeding thirty (30) feet in length or weighing ten (10) tons or more, when loaded or empty, is prohibited upon every street in the City except designated streets which are hereby established as the City's Designated Truck Route System. Further, trucks placarded as required by the Code of Federal Regulations (49 CFR 172.504) for the transport of hazardous material and requiring an endorsed commercial drivers license for such transport are required to use the City's Designated Truck Route System.

A. Designated Truck Route System:
    - All U.S. and State Highways (#22, 38, 61 Business, and 61 Bypass, 92).
    - Cypress Street from East Fifth Street to Isett Avenue.
    - Isett Avenue from Cypress Street to the U.S. Highway 61 Bypass. East Fifth Street from
    - Cypress Street to Cedar Street.
    - Cedar Street from East Fifth Street to Mississippi Drive (Business Route Highway 61 and 92).
    - Industrial Connector Road from Highway(s) 61 and 92 to Maple Grove Road.
    - Stewart Road from the Industrial Connector Road to Oregon Street and along Oregon Street to Business Route Highway 61 and 92.
    - Lucas Street from the Highway 61 Bypass to Houser Street
    - Hershey Avenue from the Highway 61 Bypass to Houser Street.
    - Houser Street from Lucas to Grandview Avenue.
    - University Drive from Highway 22 to Highway 61.
    - Oak Street from East Second Street to East Fifth streets
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.

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).

7-23-4 Violation. Any person who operates a truck or vehicle in violation of this Chapter shall be deemed guilty of a simple misdemeanor and fined fifty dollars ($50.00) for the first offense, seventy five dollars ($75.00) for the second offense and one hundred dollars ($100.00) for the third and all subsequent offenses.

7-23-5 Length and Weight of Motor Vehicles Exception. The total length and weight of any motor vehicle or any combination of vehicles shall not exceed that allowed by the statutes of the State of Iowa, except as hereinafter provided: A motor vehicle or combination of vehicles being operated on a particular interstate trip may be operated upon the streets or highways within the City of Muscatine, irrespective of the length and weight limitations imposed by the laws of the State of Iowa, if the length and weight of the motor vehicle or combination of vehicles is in conformity with the laws relating to such length and weight of the State of Illinois on July 1, 1974, provided, however, that such motor vehicles or combination of vehicles are limited to those streets or highways which are of the same type on which the motor vehicles or combination of vehicles are permitted to operate within the State of Illinois, and provided further that the operation of such motor vehicles or combination of vehicles within the City of Muscatine is limited to commercial zones as described in Federal Regulations, paragraphs 1048.10, 1048.38 and 1048.101 as they exist on July 1, 1974.

Title 7 – Police Regulations

Chapter 24 – Weapons

SECTIONS:

7-24-1 Discharging Firearms
7-24-2 Missiles
7-24-3 Carrying of Weapons
7-24-4 Peace Officers – Exception
7-24-5 Bow Hunting Deer – Exception

7-24-1 Discharging Firearms. It shall be unlawful for any person 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.

7-24-2 Missiles. It shall be unlawful for any person to throw any missile upon any street, alley, or public place, or to shoot any bow and arrow, B.B. gun, pellet gun, sling shot, or any other device which discharges a projectile so that said projectile crosses a public street, alley, public place, or real property boundary.

7-24-3 Carrying of Weapons. It shall be unlawful for any person to carry or display any weapon, loaded or unloaded, in a threatening manner, real or implied, on any street, alley, public place, or private property.

7-24-4 Peace Officers – Exception. Nothing in this Chapter shall be construed to prevent peace officers from using their weapons in the performance of their duties.

7-24-5 Bow Hunting Deer – Exception. It shall not be deemed a violation of this chapter to use a bow and arrow to hunt deer on parcels of two (2) acres or more with the following conditions:

A. The person is the owner of the property or has permission from the owner to allow for bow hunting.
B. The person bow hunting must successfully complete a proficiency test as approved by action of the Muscatine City Council.
C. The person has a license or permit required by the State of Iowa to hunt deer with a bow.
D. The person has a permit issued by the Muscatine City Clerk.
E. The 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.
F. Hunting shall not occur within one hundred fifty (150) feet of any residence, church, or occupied structure.
G. The 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.
H. The person hunting must demonstrate compliance with these requirements to any law enforcement officer upon request.
I. Persons wishing to participate in this program are required to attend an informational meeting held by the City of Muscatine in advance of the designated season.
J. With the permission of City Council, designated public property may be used during the designated hunting season.

K. Property owners with adjoining lot lines will be permitted to combine properties to reach the minimum two (2) acres required for hunting and there will be no zoning restriction on this acreage.

Title 7 – Police Regulations

Chapter 25 – Police Dogs

SECTIONS:

7-25-1 Police Dogs, Willful Mistreatment — Interference
7-25-2 Penalties

7-25-1 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.

7-25-2 Penalties. Any person convicted of violating the provisions of the preceding Section 7-25-1 shall be fined not more than $100.00 or imprisoned not to exceed 30 days in jail.

TITLE 7 - POLICE REGULATIONS
CHAPTER 26 - GRAFFITI

SECTIONS:

7-26-1 Definitions
7-26-2 Graffiti Prohibited
7-26-3 Graffiti Declared a Nuisance
7-26-4 Implements of Graffiti – Restrictions
7-26-5 Penalties

7-26-1 **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.

7-26-2 **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.

7-26-3 **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 ten 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 U. S. mail. The property owner shall be informed in said notice as to the deadline by which he must act. If the property owner wishes to appeal the notice, he 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. 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.

7-26-4 **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."

7-26-5 **Penalties.**

A violation of Section 7-26-2(A) or Section 7-26-4(A-E) may constitute either a simple misdemeanor or a municipal infraction. A violation of Sections 7-26-2(B), 7-26-3, 7-26-4(F) is a municipal infraction. Any simple misdemeanor violation under this chapter shall be punished by a fine not to exceed five hundred dollars and/or up to thirty days in jail. A municipal infraction violation under this chapter shall be punished by a fine up to the maximum amount allowed under Iowa law and/or any other equitable relief deemed just by the court.

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

8-1-1 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", 2006 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 Building and Zoning Administrator 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 established by resolution of the City Council and may be changed from time to time as determined by 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 shall 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 Uniform 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 Building Official as set forth in Title 5, Chapter 15 of the City Code. The final determination of the value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, roofing, siding, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent work or building equipment.
B. 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.

C. One-story wood or metal frame accessory buildings with 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.
D. 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.

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. 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.

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 Official.

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 in accordance with Title 5, Chapter 15 of the City Code. 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.

8-2-3 Supervision of Work. Upon the issuance of the required permit, each building may be wrecked or torn down, 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 City Clerk proof of public liability insurance covering any personal injury or property damage which may arise out of said demolition work, with limits of liability as established in Title 5, Chapter 15 of the City Code, and an indemnification agreement in the form supplied by the Building Official. 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 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 wrecker 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 in conducting the demolition of any building between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., to operate or use any pile drivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus.

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 Title 6, Chapter 4 of the City Code.

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
8-3-8 Electric Licensing Advisory Board
8-3-9 Electrical Licenses

8-3-1 Adoption of Code. The most recent edition of the National Electric Code, as amended and published by the National Board of Fire Underwriters 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 utilizing No. 3 THW Gauge Stranded Copper wire or an approved equal unless located in designated underground area by utility company where a 200 amp minimum would still be required.

    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 12' of service wires be allowed on the inside of any building, or structure without a disconnect being present.
    f. Service of two hundred 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 moistureproof in conformance with accepted methods and safe workmanlike practices.
    6. The use of type MC cable shall be limited to vertical runs not to exceed ten (10) feet. It shall also contain a full size ground.

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.
    1. 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 one hundred 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 in Title 5, Chapter 15 of the City Code, 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. 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.

A. 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 Building 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, this chapter, 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.

8-3-8 Electric Licensing Advisory Board. The Electrical Licensing Advisory Board shall perform the duties described in this Section as well as Title 2, Chapter 21 of the City Code.

A. Board Meetings and Hearings. All meetings of the Electrical Licensing Advisory Board shall be held according to the rules and regulations adopted by the board.
B. Authority of the Board. The board is authorized to perform the following duties and functions in order to carry out the provisions of this Chapter.
    1. Upon request from the applicant, the board shall review the qualifications of an applicant turned down for the Block Exam.
    2. Keep accurate and up-to-date records and minutes of all meetings, hearings and business conducted by the board.
    3. Recommend to the City Council any changes which may be needed in the Code.
    4. Recommend the City Council revoke or suspend an electrician's license when they have, by finding of fact, found that any license holder has violated any of the provisions of this Chapter.

8-3-9 Electrical Licenses. Any person desiring to engage in wiring or work as an electrician shall make application to do so to the Building Department on blank forms provided for that purpose, and pay an application fee of $25.00. The applicant shall then be entitled to take the examination when next scheduled by the board. Candidates successfully passing the examination given by the Board shall be issued the appropriate license when the candidate has filed a Certificate of Insurance and paid the license fee as required in Title 5, Chapter 15 of the City Code. All insurance certificates and licenses shall be renewed on January 1 of each calendar year. Failure to submit the certificate or renew the license within thirty (30) days of January 1 of each calendar year shall cause such license to expire and shall cause the previous license holder to re-examine as if applying for a new license. The following licenses and restrictions shall apply:

A. Master Electrician's License. Shall be required for any operator of an electrical shop employing licensed electricians and unlicensed personnel to work under his/her Master license. The Master Electrician license holder shall be permitted to work on residential, commercial and industrial installations.
    1. Restriction. A Master Electrician must have at least one (1) Journeyman electrician on every job site requiring a permit and where unlicensed individuals are working at all times. There will be no exception to this requirement.
B. Residential Electrician License. Shall be required to do any wiring on residential properties and accessory buildings. A Residential Electrician license holder may work with another licensed electrician or he may employ one unlicensed helper. The Residential Electrician must be on the job at all times. There will be no exception to this requirement.
    1. A Residential Electrician license holder shall not work on any commercial or industrial applications but is to be considered qualified to wire residential uses and accessory buildings associated with a residential use.
    2. Because of unique applications and occupancy complications, a Residential Electrician shall not be permitted to do any electrical work within the C-2 Downtown Commercial Zoning District.
    3. Residential Electrician license holder shall be allowed to work on single family and two family (duplex) residential units. Three (triplex) or more dwelling units shall be considered commercial.

C. Journeyman Electrician. Persons holding or possessing a Journeyman Electrician license shall not engage in the electrical wiring business unless they are under the employment of a Master Electrician or Residential Electrician license holder. Persons holding a Journeyman License and working for a licensed Master Electrician may be considered to comply with the requirements of a licensed individual on a job site as specified in Section 8-3-9(A)l. All responsibility for such workmanship and code compliance shall remain with the Master Electrician license holder.

D. License Exemption.
    1. A homeowner of a single family dwelling unit shall not be required to obtain a license to do any electrical work on the home which he/she currently owns and legally resides in. Owners of buildings containing more dwelling units than the unit they currently reside in, shall be required to obtain an Electrical License or hire someone holding such a license for any and all other electrical work needed within the building or structure. Nothing contained in this section shall relieve a homeowner from securing an Electrical Permit prior to commencing electrical work.
    2. No maintenance personnel shall be required to obtain a license while engaged in the full-time employ of an Industrial, Governmental agency, Public Utility, or Institutional establishment, who performs any maintenance, service repair, or replacement of existing electrical systems, or equipment, including plant modification process changes required, while as a part of that employment. Nothing contained in this section shall relieve any of the afore described establishments from securing electrical permits for work performed by their assigned employees, or to relieve the City's Code Inspector from making any necessary or required inspections.

E. Fees - Certificate of License and License Renewal. The fee for an initial certificate of a Master Electrical contractor, Residential Electrician, and Journeyman Electrician license and the fee for an annual certificate of renewal of the license shall be as set out in Title 5, Chapter 15 of this Code. All required fees shall be payable to the City of Muscatine and shall not be returned or refunded.

F. Transfer of License Prohibited. It shall be unlawful for any licensed electrician to transfer his respective license or to allow or permit the same to be used either directly or indirectly by any other person, for any reason whatsoever.

G. License Revocation or Suspension.
    1. The City Council shall have the power to revoke or suspend any license, or renewal thereof upon finding of fact of any fraud or deceit in obtaining a license, or failure to comply with any of the provisions of this Chapter or related provisions of the City's Electric Codes; or for gross negligence, incompetence or misconduct in the installation, repair, alteration, renewal or remodeling of any electrical system or equipment. In all cases involving the suspension or revocation of a license, at least fifteen days written notice shall be served by the Code Inspector to the person whose license is in question. The notice shall indicate the time, place, and date of the hearing, and the general grounds for the contemplated suspension or revocation. The notice shall further advise the holder of his right to appear at the hearing in person or be represented by agent or attorney for the purpose of presenting his defense.
    2. The time limits governing the suspension of a license, as imposed by the City Council, shall not be less than five (5) days.
    3. When in the case a license is suspended or revoked by the City Council, the licensee shall surrender such license to to the Code Inspector within 24 hours. A suspended license shall be returned to the person by registered mail or in person upon completion of the suspension time imposed by the City Council.

Any person whose license has been revoked shall not be permitted to apply for another license for a period of one year from the date of such revocation of the license.

H. License Reciprocity. As of the effective date of this amendment, the City of Muscatine shall reciprocate licensing with other Iowa cities administering the Block and Associates Certified Proctered exams.

I. Existing License. All existing license holders, whether locally tested or reciprocal, will remain in good standing as long as the license fee is received before January 31st of each year.

Title 8 – Building Regulations
Chapter 4 – Gas Code

SECTIONS:
8-4-1 Gas Code
8-4-2 Enforcement

8-4-1 Gas Code. The September, 1954, Code of Standards for the Installation of Gas Piping and Gas Appliances as recommended by the National Board of Fire Underwriters (NBFU N. 54) is hereby ordained as the specific standards for the installation of Gas Piping and Gas Appliances in the construction, maintenance, and operation of buildings. It being the intention of the City Council to adopt said Code of Standards by reference as provided in Section 366.7 (5-7) of the Code of Iowa, 1954, and amendments thereto.

8-4-2 Enforcement. The duly franchised agency (The Gas Division of the Iowa Electric Light and Power Company of Muscatine, Iowa) shall work together with the City, and the City in turn will co-operate with 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 said Code of Standards (NBFU No. 54) 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 Housing Quality Standards
8-5-3 Definitions
8-5-4 Permits and Inspection
8-5-5 Certification
8-5-6 Minimum Structural Standards for All Dwellings
8-5-7 Minimum Structural Standards for All Rental Housing
8-5-8 Owners Responsibilities
8-5-9 Occupants Responsibilities
8-5-10 Substandard Buildings
8-5-11 Notices and Orders of Building Official
8-5-12 Appeals
8-5-13 Procedures for Conduct of Hearing Appeals
8-5-14 Enforcement of Orders from Building Official or Board of Appeals
8-5-15 Performance of Demolition
8-5-16 Recovery of Cost of Demolition

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. Compliance with State Code. The City of Muscatine, in compliance with the requirements of House File No. 2536 (68th G.A. 1979), hereby adopts 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, as the adopted model Housing Code for the City of Muscatine, Iowa. These "Housing Quality Standards" are set forth for reference purposes in Section 8-5-2 and contained herein. The City of Muscatine, Iowa, has integrated the "Housing Quality Standards" contained in Section 8-5-2 of the Housing Code which provisions, to be enforced by the City of Muscatine, are as stringent as, or more stringent than, those in the model Housing Code as adopted.
C. Purpose. The purpose of the Housing Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use, occupancy, and maintenance of all residential buildings and related structures within the City of Muscatine, Iowa.
D. 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.
E. 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 Housing Quality Standards. Housing used in this program shall meet the performance requirements set forth in this chapter. In addition, the housing shall meet the acceptability criteria set forth in this chapter, except for such variations as are proposed by the MHA and approved by HUD. Local climatic or geological conditions or codes are examples which may justify such variations.

A. Sanitary Facilities.
    1. Performance Requirement. The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.
    2. Acceptability Criteria. A flush toilet, in a separate private room, and a fixed basin with hot and cold running water, and shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.
B. Food Preparation and Refuse Disposal.
    1. Performance Requirement. The dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).
    2. Acceptability Criteria. The unit shall contain the following equipment in proper operating condition: cooking stove or range and a refrigerator of appropriate size for the unit, supplied by either the Owner or the Family, and a kitchen sink with hot and cold running water. The sink shall drain, into an approved public or private system. Adequate space for the storage, preparation, and serving of food shall be provided.
C. Space and Security.
    1. Performance Requirement. The dwelling unit shall afford the family adequate space and security.
    2. Acceptability Criteria. The dwelling unit shall contain a living room, kitchen area, and bathroom. The dwelling unit shall contain at least one bedroom or living/sleeping room of appropriate size for each two persons. Persons of

opposite sex, other than husband and wife or very young children, shall not be required to occupy the same bedroom or living/sleeping room. Exterior doors and windows accessible from outside the unit shall be lockable.

D. Thermal Environment.
   1. Performance Requirement. The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.
   2. Acceptability Criteria. The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil, or kerosene are unacceptable.

E. Illumination and Electricity
   1. Performance Requirement. Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.
   2. Acceptability Criteria. Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two electric outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area, and each bedroom area.

F. Structure and Materials.
   1. Performance Requirement. The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.
   2. Acceptability Criteria. Ceilings, walls, and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts, or other serious damage. The roof structure shall be firm and the roof shall be weather tight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks, holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc. shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition.

G. Interior Air Quality.
   1. Performance Requirement. The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.
   2. Acceptability Criteria. The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

H. Water Supply.
   1. Performance Requirement. The water supply shall be free from contamination.
   2. Acceptability Criteria. The unit shall be served by an approved public or private sanitary water supply.

I. Lead Based Paint.
   1. Purpose and Applicability. The purpose of this paragraph is to implement the provisions of Section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate as far as practicable the hazards of lead-based paint poisoning with respect to existing housing

units for which Requests For Lease Approval are made under this part. This paragraph is promulgated under the authorization granted in 24 CFR 35.24(b)(4) and supercedes, with respect to all housing to which it applies, the requirements prescribed by subpart C of 24 CFR part 35. The requirements of (I)(4) of this section are applicable to units for which initial inspection under 882.209(h)(1) or periodic inspection under 882.211(b) is made on or after May 1, 1987. The requirements of this paragraph do not apply to 0- bedroom units. The requirements of subpart A of 24 CFR part 35 apply to all units constructed prior to 1978 covered by a Housing Assistance Payments Contract under this subpart.

2. Definitions-Applicable Surfaces. All intact and nonintact interior and exterior painted surfaces of a residential structure.

   Chewable Surface. All chewable protruding painted surfaces up to five feet from the floor or ground, which are readily accessible to children under seven years of age, e.g., protruding corners, windowsills and frames, doors and frames, and other protruding woodworks.

   Defective Paint Surface. Paint on applicable surfaces that are cracking, scaling, chipping, peeling or loose.

   Elevated Blood Lead Level or EBL. Excessive absorption of lead, that is, a confirmed concentration of lead in whole blood of 25 ug/dl (micrograms of lead per deciliter of whole blood) or greater

   Lead-Based Paint. A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 mg/cm.

3. Defective Paint. In the case of a unit, for a Family which includes a child under the age of seven years, which was constructed prior to 1978, the initial inspection under 882.209(h)(1), and each periodic inspection under 882.211(b), shall include an inspection for defective paint surfaces. If defective paint surfaces are found, treatment as required by 24 CFR 35.24(b)(2)(ii) shall be required in accordance with 882.211(b)-(c), as appropriate. Correction of defective paint conditions discovered at periodic inspection shall be completed within thirty (30) days of PHA notification to the Owner. When weather conditions prevent completion of repainting of exterior surfaces within the thirty (30) day period, repainting may be delayed, but covering or removal of the defective paint must be completed within the prescribed period.

4. Chewable Surfaces. In the case of a unit constructed prior to 1978, for a Family which includes a child under the age of seven years with an identified EBL condition. The initial inspection under 882.209(h)(1), or a periodic inspection under 882.211(b), shall include a test for lead-based paint on chewable surfaces. Testing shall be conducted by a State or local health or housing agency, an inspector certified or regulated by a State or local health or housing agency or an organization recognized by HUD. Lead content shall be tested by using an X-ray fluorescence analyzer (XRF) or other method approved by HUD. Test readings of 1 mg/cm or higher using the XRF shall be considered positive for presence of lead-based paint. Where lead-based paint on chewable surfaces is identified, covering or removal ‘of the paint surface in accordance with 882.209(h) or 882.211(b) and (c), as appropriate, and correction shall be completed within the time limits set forth in paragraph (I)(3) of this section.

5. Abatement Without Testing. In lieu of the procedures set out in item (4) above, the PHA at its discretion, may forego testing and require the Owner to abate all interior and exterior chewable surfaces in accordance with the method set out in 25 CFR 35.24(b)(2)(ii).
6. Tenant Protection. The Owner shall take appropriate action to protect tenants from hazards associated with abatement procedures.
7. Records. The PHA shall keep a copy of each inspection report for at least three years. If a unit requires testing or if the unit requires treatment of chewable surfaces based on testing, the PHA shall keep indefinitely the test results, and if applicable, the Owner certification of treatment. The records shall indicate which chewable surfaces in units have been tested and which chewable surfaces in units have been treated. If records establish that certain chewable surfaces were tested and treated in accordance with the standards prescribed in this section, such chewable surfaces do not have to be tested or treated at any subsequent time.

J. Access.
1. Performance Requirement. The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties, and the building shall provide an alternate means of egress in case of fire.
2. Acceptability Criteria. The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).

K. Site and Neighborhood.
1. Performance Requirement. The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants.
2. Acceptability Criteria. The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards, mudslides, abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

L. Sanitary Conditions.
1. Performance Requirement. The unit and its equipment shall be in sanitary condition.
2. Acceptability Criteria. The units and its equipment shall be free of vermin and rodent infestation.

M. Congregate Housing-Performance Requirement. The foregoing standards shall apply except for paragraph (B) of this section and the requirement in paragraph (C)(2) of this section for a kitchen area. In addition, the following standards shall apply:
1. The unit shall contain a refrigerator of appropriate size.
2. The sanitary facilities described in paragraph (A) of this section shall be contained within the unit.
3. The central dining facility and central kitchen shall be located within the building or housing complex and be accessible to the occupants of the congregate units, and shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner by a food service or persons other than the occupants and shall be for the primary purpose of the occupants of the congregate units and be of sufficient size to accommodate the occupants. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).

N. Independent Group Residence-Performance Requirement. The foregoing standards shall apply except for paragraphs (A), (B), (C), (F), (K), and (M), of this section. In addition, the following standards shall apply:

1. The unit shall contain and have ready access to a flush toilet which can be used in privacy, a fixed basin with hot and cold running water, and a shower and/or tub equipped with hot and cold running water all in proper operating condition and adequate for personal cleanliness and disposal of human' waste. These facilities shall utilize an approved public or private disposal system, and they shall be sufficient in number so they need not be shared by more than four occupants. Those units accommodating physically handicapped occupants with wheelchairs or other special equipment shall provide access to all sanitary facilities, and shall provide as appropriate to the needs of the occupants, basins and toilets of appropriate height; grab bars to toilets, showers and/or bathtubs; shower seats; and adequate space for movement.
2. The unit shall contain suitable space to store, prepare and serve foods in a sanitary manner. A cooking stove or range, a refrigerator(s) of appropriate size and in sufficient quantity for the number of occupants, and a kitchen sink with hot and cold running water shall be present and in proper operating condition. The sink shall drain into an approved private or public system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).
3. The dwelling shall afford the Family adequate space and security. A living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space shall be within the unit, and the unit shall contain at least one bedroom of appropriate size for each two persons. Exterior doors and windows accessible from outside each unit shall be capable of being locked. An emergency exit plan shall be developed and occupants shall be apprised of the details of the plan. All emergency and safety features and procedures shall meet applicable State and local standards.
4. The unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants from the environment. Ceilings, walls, and floors shall not have any serious defects, such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts, or other serious damage. The roof structure shall be firm and the roof shall be weather-tight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition. Units accommodating physically handicapped occupants with wheelchairs and other special equipment shall not contain architectural barriers which impede access or use, and handrails and ramps shall be provided as appropriate.
5. The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants, and shall not be subject to serious adverse environmental conditions, natural, or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank backups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibrations or vehicular

traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards. The unit shall be located in a residential setting and be similar in size and appearance to housing generally found in the neighborhood, and be within walking distance or accessible via public or available private transportation to medical and other appropriate commercial and community service facilities.

6. Supportive Services.
   i. A planned program of adequate supportive services appropriate to the needs of the occupants shall be provided on a continual basis by a qualified Residents Assistant(s) residing in the unit, or other qualified person(s) not residing in the unit, who will provide such services on a continual, planned basis. Supportive services which are provided within the unit may include the following types of services: Counseling; social services which promote physical activity; intellectual stimulation and/or social motivation; training or assistance with activities of daily living including housekeeping, dressing, personal hygiene and/or grooming; provision of basic first aid skills in case of emergencies; supervision of self -administration of medications, diet and nutrition; and assurance that occupants obtain incidental medical care, as needed, by facilitating the making of appointments at, and transportation to medical facilities. Supportive services provided within the unit shall not include the provision of continual nursing, medical or psychiatric care.
   ii. The provisions and quality of the planned program of supportive services, including the minimal qualifications, quantity and working hours of the Resident Assistant(s) living in the unit or other person(s) providing continual supportive services, shall be initially determined by the Service Agency in accordance with the standards established by the State. Compliance with these standards by the Service Agency shall be regularly monitored throughout the term of the Contract by the PHA and the State (e.g. Department of Human Resources, Mental Retardation, Social Services, etc.) or a local authority (other than the Service Agency providing services) designated by the State to establish, maintain and enforce such standards.
   iii. A written Service Agreement, approved by the State and in effect between the Owner and the Service Agency and/or the entities which provide the necessary supportive service, shall be submitted to the PHA with the request for Lease Approval. The Lease between the eligible individual and the Owner shall set forth the Owner's obligation for and means of providing these services. If the lessor provides the supportive services, a Service Agreement is not required and the provision of these services shall be incorporated into the Lease and shall be incorporated into the Lease and shall be approved by the State. (See 882.209(j)(2).)
7. State Approval. Independent Group Residences shall be licensed, certified, or otherwise approved in writing by the State (e.g. Department of Human Resources, Mental Health, Retardation, Social Services, etc.) prior to the execution of the original Contract. This approval shall be re-examined periodically based on a schedule established by the State. To assure that facilities and the supportive services are appropriate to the needs of the occupants, the State shall also approve the written Service Agreement (or Leases, if the services is the lessor) for each Independent Group Residence.

O. Manufactured Home.

1. Performance Requirement. A manufactured home unit, whether owner or renter occupied, shall comply with the foregoing standards except for paragraph (M) of this section, Congregate Housing, and paragraph (N) of this section, Independent Group Residences. In addition, a manufactured home unit shall:
    a. Meet the definition of a manufactured home set forth in 882.102.
    b. Be equipped with at least one smoke detector in working condition, and
    c. Must be placed on the site in a suitable manner and be free from hazards such as sliding and wind damage.
2. Acceptability Criteria. A manufactured home must be securely anchored by a tie-down device which distributes and transforms the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

P. Single Room Occupancy (SRO) Unit-Performance Requirements.
1. The foregoing standards shall apply except for paragraphs (A), (E), (C), (M), (N), and (0).
2. Each SRO unit shall be occupied by no more than one person.
3. Exterior doors and windows accessible from outside the SRO unit must be able to be locked.
4. Sanitary facilities, space and security shall meet local code standards for single room occupancy housing. In the absence of applicable local code standards, the requirements for habitable rooms used for living and sleeping purposes contained in the American Public Health Association's recommended Housing Maintenance and Occupancy Ordinance shall be used.

Q. Shared Housing.
1. Applicability of Housing Quality Standards to Entire Unit. The entire unit must comply with the Performance Requirements and Acceptability Criteria, as provided in paragraphs (A) and (B) of this section and in paragraphs (D) through (L) of this section.
2. Facilities Available for Family. The facilities available for the use of each assisted Family in Shared Housing under the Family's Lease must include (whether in the Family's Private Space or in the Common Space) a living room, sanitary facilities in accordance with paragraph (A), and food preparation and refuse disposal facilities in accordance with paragraph (B).
3. Space and Security

    i. Inapplicability of Paragraph (C). Paragraph (C) of this section does not apply to Shared Housing.
    ii. Performance Requirement. The entire unit must provide adequate space and security for all its occupants (whether assisted or unassisted). The total number of occupants in the unit may not exceed twelve (12) persons. Each unit must contain Private Space containing at least one bedroom for each assisted Family, plus Common Space for shared use by the occupants of the unit. The Private Space for each assisted Family must contain at least one bedroom for each two persons in the Family. (The two preceding sentences do not apply to the case of two individuals sharing a one-bedroom unit. However, in that situation, no other person may occupy the unit.) Common Space must be appropriate for shared use by the occupants. If any of the members of the Family are physically handicapped (as of the time of Lease approval), the unit's Common Space and the Family's Private Space must be accessible and usable by them.

iii. Acceptability Criteria. The unit must contain a living room, a kitchen, bathroom(s), and bedroom(s). Persons of opposite sex, other than husband and wife or very young children, may not be required to occupy the same bedroom. Exterior doors and windows accessible from outside the unit must be lockable.

R. Smoke Detectors.
   1. Performance Requirement. After October 30, 1992, each dwelling unit must include at least one battery operated or hard-wired smoke detector, in proper working condition on each level of the unit. If the unit is occupied by hearing-impaired persons, smoke detectors must have an alarm system, designed for hearing-impaired persons, in each bedroom occupied by a hearing-impaired person.
   2. Acceptability Criteria. The smoke detector must be located, to the extent practicable, in a hallway adjacent to a bedroom, unless the unit is occupied by a hearing-impaired person, in case each bedroom occupied by a hearing-impaired person must have an alarm system connected to the smoke detector located in the hallway.

8-5-3 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. Merriam Webster's Collegiate Dictionary, Tenth Edition, copyright 1994, shall be considered as providing ordinary accepted meanings. 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 4, of the City Code for Muscatine, Iowa.
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. "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.

HH. "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 8-5-7(D)1 and 8-5-7(D)2.

II. "Rubbish" shall mean inorganic waste material consisting of primarily noncombustible materials.

JJ. "Supplied" shall mean paid for, furnished by, provided by, or under the control of the owner or operator.

8-5-4 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 85-4(A) of this Code, the appropriate fees shall be paid to the Building Official at the rate(s) established by the City Council.

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.

8-5-5 Certification.

A. General. The City of Muscatine shall cause all properly registered rental property to be inspected for compliance under this Code every three (3) years in the case of unit(s) more than five (5) years old. The City shall also certify that all properly inspected rental housing comply with the provisions of this Code or the City shall initiate action to begin necessary repairs or demolition proceedings as specified in this Code.

B. Fees. Upon receipt of Notice of Violation in the case of noncompliance or the appropriate Certificate of Structural Compliance if the inspected unit(s) comply with the provisions of this Chapter. The owner or operator shall forward the related inspection fee(s) to the City of Muscatine Fire Department no later than thirty (30)

days from the date the notice or certificate is issued. An itemized bill of inspection fees shall be included. Said fees shall be adopted by resolution by the City Council of Muscatine. Failure to pay all fees within the prescribed period may result in additional late payment charges as may be approved and set by the City Council.

C. Certificate of Structural Compliance. The certificate of structural compliance shall be a document which, when issued, shall indicate that the affected structure meets the minimum requirements contained in this Code. The certificate shall be transferable at the time of a change in ownership and shall remain a part of the City of Muscatine property file. The certificate shall be interpreted as granting the owner or operator the right to let the structure for residential occupancy. The certificate of structural compliance shall state the date of issuance, type of structure for which the certificate is being issued, and the address of the structure to which it is applicable. The certificate may include only those units within a dwelling meeting certification requirements.

D. Issuance of Certification of Structural Compliance. When the provisions of this Code have been complied with by the owner or operator, the Inspector shall issue a Certificate of Structural Compliance. Said certificate shall be made in duplicate with the owner or operator receiving one copy and the other copy shall be retained by the Inspector for inclusion in the City of Muscatine property files. A certificate for any unit which is more than thirty (30) days past expiration in which access for inspection has not been granted on at least two (2) separate occasions may be found to be in violation of this Code and may be immediately posted for "NO OCCUPANCY", vacated (if occupied) or remain vacant (if unoccupied), until such time as the required inspection(s) have been scheduled, the inspection(s) conducted, the unit found to be in compliance with this Code, and a Certificate of Structural Compliance issued together with the payment of all appropriate fees as established elsewhere in this code.

8-5-6 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.
      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 8-5-6(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 involvement of egress facilities or egress routed 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.

8-5-7 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 wallmounted 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 approved by the Fire Marshall and located in the following areas:
        a. In all efficiency dwelling units and guest rooms in an area centrally located on the ceiling or on a wall not more than twelve inches (12") from the ceiling of the main room.
        b. In each area or corridor of a dwelling unit providing access to a sleeping room or rooms.
        c. In all common areas or corridors of every story and basement of every residential building. For the purposes of this section, common areas or corridors shall mean those areas not under the direct control of the individual tenant(s) but are intended for use by the occupant(s) of more than one dwelling or rooming unit.
        d. In other areas as may be required by State Law.
    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. Owners 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 owners 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 8-57(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 8-5-7(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 (7q) 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.
   1. 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.

8-5-8 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.

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 designated agent, 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.

8-5-9 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 designated agent, 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 8-5-7 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 8-5-6 of this Code.

8-5-10 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 8-5-11 of this Code.

8-5-11 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 8-5-10(B) 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 Housing Advisory and Appeals Board, 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 equalized 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 Housing Advisory and Appeals 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 8-5-11(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 8-5-11(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 this the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

8-5-12 Appeals.

A. Housing Advisory and Appeals Board. In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, there is hereby established a Housing Advisory and Appeals Board consisting of five (5) members who are not employees of the City. The Building Official shall be an ex officio member of and shall act as secretary to said board. The board shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals to the board shall be processed in accordance with the provisions contained in Section 8-5-12(B) of this Code. Copies of all rules or regulations adopted by the board shall be delivered to the Building Official, who shall make them freely accessible to the public.

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 Board of Appeals of the City of Muscatine, Iowa , _____ of _____"
    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 8-5-12(B), the Building Official shall present it to the Board of Appeals in accordance with this Chapter.

E. Scheduling and Notice of Appeal for Hearing. As soon as practicable after receiving the written appeal, the Housing Board of Appeals shall fix a date, time, and place for hearing of the appeal by 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 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 8-5-11, 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.

8-5-13 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 the 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 the board, but shall in no event be greater than the cost involved.
   3. Continuances. The board may grant continuances for good cause shown.
   4. Oaths, Certification. In any proceedings under this chapter, the board, or any board member, has the power to administer oaths and affirmations and to certify to official acts.
   5. Reasonable Dispatch. The 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 Board of Appeals at .... on the _____ day of _____, 19__ , 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 Board of Appeals."

C. Subpoenas.
   1. Filing of Affidavit. The 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 the 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 board or departments and ordinances of the City or rules and regulations of 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. 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 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 board.

E. Method and Form of Decision.

1. Hearing Before Board Itself. Where a contested case is heard before 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 the board.

8-5-14 Enforcement of Orders from Building Official or Board of Appeals.

A. Compliance.

1. General. After any order of the Building Official or the Housing Advisory and Appeals 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 or Housing Advisory and Appeals 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 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.

8-5-15 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 therefore 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. Cost. The cost of such work shall be paid from the demolition fund and may be made a special assessment against the property involved.

8-5-16 Recovery of Cost of Demolition.

A. Account of Expense, Filing of Report, Contents. The City Clerk shall keep an itemized account of the expense incurred by this jurisdiction in the demolition of any building done pursuant to the provisions of Section 8-5-14(A)3(c) of this Code. Upon the completion of the demolition, said City Clerk shall prepare a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure was located, and the names and addresses of the persons entitled to notice pursuant to Section 8-5-11(A).

B. Report Transmitted to Council - Set for Hearing. Upon receipt of said report, the Clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date, and place for hearing said report and any protests or objections thereto. The Clerk of this jurisdiction shall cause notice of said hearing to be published once in a newspaper of general circulation in the City, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the county, if such so appears, or as known to the Clerk. Such notice shall be given in accordance with Chapter 362.3 of the Iowa Code and shall specify the day, hour, and place when the legislative body will hear and

pass upon the report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

C. Hearing of Protests. Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the City Clerk, together with any such objections or protests. The legislative body may make such revision, correction, or modification in the report or the charge as it may deem just, and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected, or modified) together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge and on all protests or objections shall be final and conclusive.

D. Personal Obligation of Special Assessment.
    1. General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.
    2. Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney of this jurisdiction to collect the same on behalf of the jurisdiction by use of all appropriate legal remedies.
    3. Special Assessment. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property and subject to collection in the same manner as a property tax.

E. Contest. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within thirty (30) days after the entry of such judgment.

F. Lien of Assessment.
    1. Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots of parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county, and municipal taxes, with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.
    2. Interest. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate determined for special assessments under Chapter 74A of the Code of Iowa from and after said date.

G. Report to Assessor and Tax Collector: Addition of Assessment to Tax Bill. After confirmation of the report, certified copies of the assessment shall be given to the Assessor of this jurisdiction and the Tax Collector of this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

H. Filing Copy of Report with County Auditor. If the County Assessor and the County Tax Collector assess property and collect taxes for the City, a certified copy of the assessment shall be filed with the County Auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year.

I. Collections of Assessment: Penalties for Foreclosure. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties, procedure, and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

J. Repayment of Fund. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the Treasurer of this jurisdiction, who shall credit the same to the designated City accounts.

Title 8 – Building Regulations
Chapter 6 – House Numbering

SECTIONS:
8-6-1 Numbers Required
8-6-2 Location of Numbers
8-6-3 Numbers Obtained From Office of Building and Zoning Administrator
8-6-4 Material; Size
8-6-5 Allowing Buildings Without Numbers
8-6-6 Enforcement
8-6-7 Numbers Designated
8-6-8 System; Base Lines
8-6-9 Numbers Assigned

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.

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 Office of Building and Zoning Administrator. The owners of every building, residence, or store erected within the Corporate Limits of the City shall within ten (10) days after such building, residence, or store shall have been used or occupied, or shall have been completed for use or occupancy, obtain from the Office of the Building and Zoning Administrator the number of such building, residence, or store.

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. Any person who shall suffer or permit his building, residence, or store to remain for the space of twenty (20) days without a number placed conspicuously thereon, as provided in this Chapter, shall be deemed guilty of a misdemeanor.

8-6-6 Enforcement. It shall be the duty of the Building Official to see that the provisions of this Chapter are enforced, and he or she shall institute such proceedings against the person violating such provisions as may from time to time be necessary to secure the observance of the same.

8-6-7 Numbers Designated. It shall be the duty of the Office of the Building and Zoning Administrator 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 new limits 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 Front", "East Second", and "East Third" streets, and so on, and the parts of streets lying West of Iowa Avenue shall be known as "West Front", "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 on the basis of twenty feet (20') for each number. On blocks occupied by detached residences only, each thirty feet (30') frontage of unimproved property shall be assigned one number.

Title 8 – Building Regulations

Chapter 7 – Mechanical Code

SECTIONS:

8-7-1 Adoption of Uniform 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", 2006 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 in Title 5, Chapter 15 of this Code, 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 shall be established by Resolution of the City Council, 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. 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 New Construction Appeal Board.

Title 8 – Building Regulations
Chapter 8 – Moving Buildings

SECTIONS:
8-8-1 Permit Required
8-8-2 Application; Bond
8-8-3 Permit Revocation
8-8-4 Permits Required of Owners
8-8-5 Application; Bond
8-8-6 Inspection; Structure to be Moved; Route
8-8-7 Deposits; Reporting Application to Council
8-8-8 Supervision by Building Official

8-8-1 Permit Required. No person shall engage in the business of moving buildings or other structures on, over, along, or across streets, alleys, sidewalks, or other public places in the City, unless such person shall have first applied for and obtained a permit to do so from the Council as hereinafter provided in this Chapter.

8-8-2 Application; Bond. Applications for the permit required by Section 8-8-1 of this Chapter shall be made in writing and filed in the Office of the Clerk and shall be accompanied with sureties to be approved by the Clerk as required by Title 5, Chapter 15 of the City Code. Such bond shall be conditioned to guarantee the faithful compliance by the applicants with all the provisions of this Chapter and other laws and ordinances of the City respecting the moving of buildings or other structures and shall stand as security for the payment of any and all damages arising out of the moving of buildings or other structures on, over, along, or across streets, alleys, sidewalks, or other public places within the limits of the City. Such bond as required by this Section shall not be released until two (2) years from the date of such bond.

8-8-3 Permit Revocation. Any permits granted under the provisions of Sections 8-8-1 and 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.

8-8-4 Permits Required of Owners. No building or other structure shall be moved on, over, along, or across any street, alley, sidewalk, or other public place within the City, unless and until a permit to do so shall have been obtained from the Council as hereinafter provided in this Chapter, such permit to be applied for and obtained by the person owning the building or other structure proposed to be moved.

8-8-5 Application; Bond. Application for the permit required by Section 8-8-4 of this Chapter shall be filed in the Office of the Building Official, who shall supply forms for that purpose and such application shall be accompanied by a surety bond, in the amount required in Title 5, Chapter 15 of the City Code, with the owner and the housemover as principals, and with sureties to be approved by the Clerk. Such bond shall be conditioned to guarantee the faithful compliance with all the provisions of this Chapter respecting the moving of buildings or other structures, and shall also stand as security for the payment of all damages and expenses resulting from or arising out of the moving of the building or other structure proposed to be moved. Such bond as required by this Section shall not be released until after one year from the date of such bond. The application form shall provide space for information as to the kind, type, and size of the building or other structure proposed to be moved, the present and future location of such structure, the route along which it is

proposed to move, and such other information as may be deemed pertinent to the intelligent consideration of the application by the Building Official and Council.

8-8-6 Inspection; Structure to be Moved; Route. Before any permit is issued under the provisions of Sections 8-8-4 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.

8-8-7 Deposits; Reporting Application to Council. The Building Official shall require that the applicant for a permit deposit with him a sum of money sufficient to pay expenses of moving or otherwise preparing such wires, poles, or other property so that the structure can be properly moved, except that the applicant shall not be required to deposit the sums agreed upon between the applicant and the person engaged to do the actual work of moving such structure. 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.

8-8-8 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 being so moved shall be permitted without adequate movement of traffic, unless such delay shall be from causes outside the control of the owner or the person engaged in moving the same.

Title 8 – Building Regulations
Chapter 9 – Plumbing Code

SECTIONS:
8-9-1 Adoption of Uniform Plumbing Code
8-9-2 Plans and Specifications
8-9-3 Inspections
8-9-4 Permits
8-9-5 Plumbing Licenses

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", 2006 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 in Title 5, Chapter 15 of this Code, 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 shall be established by Resolution of the City Council, 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. 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 New Construction Appeal Board.

8-9-5 Plumbing Licenses.

A. License Required. Any person desiring to engage in or work at the business of plumbing, as master or journeyman, and not at the time holding a valid plumber's license issued by an examining board within the State, as provided by State law,

shall make application for authority to do so to the Council, on blanks provided for that purpose, which shall be filled out in full in the presence of the Plumbing Inspector and shall be accompanied by the affidavit of such applicant stating his experience as a plumber, including the length of time and place or places where he has worked as apprentice, master, or journeyman. The applicant shall then pay an examination fee as required. After successfully passing said examination, the Plumbing Board of Examiners shall certify such fact to the Council. The applicant shall then file with the Clerk an indemnity bond in the amount as provided in Title 5, Chapter 15, running to the City with sureties to be approved by the Council, such bond to be conditioned upon the faithful performance of all duties required by the provisions of this Code, the rules or regulations of the Board of Health thereof, and to pay to the City all damages it may suffer by reason of negligence or incompetence in the performance of poor workmanship or carelessness in making connections or repairs in sewer, water, gas or steam pipes, and any and all damages by other causes growing out of the negligence, carelessness, or neglect of duty by a registered plumber. Journeyman plumbers, while in the employ of a master plumber, are hereby exempt for furnishing such indemnity bond.

B. Registry and Licenses. After the approval by the Council of the bond referred to in Section 8-9-5(A) of this Code, and upon payment of a license fee as provided in Title 5, Chapter 15, a plumber's certificate of registry, signed by the Plumbing Inspector and the Secretary of the Plumbers Board of Examiners, shall be issued to any person desiring to engage in or work at the business of plumbing as a master or journeyman plumber and he shall be given a license authorizing him to engage in the plumbing business. Such certificate of registry shall be numbered by the Clerk the same as the license issued to the applicant. The license shall be valid and recognized throughout the State for a period of one year, and may be renewed from year to year upon payment of the renewal fee as provided in Title 5, Chapter 15. Such license shall not be transferable and shall expire on the thirty first (3 1St) day of December each year.

C. Exceptions.
    1. A homeowner of a single family dwelling unit shall not be required to possess a Plumbing License to do any plumbing work within the dwelling space they both currently own and occupy. Owners of buildings containing more units than the one currently occupied by the owner, shall be required to obtain a Plumbing License as set out in this Code or hire someone possessing such a license for all other plumbing work within the building or structure. Nothing contained in this section shall relieve a homeowner from securing a Plumber Permit prior to commencing plumbing work.
    2. A corporation is not required to have a Plumber's Certificate of Registry to do its plumbing work on its own premises.

D. Applications for Plumbing Licenses. All applications filed with the Council for licenses to engage in the plumbing business shall be accepted or rejected within fifteen (15) days after filing.

E. Persons Licensed by Other Cities. Any person having a license to engage in the plumbing business, either as a master employing or journeyman plumber in any city in the state other than this city, may, if the license was issued by a city requiring an examination to secure the same, and if the license is one for the current year, engage in the plumbing business for the remainder of that year by obtaining a City of Muscatine Plumbing License and Indemnity Bond as stated in Section 8-9-5(A) of this Code.

F. Transients. Except as otherwise provided, any transient desiring to do plumbing or steam fitting shall be required to comply with all the provisions of this Chapter as though intending to engage permanently in the business within the City.

G. Corporations. A corporation desiring to engage in the business of plumbing shall include as one of its stockholders, directors, and officers, a master plumber, who has qualified as provided for in this Chapter, and who shall be actively engaged in conducting the affairs of such corporation.

Title 8 – Building Regulations

Chapter 10 – Rental Housing Registration

SECTIONS:

8-10-1 Registration of Residential Rental Properties Within the City of Muscatine
8-10-2 Inspection Fees

8-10-1 Registration of Residential Rental Properties Within the City of Muscatine. All owners of residential rental property within the City limits are hereby required to register the same with the Building Department, on forms provided by the Department, to facilitate a program of regular rental property inspection and certification in accordance with Title 8, Chapter 5 of the City Code. Said registration shall contain the name of the owner, the owner's address, the address of the residential rental property, and the number of dwelling units contained in the dwelling. If the rental property is owned in partnership or by a corporation, it shall be registered as the legal owner and all individual persons within the partnership or corporation shall be so listed. Failure of any owner to register his or her residential rental property shall be guilty of a misdemeanor as provided in the City Code.

8-10-2 Inspection Fees. The fees for inspections made pursuant to Title 8, Chapter 5 of the City Code shall be in those amounts as provided by resolution adopted from time to time by the City Council and as set forth in Title 5, Chapter 15 of the City Code.

Title 8 – Building Regulations

Chapter 11 – Residential Code

SECTIONS:

8-11-1 Adoption of the International Residential Code

8-11-1 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", 2006 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.

Title 9 – Health and Sanitary Regulations
Chapter 1 – Board of Health Regulations

SECTIONS:
9-1-1 Local Regulations
9-1-2 State Regulations
9-1-3 Enforcement of Regulations
9-1-4 License; Fees
9-1-5 Noncompliance
9-1-6 Failure to Comply

9-1-1 Local Regulations. The Board of Health, as established in Title 2, Chapter 3, of the City Code, shall assist the City Council and the City Administrator, or his or her designee, with the enforcement and regulations of the following City Ordinances, when the general welfare, health, and safety of the public is in danger:

A. Title 3, Chapter 2 - "Drains and Drainage".
B. Title 3, Chapter 12 - "Utility Connections".
C. Title 4, Chapter 1 - "Animal Regulations".
D. Title 8, Chapter 5 - "Housing Code".
E. Title 9, all chapters.

9-1-2 State Regulations. The Board of Health shall be responsible for the proper enforcement of Chapter 170A, the Iowa Food Sanitation Code, of the Code of Iowa as per the provisions of the Agreement between the City of Muscatine and the Department of Agriculture, dated January 1, 1979, and as amended from time to time. As per the Agreement, the City of Muscatine hereby adopts the following Codes as stipulated in Chapter 170A of the Iowa Code:

A. Iowa Hotel Sanitation Code, Chapter 170B of the Iowa Code.
B. Iowa Food and Beverage Vending Machine Laws, Chapter 191A of the Iowa Code.
C. Iowa Food Service Sanitation Code to be regulated in accordance with the 1976 edition, as amended and updated, of the Federal Food and Drug Administration "Food Service Sanitation Ordinance", subject to the following amendments:
    1. Municipality Defined: The word "municipality" in the Code adopted by Section 2-6-10 shall be understood to refer to the City of Muscatine, Iowa.
    2. "Temporary food-service establishment" means a food-service establishment that operates at a fixed location for a period of time of not more than twelve (12) consecutive days in conjunction with a single event or celebration.
    3. Subsection 1-102 (h), (i), and (z) shall be deleted.
    4. Subsection 1-104 shall be deleted.
    5. Subsection 10-101 shall be amended so that the following food-service establishments are exempt from the license requirement:
        a. Food-service operations in schools.
        b. Places used by churches, fraternal societies, and civic organizations which engage in the serving of food not more often than ten (10) times per month.
    6. Subsection 10-101 shall be amended so that a license issued by the Iowa Department of Agriculture prior to the effective date of this adoption shall be valid until its expiration date.

7. Subsection 10-201 shall be amended so that food-service operation in schools and summer camps shall be inspected at least once every year instead of twice every year.

D. Chapter 1351, 1989 Iowa Code Supplement and Chapter 641-15, Iowa Administrative Code.

9-1-3 Enforcement of Regulations. The City Administrator shall recommend to the Board of Health an individual to serve as City Health Officer. Upon approval of the Board of Health, the Health Officer shall be responsible for the enforcement of the state health regulations as stipulated in Section 9-1-2 of this chapter and such other duties and functions as required by the Agreement between the Board of Health and the Iowa Department of Agriculture. The City Health Officer shall also assist the City Administrator, or his or her designated representative, with the enforcement of the City regulations as stipulated in Section 9-1-1.

9-1-4 License; Fees. Food-service establishments, hotels, motels, and food and beverage vending machines must obtain an annual license, as required by the State Codes adopted by the City, pursuant to Section 9-1-2 of this chapter. The annual fee shall be as per the schedule stipulated in Section 170A.5, 170B.6, and 191A.4 of the Code of Iowa. Non-profit organizations, including churches, schools, and civic organizations shall be exempt from the Food Service Establishment License fee stipulated in Section 170A.5 of the Code of Iowa. Upon determination by the City Health Officer of violations as set out in Section 9-1-2 of this chapter, a fee for the reinspection to verify correction and/or compliance with said regulations shall be assessed to the licensee in the amount as provided from time to time by Resolution of the City Council and included in the schedule in Section 5-15-2 of the City Code.

9-1-5 Noncompliance.

F. Whenever any person having been served with a notice indicating a public health hazard existing in accordance with Sections 9-1-1 and 9-1-2 shall refuse, fail, or neglect to abate or remove the public health hazard referred to in such notice within the time therein stated, the City may cause such public health hazard to be abated and removed and to that end the City is authorized to use such tools, appliances, materials, labor, and assistance as may be reasonably necessary.
G. Whenever the City shall have caused the abatement or removal of any public health hazard defined in this chapter, the City Clerk shall report the fact in writing to the Council, stating the cost and value of all tools, appliances, materials, labor, and assistance used, consumed, and performed by and for him, giving the several items thereof, and the name of the person responsible for the commission of such public health hazard and a description of the property, lot, or parcel of ground whereon such nuisance existed or from which the same came.
H. Upon receiving such report, the Council may levy a special tax thereon by resolution, and such tax shall be collected in the manner provided by the Code of Iowa.

9-1-6 Failure to Comply. Any person or owner of property who violates the provisions of this chapter shall be guilty of a misdemeanor and subject to a penalty of a fine not to exceed one hundred dollars ($100.00), or by imprisonment not to exceed thirty (30) days. Each twenty-four (24) hour period during which such person shall not have complied with the provisions of this chapter shall be construed as a separate violation.

Title 9 – Health and Sanitary Regulations
Chapter 2 – Iowa Food Service
Sanitation Training Certifications

SECTIONS:
9-2-1 Purpose
9-2-2 Definitions
9-2-3 Food Service Training and Certification Required
9-2-4 Exemption from Requirements
9-2-5 Certification Process
9-2-6 Renewal of Certification
9-2-7 Proof of Certification
9-2-8 Display of Certification Required
9-2-9 Certificate Not Transferable
9-2-10 Penalty for Violation

9-2-1 Purpose. The purpose of this ordinance is to establish and require the certification of personnel in "food establishments" (FE) and "food service establishments" (RS), by requiring appropriate personnel to have knowledge of safe techniques for the storage, preparation, display and service of foods with the underlying purpose of preventing foodborne illness and protecting the public health and so that said personnel shall have knowledge to oversee employees within the sphere of their employment regarding the same.

9-2-2 Definitions. For the purposes of this ordinance the following meanings shall apply.

A. "Personnel" means individual(s) working in a food service establishment (RS) or food establishment (FE) who may be in charge of food preparation or service and who have the authority and responsibility to direct and control such activities.
B. "Food" means any raw, cooked or processed edible substance, ice, beverage, or ingredient used, or intended to be used, or offered for sale, in whole or in part, for human consumption.
C. "Foodborne Illness" means an incident in which two (2) or more persons experience a similar illness, usually gastrointestinal in nature, after the ingestion of a common food, and epidemiological analysis implicates the food as the source of the illness.
D. "Food Service Establishment and/or Food Establishment" means any place where food is prepared or provided and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether or not there is a charge for the food. The term also includes retail food stores, mobile food units, and pushcarts. The term does not include private homes where food is prepared or served without compensation for individual family consumption, the location of food vending machines, and supply vehicles.
E. "Mobile Food Unit" means a vehicle-mounted food service establishment designed to be readily movable.
F. "Packaged" means contained in a bottle, can, carton, secure wrapping, or similar type(s) of containers and shall include both hermetically and non-hermetically sealed packaging.
G. "Person in Charge" means the individual present in a food service establishment or food establishment who is represented to the designated representative of the regulatory health authority as the supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee

present may be designated by the regulatory health authority as the person in charge. A person who exercises control over or operates a mobile food unit or pushcart shall be the person in charge.

H. "Potentially Hazardous Food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odorfree shell eggs or foods which have a pH level of 4.5 or below or a water activity (Aw) value of 0.85 or less.
I. "Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food or limited to the preparation and serving of frankfurters.
J. "Regulatory Health Authority" means the state and/or local enforcement authority having jurisdiction over food establishment (FE) or food service establishment (RS).
K. "Temporary Food Service Establishment" means a food service establishment that operates at a fixed location for a period of time not exceeding that allowed by the "Food Service Establishment Laws and Rules" as promulgated by the State of Iowa and administered through the Department of Inspections and Appeals.

9-2-3 Food Service Training and Certification Required. Except as provided in Section 2, it shall be unlawful for any person owning, operating or managing any food establishment or food service establishment within the City of Muscatine to fail to employ in his/her/their employment at least one (1) person in possession of a certification for Food Service Training and Sanitation as provided in this ordinance. Said certificate holder shall be the owner, .operator or his/her/their representative and shall satisfy the requirements of Section 5 of this ordinance.

A. The regulatory health authority may require additional personnel to possess Food Service Training and Sanitation certification in sufficient numbers to ensure that all food preparation and service is performed in accordance with local and state laws. It shall be unlawful for any person owning, operating, or managing a food establishment or a food service establishment to allow the operation of the establishment with less than the required number of certificate holders.
B. Whenever the Food Service Training and Sanitation certificate holder terminates employment, is terminated, or is transferred to another food establishment or food service establishment, it shall be the responsibility of the person(s) owning, operating or managing the establishment to insure that a resident certificate holder is employed at that site. Failure to comply with this section may be considered a violation of this ordinance.

9-2-4 Exemption from Requirements. The regulatory health authority may waive or modify the requirements of this ordinance for temporary food establishments and food service establishments, special facilities and/or events. Any such exemption or modification shall be supported by evidence, in writing, stating the reason(s) for such exemption or modification and maintained in the office of the regulatory health authority.

9-2-5 Certification Process. The City of Muscatine and/or the State of Iowa Department of Inspections and Appeals, shall provide training for any person(s) interested in obtaining Food Service Training and Sanitation certification as required by this ordinance. Said training shall be provided on a regular basis and as demand dictates but not less frequently than may be established by resolution of City Council and/or established by State law. However, the adopted schedule for training may be altered by the regulatory health

authority to allow for a minimum of twenty (20) participants. Fees shall be assessed to participants of the training and certification program as needed to provide notice of the session(s), acquire training materials, rent space necessary for the training, and related costs. It shall be the intent of this section that fees assessed to participants reflect only those costs directly associated with providing the training and certification as required herein.

9-2-6 Renewal of Certification. The holder of a Food Service Training and Sanitation certificate shall renew his/her certificate every five (5) years in accordance with Section 5.

9-2-7 Proof of Certification. It shall be the responsibility of the owner, manager, or his/her/their agent to provide proof of compliance with this ordinance. Proof of compliance shall consist of one of the following:

A. Possession of a certification granted by the federal government as administered through the Food & Drug Administration and/or the United States Department of Agriculture, a copy of which shall be surrendered to the regulatory health authority who, if satisfied as to its compliance with the intent of this ordinance, shall issue a Food Service Training and Sanitation certificate as required herein; or
B. Possession of the Food Service Training and Sanitation certificate issued by the regulatory health authority as established by this ordinance.

9-2-8 Display of Certification Required. All owners, managers or their agents shall cause the display of any Food Service Training and Sanitation certifications possessed by onsite certification holders, at their place of employment, in a prominent location, which shall be visible to the public and serve as public notice that the establishment is in compliance with the contents of this ordinance.

9-2-9 Certificate Not Transferable. A Food Service Training and Sanitation certificate shall not be transferable from one person to another person.

9-2-10 Penalty for Violation. Any owner, manager, or agent representing the owner or manager, who violates a provision of this ordinance or any holder of a Food Service Training and Sanitation certification who does not comply with the requirements of this ordinance shall be deemed guilty of a municipal infraction.

Title 9 – Health and Sanitary Regulations
Chapter 3 – Garbage

SECTIONS:
9-3-1 Definitions
9-3-2 Sanitation District
9-3-3 Deposit, Accumulation, and Burning
9-3-4 Preparation of Refuse for Collection
9-3-5 Refuse Containers
9-3-6 Removal of Container Lids
9-3-7 Cleaning of Containers
9-3-8 Prohibited Materials
9-3-9 Containers - Location
9-3-10 Collection of Refuse
9-3-11 Collection Fees
9-3-12 Notice of Multiple Dwellings
9-3-13 Violation Declared Nuisance
9-3-14 Responsibility of Owner to Terminate Service
9-3-15 Assessment of Unpaid Charges
9-3-16 Preparation of Delinquent List

9-3-1 Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

A. "Ashes" shall mean and include the ashes of wood, paper, coal, coke, or charcoal and the residue resulting from the combustion of any material or substance.
B. "Commercial rubbish" shall mean trade wastes such as packing, paper, cardboard, excelsior, straw, crates, boxes, discarded merchandise, glass, plastics, metals, crockery, garbage, and other similar products or materials.
C. "Curbside" shall mean at the lot line abutting a public alley if the property is served by such an alley and shall mean within three feet (3') of the edge of the paved portion of a public street (a public sidewalk shall be excluded from the calculation of said three feet (3').
D. "Domestic refuse" shall mean garbage, ashes, and miscellaneous rubbish originating from a building or buildings containing exclusively dwelling units or accessory uses to a dwelling unit and shall be divided into the following three (3) classes:
    1. Class I - Domestic (single family and multi-family up to five (5) units) refuse permitted to be stored in trash cans.
    2. Class II - Domestic (six (6) or more dwelling units) and commercial refuse permitted to be stored in trash cans.
    3. Class III - Domestic refuse consisting entirely of miscellaneous rubbish.
E. "Dumpster" shall mean any container with at least a one (1) cubic yard capacity and a maximum of one and one-half (1 1/2) cubic yard capacity and shall be equipped with a hinged lid, wheels, and such other equipment as is needed for mechanical dumping.
F. "Garbage" shall mean animal, vegetable, or mineral waste products resulting from the handling, storage, preparation, cooking, or consumption of food or any matter that may decompose and become offensive or dangerous to health, including but not limited to body wastes of domestic pets.
G. "Hazardous materials" shall include explosive materials; drugs; poisons; radioactive materials; highly combustible materials; solid dressings, clothing, bedding, or other wastes which are contaminated by infection or contagious disease; other wastes

which present an unreasonable risk of injury to collection personnel or equipment or to the public; and material as defined by the Iowa Department of Environmental Quality as hazardous.

H. "Household hazardous waste" shall mean toxic and/or corrosive products, e.g. oilbased paints, insecticides, thinners, solvents, cleaners, turpentine, furniture stripper, nail polish remover, etc.

I. "Industrial waste" shall mean wastes such as acids; oils; chemicals; grease; tires; vehicle and aircraft parts; ashes; cinders; and other wastes, including construction wastes, such as earth, plaster, metals, wood, plastics, tile, brick, concrete, terra cotta, slate, marble, minerals, and other similar wastes.

J. "Miscellaneous rubbish" shall mean materials or substances discarded as worthless, such as paper, rags, cardboard, wearing apparel, excelsior, sticks, chips, leaves, straw, bottles, crockery, metals, plastics, tin cans, and other household items.

K. "Refuse" shall be the generic term and shall include within its meaning ashes, commercial rubbish, domestic refuse, garbage, and miscellaneous rubbish.

L. "Residential premise" shall mean a single family dwelling, a multiple family dwelling consisting of up to and including five (5) units, or a property used by the City of Muscatine.

M. "Trash can" shall mean any container with not less than twenty (20) gallon capacity and not more than forty (40) gallon capacity, which container may be made of metal or plastic but shall be watertight. Plastic trash bags, provided they are of sufficient capacity and are at least one and one-half (1 1/2) mils thick,may be used in lieu of other containers.

N. 'Yard wastes" shall mean organic debris, e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc. which is produced as part of yard and garden development and maintenance.

O. 'Yard waste bag" shall mean a special degradable bag supplied by the City with not less than fifteen (15) gallon capacity nor more than twenty-five (25) gallon capacity. This bag shall be capable of decomposing within 60 days of exposure to aerobic bacteria or ultraviolet light.

9-3-2 Sanitation District. There is hereby established in the City a sanitary district, such district to comprise and embrace all the area within the corporate limits of the City, for the collection and disposal of garbage and such other waste material as may become dangerous to the public health or detrimental to the best interests of the community, such provision being in compliance with the Code of Iowa.

9-3-3 Deposit, Accumulation, and Burning.

A. Unless otherwise provided, no person shall burn, place, throw, deposit, drop, dump, spill, or store, or cause to be burned, placed, thrown, deposited, dropped, dumped, spilled, or stored on any public or private property any refuse or hazardous material.

B. Unless otherwise provided, no owner shall allow to be accumulated on their premises any refuse or hazardous material.

C. Nothing in this chapter shall prohibit the burning of leaves in accordance with Title 6, Chapter 4 of the City Code.

9-3-4 Preparation of Refuse for Collection. No person shall place refuse out for collection unless properly prepared for collection. Garbage shall be thoroughly drained and wrapped or placed in disposal containers before being placed into containers for collection. Liquid waste shall be in sealed containers. Yard waste that is not composted on the premises shall be prepared as follows:

A. Grass clippings shall only be placed in specially marked yard waste bags that are distributed by the City through retail outlets.
B. Tree limbs and trimmings, clippings, and other similar waste from shrubs or trees shall be bundled with degradable string or cord in four foot (4') lengths.
C. Leaves not collected by the City's leaf vacuum units shall be placed in yard waste bags distributed by the City through retail outlets.
D. Other yard wastes shall be placed in yard waste bags distributed by the City through retail outlets.

9-3-5 Refuse Containers. It shall be unlawful for any person to keep refuse on his premises except in the appropriate containers as prescribed in this section. The required containers shall be as follows:

A. Type of Building.
    1. Residential Buildings of Five (5) Units or Less. The owner or agent of the owner shall provide or shall require the occupant of each dwelling unit to provide a minimum of two (2) trash cans for a building containing five (5) or fewer dwelling units.
    2. Commercial and Industrial Buildings. The owner, agent of the owner, or the occupant of any multi-family units of six (6) units or more or commercial or industrial building shall provide a sufficient number of dumpsters or trash cans so that all commercial rubbish can be contained therein during the interval between collections.
B. Type of Refuse.
    1. Garbage, Ashes, and Commercial Rubbish. This type of refuse shall be placed in either trash cans or dumpsters as required in (A) above.
    2. Miscellaneous Rubbish. Miscellaneous rubbish shall be placed in suitable containers for handling and shall not exceed a loaded weight of fifty (50) pounds. Large discarded household articles shall be less than ten (10) cubic feet in volume and shall not weigh more than fifty (50) pounds. Yard waste shall be prepared and placed for collection as set forth in Section 9-3-4.
C. Separation of Yard Wastes Required. Effective May 1, 1990, all yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises, collected by leaf vacuum units, or placed in degradable bags supplied by the City and set out for collection by the City.

9-3-6 Removal of Container Lids. No person shall remove a container lid or allow to remain uncovered a trash can or dumpster except for the purpose of depositing refuse therein, for collection thereof, or for the cleaning thereof.

9-3-7 Cleaning of Containers. The owner of a trash can or dumpster shall clean and maintain such in a sanitary condition.

9-3-8 Prohibited Materials. No person shall place or cause to be placed in containers for refuse any of the following materials:

A. Material contaminated by infectious or contagious disease. Such materials may be disposed of only according to applicable State and/or Federal Law.
B. Hazardous materials. Such materials may be disposed of only according to applicable State and/or Federal Law. However, household hazardous wastes are exempted.

C. Waste motor oil. Such material shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.
D. Lead acid batteries. Such materials shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.

9-3-9 Containers—Location

A. Refuse containers shall be placed for City collection pursuant to subsections (B) and (C) at or before 5:00 a.m. on collection days, but in no case, earlier than 4:00 p.m. the day before collection. Empty containers on curb setouts shall be returned to the container storage area within twelve (12) hours after collection. The storage area shall be either within a building or to the rear or side of the residence. The owner and tenant/occupant are jointly and severally responsible for compliance with this chapter.
B. Where City collections are made from alleys, refuse containers shall be placed adjacent to and in back of the property line abutting the alley. Special arrangements may be made with the City to permit containers or dumpsters in the alley if the owner's building is on the property line.
C. Where City collections are made from streets, refuse collection containers shall be placed within three feet (3') of the back of the curb line or the shoulder of the street without causing the container to be placed on any public street or sidewalk.
D. Owners who choose to line refuse containers with plastic may set out refuse to be collected in the bags if the bags are completely intact and tightly sealed.
E. Any handicapped or senior citizen owner who is unable to set out their refuse containers pursuant to subsections (B) and (C) may petition the Sanitation Superintendent to collect their refuse at their regular storage area. The Superintendent may grant the request if reasonable grounds for the request exist.

9-3-10 Collection of Refuse.

A. The City of Muscatine shall collect and dispose of weekly only Class I and Class III domestic refuse, but only if said domestic refuse is properly prepared for collection and disposal, is within an authorized container (if required), and is at curbside or adjacent to the alley.
B. The City of Muscatine will collect and dispose of Class II domestic and commercial refuse upon request by the owner, provided such refuse is within authorized containers. The City will not pick up dumpsters.
C. The City shall adopt rules and regulations concerning what materials within Class III domestic refuse cannot practically be collected as part of the weekly scheduled City collection. Those rules and regulations shall be filed with the City Clerk. All such materials listed as not practical for weekly collection shall be collected by the City by special collection arranged through the Sanitation Superintendent during the City's "cleanup" week in the spring.
D. All refuse other than Class I, II, and III domestic and commercial refuse picked up by the City of Muscatine shall be collected and disposed of at the expense of the occupant, tenant, owner, or agent of the owner of the premises upon which the refuse is located. The collection and disposal shall be performed by a licensed refuse hauler pursuant to Title 5, Chapter 10 of the City Code, or by equipment owned by the occupant, tenant, owner, or the agent of the owner of the premises upon which the refuse is located. Said collection and disposal shall be in accordance with this Code, all other ordinances of the City, and with state and federal laws and

regulations and shall be performed or done as often as the need requires but in no case less often than once per week.

9-3-11 Collection Fees. The City Council shall establish by resolution monthly collection fees for Class I and III domestic waste and establish the guidelines for collection fees for Class II domestic and commercial accounts. The fees shall be set out pursuant to Title 5, Chapter 15 of this Code.

9-3-12 Notice of Multiple Dwellings. It shall be the duty of the owners of multiple dwellings to notify the City of the persons occupying the premises for which the services of this Chapter shall be required. The City shall keep a list of all persons occupying multiple dwellings and shall notify all owners thereof of delinquent accounts owed by the occupants of such premises, when such account shall be delinquent for more than three (3) months.

9-3-13 Violation Declared Nuisance. The presence on any premises of any garbage or refuse in violation of any Section of this Chapter is hereby declared a nuisance and it is hereby provided that either the owner or occupant, or both, of such premises shall be subject to the provisions as set forth in Title 9, Chapter 4 of the City Code.

9-3-14 Responsibility of Owner to Terminate Service. Charges shall be made against all premises and it shall be the responsibility of the owner or occupant to notify the City when service is not desired when the building is vacant.

9-3-15 Assessment of Unpaid Charges. The collection of garbage and refuse by the City, as provided by this Chapter, is hereby declared a benefit to the property so served and in case of failure to pay the monthly collection fee heretofore provided, then the monthly charge shall be assessed against the property benefited in the manner provided by special assessment.

9-3-16 Preparation of Delinquent List. On or before April 1st of each year, the Director of Finance shall prepare a delinquent list of persons failing to pay the monthly charge required by this Chapter, which last shall show the property to which the service was rendered and the amount due therefrom. The City Clerk shall thereupon prepare a resolution assessing the delinquent charges to the property so benefited, and which resolution having passed by an affirmative vote of the Council, shall be certified for collection as provided by law in cases of special assessment.

Title 9 – Health and Sanitary Regulations

Chapter 4 – Nuisance

SECTIONS:

9-4-1 Definition
9-4-2 Prohibited
9-4-3 Notice to Abate; Remove
9-4-4 Noncompliance
9-4-5 Violation; Penalty
9-4-6 Remedy by Bringing Suit

9-4-1 Definition. For use in this Chapter, the following terms are defined:

A. The term "nuisance" means whatever is injurious to health, indecent, offense to the senses, or an obstacle to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property. It is hereby implied within the foregoing definition of "nuisance" that a nuisance may cause financial loss and/or adversely affect the value of other properties. The following are declared to be nuisances:

1. All dead, putrid, or decaying carcasses, flesh, fish, fowl, or vegetables; all deposits and accumulations of manure, entrails, offal, or other unwholesome substance; filth of any description or filthy or offensive slops; and garbage, litter, or debris when deposited or thrown upon or conducted or permitted to accumulate into or upon any alley, street, or public place or into or upon any privately owned lot or enclosure.
2. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, alley, or railroad track so as to render dangerous the use thereof, especially near intersecting streets.
3. Any use of property abutting a public street or sidewalk which permits dirt, rock or debris to accumulate on said street or sidewalk.
4. All private water closets or outhouses which have become offensive to the senses or dangerous to health.
5. All houses, barns, stables, stores, shops, markets, factories, or other buildings and structures, and the premises connected therewith, which are not kept clean and free from all filthy, putrid, or unwholesome substances or clean and free from all deposits and accumulations which are offensive to the senses or liable to engender or cause disease.
6. All houses, barns, stables, stores, shops, markets, factories, or other structures when through neglect, abandonment, vacancy, disrepair, or vandalism become an attractive nuisance or hazardous to the public.
7. Unsafe buildings. All buildings or structures that are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to the health, safety, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment as specified in this chapter, the City Building Code, or any other ordinance, are for the purpose of this Chapter, unsafe buildings. All such unsafe buildings are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, or demolition in accordance with the procedure specified in 9-4-3 of this Chapter.

"Unsafe building" shall mean any structure or building meeting any or all of the following criteria:

a. Whenever any portion or member of a building or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
b. Whenever a portion or member of a building has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or snow loading than is required in the case of similar new construction.
c. Whenever the building or structure, or any portion thereof, because of 1) dilapidation, deterioration, or decay; 2) faulty construction; 3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; 4) the deterioration, decay or inadequacy of its foundation; or 5) any other cause, is likely to collapse partially or completely.
d. Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
e. Whenever the building or structure has been damaged by fire, wind, flood, or has become dilapidated or deteriorated as to become 1) an attractive nuisance to children; 2) a harbor for vagrants, criminals, or as to 3) enable persons to resort thereto for the purpose of committing unlawful acts.
f. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building Official or Health Officer to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.
g. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections, or maintenance of heating and/or cooling equipment, or other cause, is determined by the Building Official or City Fire Marshall to be a fire hazard.
h. Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure, or whenever any building or structure is abandoned, or whenever any building or structure is abandoned for a period of six (6) months so as to constitute such building or portion thereof to be an attractive nuisance or hazard to the public.

8. All lots and parcels of ground wherever water is permitted to accumulate and stand until stagnant or upon any privately owned lot.
9. Ashes, cinders, leaves, grass, tools, implements, machines, soil, dirt, sand, gravel, lumber, brick, or other building material, or any other thing or substance deposited, stored, placed, or permitted to be or come in or into or upon any street, alley, public place, or into or upon any privately owned property which obstructs, hinders, or prevents the full and free use of any part of such street, alley, public place, or private property the free and uninterrupted flow of water in, upon, and away from the same.
10. Any lot or parcel of land abutting upon any street, alley, or public place so maintained that the soil thereof of substances thereon are carried into and

upon any sidewalk, street, alley, or public place by the action of the owner or the elements.

11. Any unused, abandoned, junked, or obsolete cars or motor vehicles whether on private or public property. A junked or obsolete car or motor vehicle shall be a car or motor vehicle, or a portion thereof, not in running condition or not licensed for the current year as provided by law. This section shall not apply to a vehicle, or part thereof stored within a building, or protected with a fitted cover designed specifically as a vehicle cover. The use of tarps, blankets, or similar temporary covers shall not be deemed acceptable under this section.
12. All lots or parcels of land upon which junk, refuse, garbage, or filth is allowed to accumulate.
13. Any abandoned or unattended refrigerator, icebox, or similar container with doors that may become locked located outside of buildings and accessible to children, or to allow any such refrigerator, icebox, or similar container to remain outside of buildings on premises in the person's possession or control to remain abandoned or unattended and so accessible to children.
14. Any poison, poisonous meat, or any other poisonous substance in any place outside of any residence, or where it may endanger life by being taken and used by any person, or who shall so expose any such poison or poisonous substance where the same shall be taken by any dog, hog, cat, or any animal or living thing.
15. "Junk" means any metal or wood, whether usable or not, stored in such a manner that it constitutes a health or safety hazard.
16. "Refuse" means any material not junk, garbage, or filth deposited upon property in an unsightly or unhealthy condition.
17. "Garbage" means all wastes from the preparation or spoilage of food.
18. "Filth" means excrement, either animal or human, or any material connected herewith.

9-4-2 Prohibited. The causing, permitting, or continuing of any nuisance as provided in this Chapter is hereby prohibited, and may be abated in the manner provided in this Chapter, or as otherwise provided by law.

9-4-3 Notice to Abate; Remove.

A. Whenever any nuisance as defined in this Chapter is found to exist, the City shall serve upon the owner, occupant, or agent of the property upon which such nuisance is found to exist or from which such nuisance comes, or upon the person causing or permitting such nuisance to exist upon or in any street, alley, public place, or private property, a notice requiring him to abate or remove such nuisance within ten (10) days or such time as the City may determine to be reasonably sufficient to enable such abatement or removal to be made and that upon failure of the owner, occupant or agent of the property to comply with such notice, the City shall abate or remove such nuisance and, either assess the costs of such abatement or removal against the property or seek reimbursement for costs incurred in abating or removing such nuisance by civil action for damages against the owner, occupant or agent of the property to recover such costs.
B. Any notice required by this Section shall be served by:
    1. Sending the notice to the occupant of the property, the record title holder, or both by certified mail with return receipt requested; or
    2. Serving said notice upon the occupant of the property or the record title holder by personal service; or

3. Posting a copy of said notice upon the property in the event (1) or (2) cannot be used; or
4. Publishing said notice once in a newspaper of general circulation within the City.

C. Any person to whom the Notice to Abate is directed may appeal the determination that the condition of the property constitutes a nuisance by requesting a hearing before the City Council. The request must be in writing and be delivered to the City Clerk within ten (10) days from the date of the Notice to Abate or it will be conclusively presumed a nuisance exists and it must be abated as stated in the Notice to Abate.

9-4-4 Non-compliance.

A. Whenever any person having been served with a notice for the reason and in the manner prescribed by Section 9-4-3 of this Code shall refuse, fail, or neglect to abate or remove the nuisance referred to in such notice within the time therein stated, the city may cause such nuisance to be abated and removed and to that end the City is authorized to use such tools, appliances, materials, labor, and assistance as may be reasonably necessary.
B. Whenever the City shall have caused the abatement or removal of any nuisance defined in this Chapter, the City Clerk shall report the fact in writing to the Council, stating the cost and value of all tools, appliances, materials, labor, and assistance used, consumed, and performed by and for him, giving the several items thereof, and the name of the person responsible for the commission of such nuisance and a description of the property, lot, or parcel of ground whereon such nuisance existed or from which the same came.
C. Upon receiving such report, the Council may assess the costs against the property by resolution for collection in the same manner as a property tax.

9-4-5 Violation; Penalty. Whenever any person having been served with a notice for the reason and in the manner prescribed by Section 9-4-3 of this Code shall refuse, fail, or neglect to abate or remove the nuisance referred to in such notice within the time therein stated, in lieu of the procedure provided in Section 9-4-4 of this Code, such person may be determined to be guilty of a misdemeanor and subject to penalty of a fine not to exceed one hundred dollars ($100.00) or by imprisonment not to exceed thirty (30) days. Each twenty four (24) hour period during which such person shall not have complied with the provisions of this Chapter shall be construed as a separate violation.

9-4-6 Remedy by Bringing Suit. Upon complaint and investigation, the City Council may direct the City Attorney to bring suit to abate and/or recover nuisance abatement costs in the proper court.

A. Process: When upon indictment, complaint, or civil action, any person is found guilty of erecting, causing, or continuing a nuisance or other prohibited condition, the court before whom such finding is had may order, in addition to the judgment from damages or costs for which a separate execution may issue, that such nuisance or condition may be abated or removed at the expense of the defendant, and after inquiry into and estimating as nearly as can be the sum to defray the expense of such abatement, the court may issue a warrant therefore.
B. Stay of Execution: Stay of Execution: Instead of issuing a warrant, the court may order the same to be stayed upon motion of the defendant, and upon his or her entering into

an undertaking to the City in such sum and with such surety as the court may direct, conditioned either that the defendant will discontinue said nuisance or condition, or that within a time limited by the court, and not exceeding six (6) months, he or she will cause the same to be abated and removed, as either is directed by the court; and upon failure to perform the condition of his undertaking, the same shall be forfeited, and the court, upon being satisfied of such default, may order such warrant forthwith to issue, and action may be brought on such undertaking.

C. Expense, How Collected: The expense of abating a nuisance or condition by virtue of a warrant can be collected by the officer in the same manner as damages and costs are collected on execution, except that the materials of any buildings, fences, or other things that may be removed as a nuisance or condition may be first levied upon and sold by the officer, and if any proceeds remain after satisfying the expense and removal, such balance must be paid by the officer to the defendant, or to the owner of the property levied upon; and if said proceeds are not sufficient to pay such expenses the officer must collect the remainder.

Title 9 – Health and Sanitary Regulations
Chapter 6 – Solid Waste Disposal - Landfill

SECTIONS:
9-6-1 Definitions
9-6-2 Disposal Permit Required
9-6-3 Depositing Refuse
9-6-4 Use of Authorized Disposal Sites
9-6-5 Supervision of Disposal
9-6-6 Hours for Disposal
9-6-7 Removal of Refuse
9-6-8 Dumping in Public Places
9-6-9 Responsibility of Owner; Occupant
9-6-10 Garbage; Waste; Depositing on Riverfront
9-6-11 Disposal Charges
9-6-12 Prohibited Waste

9-6-1 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them:

A. "Disposal site" shall mean any public property operated by the City under permit by the Iowa Department of Natural Resources (IDNR). It shall also include any landfill operated by the City under contractual agreement with the Muscatine County Solid Waste Management Agency; or any privately operated landfill with proper permit approval of IDNR.
B. "Rules" shall mean such rules, procedures, and regulations as established by the IDNR pursuant to the operation of sanitary and solid waste disposal sites and as required by Section 455B, Division IV of the Code of Iowa.
C. "Solid waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including, but not limited to, such materials resulting from industrial, commercial, domestic activities. Nothing herein shall be construed as prohibiting the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal site.

9-6-2 - Disposal Permit Required. No person owning or occupying any premises, and no officer controlling or in charge of City premises, shall cause any ashes, refuse, or other solid waste material to be placed thereon or shall allow such premises to be used as a public landfill or disposal site for ashes, refuse, or other solid waste material, without a permit from the Iowa Department of Natural Resources, and only then in accordance with the rules prescribed by the Iowa Department of Natural Resources.

9-6-3 Depositing Refuse. No person shall, without permission from the City of Muscatine and the Iowa Department of Natural Resources, throw or deposit in or upon any street, way, public place, or vacant lot, or throw into or deposit in any pond or body of water within the limits of the City any dead animal, dirt, sawdust, wastewater, rubbish, filth, or any refuse material or substance whatsoever.

9-6-4 Use of Authorized Disposal Sites. All of the materials mentioned in the preceding Section, and as defined by Section 455B of the Code of Iowa, shall be dumped at authorized disposal sites, which shall be designated from time to time by the City Council, subject to

approval by the Iowa Department of Natural Resources, for the purposes of receiving such refuse material.

9-6-5 Supervision of Disposal. All disposal at the authorized landfill disposal site shall be under the supervision of the City and shall be performed in accordance with the rules and regulations established by the IDNR.

9-6-6 Hours of Disposal. No refuse materials or substances shall be dumped at the public disposal site outside the hours of operation as posted at the site unless by permission of the City.

9-6-7 Removal of Refuse. It shall be unlawful for any person to remove, haul, or carry away refuse, rubbish, waste matter, garbage, debris, and solid waste of any nature and description from the City disposal site, except for authorized recycling personnel.

9-6-8 Dumping in Public Places. It shall be unlawful for any person to deposit upon any of the streets, alleys, or other public places any offensive material or solid waste which will engender offensive odors and sights.

9-6-9 Responsibility of Owner; Occupant. Every person owning or occupying premises is hereby required to keep such premises clean and free from all offensive materials and solid waste which are likely to engender offensive odors and sights.

9-6-10 Garbage: Waste: Depositing on Riverfront. No person shall deposit any garbage or solid waste matter whatsoever at any place along the riverfront or levee.

9-6-11 Disposal Charges. The City Council shall establish by resolution fees for the disposal of solid waste. The fees shall be set pursuant to Title 5, Chapter 15 of this Code. Unpaid disposal charges thirty (30) days past due from the date of billing will be assessed an interest penalty on the unpaid balance. This penalty will be as follows:

Unpaid Balance	Interest Penalty
0 - $100	0%
Over $100	1 1/2% per month

9-6-12 Prohibited Waste. There shall be no disposal of solid waste or refuse which is defined by the IDNR as hazardous or that is otherwise prohibited, upon any public or private land or sanitary landfill without the approval of the IDNR and the City of Muscatine. Prohibited wastes shall include, but are not limited to, the following wastes:

Waste	Effective Date
Lead Acid Batteries	July 1, 1990
Waste Motor Oil	July 1, 1990
Yard Wastes	January 1, 1991
Tires	July 1, 1990

Title 9 – Health and Sanitary Regulations
Chapter 7 – Stagnant Water

SECTIONS:

9-7-1 Resolution for Filling; Draining
9-7-2 Compliance by Owner Required; Lien on Property
9-7-3 Filling Land; Special Tax
9-7-4 Tax Levy; Publication of Resolution; Hearing

9-7-1 Resolution for Filling; Draining. The Council may at any time, by resolution, order any piece of land or lot upon which water at any time becomes stagnant to be filled up to such a height or to be drained in such manner and within such time as the Council, in such resolution, shall direct. The City Engineer shall submit a report to the City Council with recommendations on type of fill to be used, grade to be established, the need, if any, for relief storm sewers, and such other matters which he or she deems necessary.

9-7-2 Compliance by Owner Required; Lien on Property. It shall be the duty of the owner of any piece of land or lot upon which water may become stagnant, or his agent, after service on him of a copy of the resolution provided for in the preceding Section, or after a publication of such resolution two (2) successive weeks in some newspaper of general circulation, to comply with the direction of such resolution within the time therein specified and in case of failure or refusal to do such work as set out in such resolution, it may be done at the expense of the City, and the amount of money expended therefore shall be a debt due to the City from the owner of such property and shall be a lien on such piece of land or lot from the time of the adoption of the resolution.

9-7-3 Filling Land; Special Tax. The expense of filling any piece of land or lot by the City upon which water becomes stagnant may be levied as a special tax thereon. Such levy shall be made by resolution, and such tax shall be collected in the manner provided for the collection of other special taxes.

9-7-4 Tax Levy; Publication of Resolution; Hearing. The resolution levying the tax mentioned in Section 9-7-3 of this Code shall be published and a hearing given in the manner as provided for the assessment of the costs, as stipulated by the Code of Iowa.

Title 9 – Health and Sanitary Regulations
Chapter 8 – Water Supply

SECTIONS:

9-8-1 Quality
9-8-2 Separation of Distribution Systems
9-8-3 Water Service Pipe
9-8-4 Water Supply to Fixtures
9-8-5 Flushometers
9-8-6 Minimum Size of Water Service Pipes
9-8-7 Shut-offs
9-8-8 Setting Water Meters
9-8-9 Material for Pipes and Fixtures
9-8-10 Protection from Freezing
9-8-11 Relief Valves
9-8-12 Pumps and Hydrants; Surface Water
9-8-13 Unauthorized Opening; Use
9-8-14 Tapping Water Mains; Distributing Pipes
9-8-15 Breaking Seals
9-8-16 Throwing Substances into Reservoirs; Water Mains
9-8-17 Outlets Kept Closed; Repair of Fixtures
9-8-18 Compliance
9-8-19 Breaking, Defacing Hydrants
9-8-20 Defacing Reservoirs; Tanks
9-8-21 Authorized Inspectors; Right of Entry
9-8-22 Plumbers Permit
9-8-23 Backflow Prevention
9-8-24 Plastic Pipe

9-8-1 Quality. The quality of water shall meet accepted standards of purity as established by the Board of Water and Light Trustees, by the State of Iowa, and by the Federal Government.

9-8-2 Separation of Distribution Systems. The water supply shall be distributed through a piping system entirely independent of any piping system conveying any other supply.

9-8-3 Water Service Pipe. The water service pipe of any building shall be of sufficient size to permit an ample flow of water on all floors.

9-8-4 Water Supply to Fixtures. All plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve of at least three (3) gallons flushing capacity for water closets and at least two (2) gallons for urinals and shall be adjusted to prevent the waste of water. The flush pipe for water closet flush tanks shall be not less than one and one-fourth inches (1 1/4") in diameter and the water from flush tanks shall be used for no other purpose.

9-8-5 Flushometers. No water closet or urinal bowl shall be supplied directly from a water supply system through a flushometer or other valve unless such valve is set at least six inches (6") above the overflow rim of the water closet or urinal or in a manner such as to prevent any possibility of polluting the water supply.

9-8-6 Minimum Size of Water Service Pipes. The minimum size of water service pipes from the curb to the dwelling shall be three-fourths inch (3/4") and to fixture supplies as follows:

Sill cocks	1/2 inch
Hot water	1/2 inch
Laundry equipment	1/2 inch
Sinks	1/2 inch
Lavatories	3/8 inch
Bathtubs	1/2 inch
Water closet tanks	3/8 inch
Urinals	3/8 inch
Showers	1/2 inch

9-8-7 Shut-offs. A main shut-off on the water supply line shall be provided near the curb. Accessible shut-offs shall be provided on the main supply line just inside the foundation wall and ahead of the meter.

9-8-8 Setting Water Meters. Plumbers shall provide for the setting of City water meters in accordance with the policies established by the Board of Water and Light Trustees.

9-8-9 Material for Pipes and Fixtures. All water supply pipes for a plumbing system shall be of copper, galvanized cast iron or steel, brass, or cast iron, with brass or galvanized cast iron or galvanized malleable iron fittings. When cast-iron fittings are used on cast-iron water mains, they shall be of the same material as the water main. All new water service connections must be of type K copper tubing from the corporation stop in the main to the inside of the property basement, and all broken galvanized water service pipes hereto installed shall be replaced with type K copper tubing. No pipe or fittings that have been used for other purposes shall be used for the distribution of water.

9-8-10 Protection From Freezing. All concealed water pipes and storage tanks subjected to freezing temperatures shall be protected against freezing. All water pipes shall be installed so as to be easily drained and are to be hung or laid without trapping the same if possible.

9-8-11 Relief Valves. All hot water storage tanks shall be extra heavy. On all hot water storage tanks, and wherever a check valve is installed on the cold water supply pipe between the street main and the hot water tank, there shall be installed on the hot water distributing system a suitable relief valve. No valves shall be permitted on any flow pipes between the tank and the heater.

9-8-12 Pumps and Hydrants; Surface Water. All pumps and hydrants shall he protected from surface water and contamination. Yard hydrants to furnish water for human consumption are hereby prohibited.

9-8-13 Unauthorized Opening; Use. No persons, except such as are duly authorized by the Board of Water and Light Trustees shall, except for fire purposes or in case of fire, open any fire hydrant or take or use any water therefrom, or remove the cap or cover of any fire hydrant or any stopgate box; or shall, without authority from the water department, dig out, curb over, or remove any fireplug, hydrant, stop-cock, valve, valve box, or other fixture appertaining to the waterworks; or shall use or take water from any part of the

water system, or turn the water on or off from or into any water pipe without authority from the Board of Water and Light Trustees.

9-8-14 Tapping Water Mains; Distributing Pipes. All tapping and inserting ferrules in the street mains or distributing pipes of the water system shall be done by employees of the Board of Water and Light Trustees, under the direction of the Board of Water and Light Trustees.

9-8-15 Breaking Seals. No person shall break any seal connected to any meter, valve, private fire hydrant, or other fixture that may have been sealed by employees of the Board of Water and Light Trustees, except that in case of fire the seals on private fire hydrants and private fire protection valves may be broken, but the breaking of such seals shall be reported to the general manager of utilities within twenty-four (24) hours thereafter.

9-8-16 Throwing Substances Into Reservoirs; Water Mains. It shall be unlawful for any person to throw, place, or deposit any substance, or thing whatsoever, in any reservoir, water main, or pipe of the water system.

9-8-17 Outlets Kept Closed; Repair of Fixtures. All users of water supplied from the City mains shall keep the hydrants, taps, hose, water closets, urinals, baths, or other fixtures in good repair. Consumers of water shall prevent unnecessary waste of water and shall keep all water outlets closed when not in actual use. 9-8-18 Compliance. Consumers of water shall, in all respects, conform to the rules and regulations of the water department.

9-8-19 Breaking, Defacing Hydrants. Any person who shall, in any way, intentionally or carelessly break, deface, or otherwise injure or destroy any hydrant or other property appertaining to the water works, or property of others used in connection with the water supply, shall be liable for all damage done and shall be deemed guilty of a misdemeanor.

9-8-20 Defacing Reservoirs; Tanks. It shall be unlawful for any person to deface any reservoir or tank.

9-8-21 Authorized Inspectors; Right of Entry. Such inspectors as may be authorized by the Board of Water and Light Trustees may enter, at all reasonable hours, into any premises supplied with water from the City mains, to examine the plumbing, meters, tanks, or other apparatus or for the purpose of placing or carrying away any meter, instrument, pipes, fitting, or other appliance belonging to the City water works.

9-8-22 Plumbers Permit. Plumbers and plumbing firms, desiring to work in connection with the water supply or the pipes, fixtures, and appliances appertaining thereto, shall first obtain a permit in the Office of the Board of Water and Light Trustees and shall subscribe to the rules and regulations of the Board of Water and Light Trustees.

All persons, except plumbers with a proper permit, are prohibited from making any extensions, additions to, or alterations of any pipes, fixtures, or appliances connected with service pipes attached to the City mains, or from, in any manner, intermeddling with the water system.

9-8-23 Backflow Prevention. Adequate backflow prevention devices or check valves are required for approval by the Board of Water and Light Trustees prior to the connecting of

the water service to the water distribution system. If in the opinion of the City utility such devices would not be necessary, they may be waived.

9-8-24 Plastic Pipe. Plastic pipe is not permitted for connections, service, or other supply lines between the point of connection on the customer side of the water meter and the water main.

Title 9 – Health and Sanitary Regulations
Chapter 9 – Weeds

SECTIONS:
9-9-1 Purpose
9-9-2 Definitions
9-9-3 Noxious Weeds
9-9-4 Duties of Owners
9-9-5 Notice
9-9-6 Proof of Service
9-9-7 Work Done by City
9-9-8 Cost of Work Done by City

9-9-1 Purpose. The purpose of this Chapter is to establish the procedure to be followed for the removal of noxious weeds on property within the City.

9-9-2 Definitions. For purposes of this Chapter, the following terms are defined:

A. "Noxious weed" includes weeds such as jimson, burdock, ragweed, thistle, cocklebur, and any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in height.
B. "Owner" means a contract purchaser of real estate in the City, if there is one of record, otherwise a record holder of legal title as shown on the records of the Muscatine County Auditor.

9-9-3 Noxious Weeds. It shall be a misdemeanor for the owner of real estate located within the corporate limits of the City to permit the growth of noxious weeds on any real estate as set out in this Chapter.

9-9-4 Duties of Owners. It shall be the duty of the owner to cut or remove, and to keep cut or removed, all noxious weeds from his, her, or its property and from all adjacent property between the property line and the improved street and/or alley line(s).

9-9-5 Notice. If the owner fails to destroy, cut, trim or otherwise eradicate noxious weeds as provided in this chapter, the City shall give notice to the property owners by one publication in a newspaper of general circulation within the City, stating that all property owners are required to destroy, cut, trim, or otherwise eradicate all noxious weeds on their property and the adjacent unimproved public right(s)-of-way within a reasonable time but not less than five days from the date of the said publication.

9-9-6 Proof of Service. In addition to the notice as set out in Section 9-9-5, the City shall mail a notice to the property owner believed to be violating the provisions of this section advising that all noxious weeds located on his, her, or its property and adjacent public right(s)-of-way shall be destroyed, cut, trimmed, or otherwise eradicated within five (5) days from the delivery of mail in the ordinary course of delivery. Said notice shall be sent by ordinary mail to the last known address of the owner or as shown on the current County Assessors records. It shall be presumed that five (5) days is sufficient time for the delivery of mail within ordinary course. A copy of the publication as required in Section 9-9-5, together with a copy of the notice sent by regular mail as herein set out shall be deemed proof of service.

9-9-7 Work Done by City. When any owner fails to destroy, cut, trim, or eradicate noxious weeds within the notice period(s) contained in this Chapter, the City shall cause the noxious weeds to be cut or removed by private contractor or with City employees and equipment at City expense.

9-9-8 Cost of Work Done by City. The City Clerk shall submit an itemized statement to the City Council for all work performed under this Chapter. The itemized statement shall include the cost of cutting and/or removing the noxious weeds to include labor, equipment costs, and reasonable administrative costs. Upon receipt of the itemized statement, the Council shall audit it, and if allowed, shall by resolution assess the cost as a special assessment against the property. The City Clerk shall certify the assessment to the County Treasurer, to be collected as any other special assessment.

Title 10 – Zoning
Chapter 1 – Zoning Purposes

SECTIONS:
10-1-1 Short Title
10-1-2 Basic Intent and Purpose

10-1-1 Short Title. These regulations shall be referred to as the Zoning Ordinance of the City of Muscatine, Iowa.

10-1-2 Basic Intent and Purpose. The purpose of this Title shall be:

A. These regulations have been based upon the comprehensive plan for the City of Muscatine, which was adopted by the City of Muscatine. Said comprehensive plan included estimates of population growth; land use surveys; a land use plan; plans for major thoroughfares, other transportation facilities, community facilities, public services, and utilities; and a public works program.
B. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.
C. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.
D. The land use regulations divide the area into a number of zoning districts:
    1. Because of frequent and costly flooding, some areas should be kept in their natural state and not developed and development in other areas required to include adequate floodproofing. These would be included in a Flood Plain District.
    2. The comprehensive plan indicated the need for various land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities, such as sewers, water, schools, parks, public transportation, and the like. Remaining lands should be reserved agricultural and rural uses. Consequently, the regulations include an Agricultural District for agricultural and non-urban land uses.
    3. In the past, residential neighborhoods have deteriorated due to encroachment by isolated commercial and industrial uses. The great majority of our population live in single-family homes which they own. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.
    4. Other residential districts are established for two (2) family homes, mobile homes, town houses, and for apartments. Density, yard, and parking regulations would insure good living conditions in these areas. Much of present day building is by large projects instead of lot by lot. A Large-Scale Residential District is provided where large-scale projects may be located with approval of the site plan. This introduces an important measure of flexibility into the regulations.
    5. Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the neighborhood commercial area, i.e., the grocery store, drugstore complex serving the adjacent residential neighborhoods and for the

more widely used commercial areas along major streets and highways. There is a central commercial district for the downtown area and a special "planned district" for commercial development based on a site plan.

6. For industry there are two (2) districts: a "light" industrial district for manufacturing and related industrial activity, and a "general" industrial district which provides for additional uses with approval under the provision for conditional uses.
7. A Special Development District has also been furnished to provide the opportunity for imaginative site development with a variety of uses in special areas of the City.
8. The regulations emphasize the character as well as location and density of the land uses. Special inducements are offered for good design of apartment areas. Landscape planting is required in all front yards and for automobile filling stations, parking lots, and garages. Advertising is carefully controlled.
9. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used provided current building setbacks can be maintained. Nonconforming uses are permitted to continue for adequate time periods.
10. All uses are required to provide their own off-street parking (with a few exceptions). Over a period of years, enforcement of this requirement will enable streets to be used primarily for traffic movement.
11. Each of the regulations have been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the optimum urban environment.

E. Jurisdictional Area. These regulations apply to all lands within the corporate limits of the City of Muscatine.

Title 10 – Zoning

Chapter 2 – Zoning Districts; Map

SECTIONS:

10-2-1 Use Districts
10-2-2 District Map and Boundaries
10-2-3 Effect of Vacations on Boundaries
10-2-4 New or Annexed Land
10-2-5 Areas Under Water
10-2-6 Special Large Scale Flood Insurance Rate Map
10-2-7 District Regulations

10-2-1 Use Districts. The City of Muscatine is hereby divided into the following specific districts:

AG	Agricultural
FP	Flood Plan
FC	Flood Channel
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
R-4	Two-Family Residential
R-5	Multi-Family Residential
R-6	Multi-Family Residential
RL	Large-Scale Residential Development
C-1	Neighborhood and General Commercial
C-2	Central Commercial
C-3	Planned Commercial
M-1	Light Industrial
M-2	General Industrial
S-1	Special Development
S-2	Institutional; Office
A-P	Airport District

10-2-2 District Map and Boundaries. The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "District Map". The District Map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Planning Administrator of the City of Muscatine, Iowa. The boundary lines are shown upon the District Map within the center line of streets, alleys, public ways, and railroads; in cases not covered by the provisions of this section, the boundary lines shall determine the distances in feet, if given, from other lines on the map, but if no distances are given, then by scale of the map. Where boundary lines are shown approximately on the location of property lines and the exact location is not indicated by means of figures, distances, or

otherwise, then the property line shall be the boundary. Appeals may be filed with the Zoning Board of Adjustment.

10-2-3 Effect of Vacations on Boundaries. Whenever any street, alley, or other public way is vacated by official action of the City Council of the City of Muscatine, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

10-2-4 New or Annexed Land. All territory which may hereafter be annexed to the City of Muscatine shall automatically be placed in the AG Agricultural District until otherwise changed by ordinance.

10-2-5 Areas Under Water. All areas within the Corporate Limits of the City which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

10-2-6 Special Large Scale Flood Insurance Rate Map. The Flood Plain and Flood Channel Districts are also shown on, where available, a special large scale "Flood Insurance Rate Map" which supplements the District Map and is attached hereto and made a part hereof. The Flood Insurance Rate Map and all notations, amendments, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Map and all notations, amendments, references, and other information shown thereon were fully set forth or described herein, the original of which is properly attested and is on file with the Planning Administrator of the City of Muscatine, Iowa.

10-2-7 District Regulations. Except as hereinafter provided:

A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
B. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
D. The density and yard regulations of this Ordinance are minimum regulations for each and every building existing at the effective date of this Ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.
E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this Ordinance.
F. No building shall be erected or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Ordinance.

G. Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

H. All inhabited mobile homes shall be located in a mobile home park that has received a conditional use permit, and if appropriate, subdivision approval as required. No mobile home outside an approved mobile home park shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.

I.

1. Site Plan Review: Approval of site plans should be made in accordance with good planning practices, taking into consideration: adequate parking areas, safe ingress and egress to the site, sufficient landscaped areas, adequate screening of unsightly areas such as loading docks, trash containers and parking areas. Further the development of one site should not cause problems relating to surface drainage, noise, lighting, signing, and incompatible relationships between new and existing adjacent land uses.

   Site plan review is required for all new construction on undeveloped land in the following situations:

   a. The C-1 and C-2 Commercial Districts.
   b. The M-1 and M-2 Industrial Districts.
   c. All non-residential development in the Residential Districts.
   d. For multi-family construction of more than four (4) units per lot.
   e. Site plan review approval is required in all of the above situations where remodeling, modification or alteration of an existing structure will increase the square footage by fifty percent (50%) or more.
   f. A filing fee for such site plan review shall be charged as established

2. Approval. Approval should be made on the basis of the merits of the plan presented as it relates to the guidelines set forth below. A Building Permit will not be issued prior to the approval of the site plan. And a Certificate of Occupancy Permit will not be granted unless the site is developed according to the plan. The Site Plan Review Committee shall consist of a representative of the Department of Public Works, Building Department, and Planning and/or Zoning, as appointed by the City Administrator. Site plan approval shall require a unanimous decision. If such a decision is not rendered, an appeal may be made to the Planning and Zoning Commission.

3. Site Plan Information to be Provided.

   General Criteria

   a. A plan drawn to scale indicating the property boundaries of the site, the dimensions of all lot lines and square footage or acres involved.
   b. All points of access to and from the site should be identified, and include data on location, width, and type of all proposed curb and access points.
   c. Parking layout and a notation listing the number of the required parking spaces and the number to be provided. Indicate the estimated traffic to be generated by completed development and peak periods during the day.

Title 10 – Zoning

Chapter 3 – AG Agricultural District

SECTIONS:

10-3-1 Permissive Uses
10-3-2 Conditional Uses
10-3-3 Height, Area, Parking Requirements

10-3-1 Permissive Uses.

A. Agricultural activity and raising and selling of livestock, except that all livestock operations or farms with livestock in excess of ten (10) head shall have a minimum lot area of twenty (20) acres and shall not locate any feed lot or accessory structures within two hundred feet (200') from any lot in an R-District.
B. Single-family dwelling, provided that it has a minimum lot area of two (2) areas.
C. Public park, playground, and recreational area.
D. Privately operated recreational facility, including riding stable, lake, swimming pool, tennis court, and golf course, except miniature course or driving range, provided that any accessory building in connection therewith shall be located not less than two hundred feet (200') from any lot in an R-District.
E. Public and private forest, wildlife preservation, or similar conservation project.
F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
G. Place of worship.
H. Greenhouse or nursery for the raising of flowers and other horticultural products, including the raising of such products for sale on the premises.
I. Cemeteries of ten (10) acres or more in size. Also note 10-19-6 for Cemetery Development Standards.
J. Roadside stand designed for temporary or seasonal use and which is adjacent to a road and which is used for the sale of farm products primarily produced or grown on the premises.
K. Animal hospital, veterinary clinic, or kennel, provided that any building or enclosure in connection therewith shall be at least one hundred feet (100') from any lot in an R-District.
L. Grain bin and farm-related building, which is used in connection with on-premises agricultural activity.
M. Watertower.
N. Historic site open to the public.

10-3-2 Conditional Uses.

A. Extraction of coal, sand, gravel, top soil, and other natural resources.
B. Airport, except that all airport facilities are exempt from the height and area regulations and accessory use regulations; provided further, that all airport facilities shall be developed in accordance with current Federal Aviation Administration specifications and guidelines.
    1. Airport or aircraft-related commercial activities, provided that such activities are located completely within the property of the airport.
    2. No use of any land shall be made under this Section which violates the provisions of Title 10, Chapter 18 of this City Code.

C. Electrical distribution substation, pipeline pumping station, sewage lagoon, or sanitary landfill.
D. Farm implement operation for the sale of new and used farm equipment and implements including the accessory service and maintenance thereof.
    1. A site plan shall be submitted to the Zoning Board of Adjustment. The City Code (10-2-7I), entitled Site Plan Review, shall be followed as a guide in developing said plan.
    2. Minimum lot size for this activity is 2.5 acres.
E. Farm supply sales of the following primary products:
    1.
        a. Agricultural chemicals.
        b. Liquid and dry bulk fertilizer.
        c. Feed.
        d. Fuel.
        e. Ancillary agricultural products as approved by the Zoning Board of Adjustment.
        f. Ancillary carryout food items, packaged ready to consume convenience snacks and non-alcoholic beverages.

    2. A site plan shall be submitted to the Zoning Board of Adjustment. The City Code (10-2-7I), entitled Site Plan Review, shall be followed as a guide in developing said plan.
    3. Minimum lot size for this activity is 2.5 acres.

10-3-3 Height, Area, Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards Front	Side	Rear	Minimum Frontage
35*	50	20	50	150

*Note: Chapter 19 - Exceptions to Height Limits.

B.
C. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single
Two acres	Two acres

D.
E. The minimum off-street parking spaces are as follows:
    1. Single-family: One (1) per full bath.
    2. Place of worship: One (1) per four (4) seats in main room.
    3. High schools and colleges: Ten (10) per classroom.
    4. Elementary schools: Two (2) per classroom.
    5. Community center, library, museum, historic site, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
    6. Hospital: Two (2) for each bed.

7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 4 – FP Flood Plain District

SECTIONS:
10-4-1 Intent and Purpose
10-4-2 District Boundaries
10-4-3 Permissive Uses
10-4-4 Conditional Uses
10-4-5 Height, Area, Parking Requirements
10-4-6 Flood Control Manual
10-4-7 Definitions

10-4-1 Intent and Purpose. It is the purpose of the Flood Plain District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundations at frequent intervals and to assure that flood carrying capacity within the altered or relocated portion of any watercourse is maintained. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended). The City will notify adjacent communities and the Iowa Natural Resources Council prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administrator.

The regulations, while permitting reasonable economic and social use of such properties, will help protect health, safety, and general welfare and reduce financial burdens imposed on the community, governmental units, and its individuals caused by frequent and periodic floods and the overflow of lands.

10-4-2 District Boundaries.

A. All land lying within the flood plain of the one hundred (100) year frequency flood of the Mississippi River and its tributary streams is within the flood plain and is subject to these regulations, in addition to the regulations otherwise established by the Zoning Ordinance of the City of Muscatine, Iowa.
B. The boundaries of the Flood Plain District are hereby established as shown on the National Flood Insurance Program Flood Insurance Rate Map, City of Muscatine, Iowa, effective and revised August 25, 1981, which by this reference is made a part hereof. All lands included in such Flood Plain Districts shall be subject to the terms imposed herein, in addition to the terms imposed by any other zoning use district in which said lands should be located.

10-4-3 Permissive Uses. When the use proposed herein is allowable in a zoning district, the following uses and types of activities are permitted in the designated flood plain; provided that such uses and types of activities do not entail any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

A. Farming and gardening.
B. Open recreational uses such as parks, playgrounds, playfields, athletic fields, golf courses, bridle trails, and nature paths.
C. Marinas.
D. Public right of ways, private drives, and parking lots.

E. Public utilities as regulated by the Zoning Ordinance, but not to allow the erection of a building to be used for storage or as a place of employment other than for periodic maintenance.
F. For residential districts, the Flood Plain may be used for computing lot area requirements and may, therefore, be used for yard and park areas.
G. Storage yard for materials and equipment not subject to removal or major damage by flood waters.

10-4-4 Conditional Uses.

A. Any permissive or conditional use in the Zoning District applicable to the land in question and not identified as a permissive use in the preceding paragraph is considered a conditional use.
B. Any man-made change to improved or unimproved real estate in the flood plain, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, is considered a conditional use.
C. In addition to complying with the provisions of Section 10-22-1 of the Zoning Ordinance, conditional uses in the flood plain must meet the following criteria to be approved:
    1. Any proposed new construction or substantial improvements (for the purpose of this Chapter, "substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement is started, or (b) if the structure(has been damaged and is being restored, before the damage occurred, or (c) any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after August 25, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent (25%). "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, regardless of whether or not that alteration affects the external dimensions of the structure, but does not include any alteration to comply with existing state or local Health, Sanitary, Building, or Safety Codes or regulations) including prefabricated or factory built homes shall:
        a. Be designated and/or modified and anchored to prevent flotation, collapse, or lateral movement of the structure.
        b. Use construction materials and equipment that are resistant to flood damage.
        c.
            i. (1) Use construction methods and practices that shall minimize flood damage.
            ii. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structures is a minimum of one (1) foot above the one hundred (100) year flood.

            iii. All new construction or substantial improvements of residential structures located in the flood plain shall have the lowest floor (including basement) elevated one (1) foot above the level of the one hundred (100) year flood.

d.

i. All new and substantially improved residential and non-residential structures with fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

e. All new construction or substantial improvements of nonresidential structures located in the flood plain shall have the lowest floor (including basement) flood proofed and elevated one (1) foot above the level of the one hundred (100) year flood.

i. All utility and sanitary facilities shall be flood proofed one (1) foot above the level of the one hundred (100) year flood so that any space below the level of the one hundred (100) year flood is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ii. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

iii. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the one hundred (100) year flood elevation.

iv. Utilities such as a gas or electrical system shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

f. All applicants for conditional use permits for new or substantially improved structures shall be accompanied by records of elevations and flood proofing levels, and whether or not such structures contain a basement. It shall be the responsibility of the applicant to obtain the appropriate topographic data, engineering studies, or other studies needed by the Zoning Board of Adjustment, Building and Zoning Administrator, and/or other appropriate City agency or official. All such

data shall be prepared and certified by technically qualified persons and will be maintained by the Building and Zoning Administrator.

g. All applicants for conditional use permits for new or substantially improved structures shall be reviewed by the Building and Zoning Administrator to determine if the site of the proposed improvements is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

h. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the one hundred (100) year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

   Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a one hundred (100) year flood with a minimum of 3 feet (3') of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

i. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.

j. The exemption of detached garages, sheds, and similar structures from the one hundred (100) year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the one hundred (100) year flood elevation requirements when:

   i. The structure shall not be used for human habitation.
   ii. The structure shall be designed to have low flood damage potential.
   iii. >The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
   iv. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
   v. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the one hundred (100) year flood level.

2. All subdivision proposals and all other proposed new developments located in the flood plain shall be reviewed by the appropriate agency to assure that:
   a. All such proposals are consistent with the need to minimize flood damage.
   b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage.
   c. Adequate drainage is provided to reduce exposure to flood hazards.

d. All such proposals greater than fifty (50) lots or five (5) acres, whichever is lesser, include, within such proposals, base flood elevation data.

3. Factory built home development is considered a conditional use in the Flood Plain District, provided the subject property is appropriately zoned for such use and further provided that such development follows the procedures designed in the Zoning Ordinance for consideration of such use.
   a. For new factory built home parks, for expansions to existing factory built home parks and for existing factory built home parks where the repair, reconstruction, or improvement of streets, utilities, and pads equal or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, it is required that:

      i. Ground anchors for tie downs be provided in accordance with the Mobile Home Manufacturers Association standards.
      ii. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed, or lease. Notification of both the one hundred (100) year flood elevation and the regulatory flood protection elevation shall be provided.
      iii. Adequate surface drainage and easy access for a hauler is provided.
      iv. In the instance of elevation on piers, lots are large enough to permit steps, and steel reinforcement is provided for piers more than six feet (6') high.
      v. Stands or lots are elevated on compacted fill or piers so that the lowest floor of the home will be one foot (1') above the level of the one hundred (100) year flood.
   b. For factory built homes moving into existing factory built home parks, where concrete pads for the placement of factory built homes are in existence and where street and utility connections are in existence, it is required that:

      i. Ground anchors for tie downs are required in accordance with the Mobile Home Manufacturers Association standards.
      ii. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed, or lease. Notification of both the one hundred (100) year flood elevation and the regulatory flood protection elevation shall be provided.

4. All pressurized tanks and other containers storing materials or bulk materials hazardous to the public health, safety, and welfare shall be anchored to prevent lateral movement, collapse, flotation, or buoyancy.

10-4-5 Height, Area, Parking Requirements. The height, area, and parking requirements must conform to the district on which the FP Flood Plain District is superimposed.

10-4-6 Flood Control Manual. The 2002 Flood Control Manual for the City of Muscatine, as amended, is hereby adopted by reference. Said Flood Control Manual shall have the same

force and effect as though fully set forth herein. Copies of said Flood Control Manual are available in the office of the City Clerk.

10-4-7 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Basement - Any enclosed area of a building which has its floor' or lowest level below ground level (subgrade) on all sides\ Also see "lowest floor."

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Factory-Built Home - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

Flood Insurance Rate Map - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the city with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

Flood Plain - Any land area susceptible to being inundated by water as a result of a flood.

Flood Plain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

Floodway Fringe - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

Historic Structure - Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
C. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    1. By an approved state program as determined by the Secretary of Interior, or
    2. Directly by the Secretary of Interior in states without approved programs.

Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 10-4-4(C)1(d), and
B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
D. The enclosed area is not a "basement" as defined in this section.

    In cases where the lowest enclosed area satisfies criteria a,b,c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

New Construction (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

Recreational Vehicle - A vehicle which is:

A. Built on a single chassis;
B. 400 square feet or less when measured at the largest horizontal projection;
C. Designed to be self-propelled or permanently towable by a light duty truck; and
D. Designed primarily not for use of a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Further, requirements for recreational vehicles placed on sites within Zones Al-30, AH and AE on the community's FIRM either:

A. Be on the site for fewer than 180 consecutive days.
B. Be fully licensed and ready for highway use, or
C. Meet the permit, elevation and anchoring requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by disconnect type utilities and security devices, and has no permanent attached additions.

Substantial Damage - A damage or any original sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or (b) any alteration will not preclude the structure's continued designation as a historic structure.

Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.
B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after August 25, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Title 10 – Zoning

Chapter 5 – FC Flood Channel (Floodway) District

SECTIONS:

10-5-1 Intent and Purpose
10-5-2 District Boundaries
10-5-3 Permissive Uses
10-5-4 Conditional Uses
10-5-5 Responsibility for Studies

10-5-1 Intent and Purpose. It is the purpose of the Flood Channel (Floodway) District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundation and flow of flood waters such that the floodway efficiency will not be affected, or its capacity restricted. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended). The regulations, while permitting reasonable economic and social use of such properties, will help protect the public health, safety, and general welfare and reduce financial burdens imposed on the community, governmental units, and its individuals caused by frequent and periodic floods and the overflow of lands.

10-5-2 District Boundaries. The boundaries of the Flood Channel (Floodway) District are hereby established as shown on the National Flood Insurance Program Flood Insurance Rate Map, City of Muscatine, Iowa, effective and revised August 25, 1981, which is attached hereto and made a part hereof. All lands included in such Flood Channel (Floodway) District shall be subject to the terms imposed herein.

10-5-3 Permissive Uses. The following open space uses shall be permitted within the Flood Channel (Floodway) District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials or equipment unless as otherwise provided by this Ordinance.

A. Agricultural uses such as general farming, outdoor plant nurseries, horticulture, truck farming, sod farming, and wild crop harvesting.
B. Industrial and commercial uses such as docks, dock piers, boat landings, loading areas, parking areas, and airport landing strips.
C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.
D. Open space, nonstructural uses such as lawns, gardens, parking areas, and play areas.
E. Other water-oriented uses such as dams, power plants, underground pipelines, canals, drainage ditches, and bridges, provided such uses shall be approved by the Iowa Natural Resources Council and meet other applicable Federal, State, and local regulations (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

10-5-4 Conditional Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which acting alone or in combination with existing or proposed uses affects the

efficiency of or restricts the capacity of the floodway, or restricts flood heights. For any such use, review shall be conducted by the Iowa Natural Resource Council to determine if the efficiency and capacity of the floodway is affected or restricted or if flood heights are increased.

10-5-5 Responsibility for Studies. Where topographic data, engineering studies, or other studies are needed by the appropriate City agency and/or Iowa Natural Resource Council to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by technically qualified persons. All such data shall be maintained by the Building and Zoning Administrator.

Title 10 – Zoning

Chapter 6 – R-1, R-2 and R-3 Residential districts

SECTIONS:

10-6-1 Permissive Uses
10-6-2 Conditional Uses
10-6-3 Height, Area, and Off-Street Parking Requirements

10-6-1 Permissive Uses.

A. Single-family dwelling.
B. Public park or playground.
C. Place of worship.
D. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
E. Golf course, except miniature courses and driving tees operated for commercial purposes.
F. Agricultural activity, except that all livestock operations or farms with livestock in excess of ten (10) head shall have a minimum lot area of twenty (20) acres and shall not locate any feed lot or accessory structures within two hundred feet (200') of any lot in the R District.
G. Privately operated lake, swimming pool, tennis court, or similar recreational uses on a site of not less than five (5) acres, provided that any building in connection therewith shall be located not less than two hundred feet (200') from any lot in an R District; but not a miniature golf course or driving tee operated for commercial purposes.
H. Cemeteries existing at the time of the adoption and incorporation of this amendment December 4, 1986 namely Greenwood Cemetery, Saint Mary's Cemetery and Memorial Park Cemetery.

10-6-2 Conditional Uses.

A. Group home sponsored by a religious, education, or eleemosynary institution, provided that such home has single kitchen facilities, and further provided that such home be under twenty-four (24) hour adult supervision; but not a penal or mental institution; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
B. Nursing, rest, or convalescent home, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of not less than twenty thousand (20,000) square feet; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
C. Hospital, provided that it is located at least one hundred feet (100') from any lot in an R District and is situated on a site of not less than five (5) acres; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings; and further provided that the building be set back from all required yard lines an additional foot (1') for each foot (1') of building height.
D. Educational or philanthropic institution, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of not less than twenty thousand (20,000) square feet; and further provided that not more than (fifty percent (50%) of the site area is occupied by buildings.

E. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
F. Conversion of single-family homes into two-family homes in those locations where on July 19, 1973, more than forty percent (40%) of the frontage on one side of the street between two (2) intersecting streets was used for two-family homes or two-family homes and multiple-family dwellings. Off-street parking requirement ratios must be complied with for each full bath.
G. Electrical distribution, substation, or pipeline pumping station or water tower.
H. Cable T.V. broadcast facility and tower.
I. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
J. Any contiguous site expansion to existing cemeteries listed in 10-6-1(H) above shall be subject to review and approval by the Zoning Board of Adjustment.
K. Bed and Breakfast Homes within an existing residence constructed prior to 1930 and located in an R-3 Zoning District. (Refer to DEFINITIONS in Chapter 23).
L. Clinic as a Conditional Use in the R-3 Single Family Residential District specifically within the geographical area described as those lots adjacent to and fronting along Young Avenue, real estate located on the southeast side of Parham Street between Young Avenue and Cedar Street and that real estate north of Cedar Street between Parham Street and Muscatine General Hospital.
M. Barber or beauty shop within an owner-occupied home consisting of one (1) single chair, providing a minimum two (2) off-street standard parking stalls for this chair and complying with the definition of a Home Occupation (10-23-1).
N. Iowa Certified Assisted Living Facility. This development provides for integrated levels of services and housing for senior living arrangements. The intent is a campus like setting on a minimum of three (3) acres, served by all utilities. The project may consist of a mixture of single detached units, cluster units with shared common areas and townhouse type congregate living features.

10-6-3 Height, Area, and Off-Street Parking Requirements

A. The limits in feet are as follows:

Maximum Height	District	Minimum Yards: Front	Side	Rear	Minimum Frontage
35	R-1 & R-2	25	10	25	100, 80 (R-2)
35	R-3	25	6	25	60

B. The limits in square feet are as follows:

Maximum Lot Area	District	Minimum Lot Area Per Family: Single
20,000	R-1	20,000

10,000	R-2	10,000
7,000	R-3	7,000

C. The minimum off-street parking spaces are as follows:

1. Single-family: One (1) per full bath.
2. Place of workshop: One (1) per four (4) seats in main room.
3. High schools and colleges: Ten (10) per classroom.
4. Elementary schools: Two (2) per classroom.
5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
6. Hospital: Two (2) for each bed.
7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning

Chapter 7 – R-4 Residential District

SECTIONS:

10-7-1 Permissive Uses
10-7-2 Conditional Uses
10-7-3 Height, Area and Off-Street Parking Requirements

10-7-1 Permissive Uses.

A. Two-family dwelling.
B. Single-family dwelling.
C. Rowhouses, townhouses, and three or four-family houses where the site being developed is one-half (1/2) acre or larger.
D. Public park or playground.
E. Place of worship.
F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
G. Golf course, except miniature course and driving tees operated for commercial purposes.
H. Mobile home park subdivision. Mobile home shall mean a factory-assembled or manufactured dwelling unit, with the necessary utility connections, which is transported to a site and affixed to a permanent frost-free foundation. Mobile homes shall be located as a Conditional Use in the R-4 District and comply with Title 10-19-4 of the Zoning Ordinance, if the site on which they are located is to be leased by the occupant of the mobile home. If the purpose of the development of a mobile home park is to sell individual lots in fee to the occupants of mobile homes, then the following shall apply:
    1. Proposed, mobile home parks shall be a minimum size of ten (10) acres prior to the subdivision of the tract into individual lots.
    2. Mobile home parks shall be located in the R-4 Residential District. The rezoning shall be based on a development plan for the entire mobile home park.
    3. The subdivision of real estate for mobile home lots shall comply with all applicable standards of Title 11 of the City Code, entitled Subdivision Regulations. Further, said subdivisions shall comply with the provisions of the design criteria set forth in this Chapter.
    4. Upon development of a mobile home park, the axle, tongue, and wheels shall be removed, the unit shall be affixed to a permanent frost-free foundation and the license shall be turned over to the County Assessor and the unit shall then be taxed as real property along with the land on which it is situated.
    5. All mobile home park subdivisions shall be developed in accordance with the design and performance standards set forth in this Chapter.
    6. Design and performance standards:
        a. The minimum area to be considered for a mobile home park subdivision shall be ten (10) acres; individual lots shall be a minimum of five thousand (5,000) square feet. Each lot shall have a minimum of fifty feet (50') of frontage on an improved public street.
        b. The following setback criteria shall apply to the perimeter property lines of each individual lot:

Front yard:	Fifteen feet (15') minimum.
Side yard:	Six feet (6') minimum.
Rear yard:	Ten feet (10') minimum.

c. A minimum of two (2) improved off-street parking spaces shall be provided for each mobile home.
d. All utilities shall be underground.
e. The only accessory storage structure permitted shall be a maximum of nine feet (9') by ten feet (10') affixed to a four inch (4") thick concrete slab. Garages for the storage of motor vehicles are permitted.
f. The permanent frost-free foundation shall not extend more than thirty-six inches (36") above grade.
g. Landscaping will be required, as appropriate, by the Planning and Zoning Commission around the perimeter of the mobile home park subdivision. This will be determined on a case-by-case review.
h. All standards for roads, sidewalks, utilities, easements, and other applicable criteria as outlined in Title 11 of the City Code, entitled Subdivision Regulations, shall apply to the subdivision of real estate for mobile homes.
i. Private recreation areas are encouraged within the mobile home park subdivision. Deed covenants established by the subdivider may accomplish this, the ongoing maintenance would be the responsibility of the subdivider or a homeowner's association.
j. All fences encroaching into the front yard shall have .a maximum height of four feet (4') and be of chain link material. In view of the reduced setback requirement, a safe line of sight is needed as vehicles back into the street.
k. All restrictive covenants shall be submitted to the Commission for review, but enforcement of these provisions shall be the responsibility of the subdivider, his assigns or homeowners; association and shall not be the responsibility of the City of Muscatine.
l. Other related items may be required by the Commission and City Council as determined on a case-by-case review.
m. Upon approval of the final plat, any future changes to the plat and lot arrangement shall be reviewed and approved by the Commission.

10-7-2 <u>Conditional Uses.</u>

A. Mobile homes in accordance with the provisions of Section 10-19-4.
B. Group home sponsored by a religious, educational, or eleemosynary institution, provided that such home has single kitchen facilities; and further provided that such home be under twenty-four (24) hour adult supervision; but not a penal or mental institution.
C. Nursing, rest, or convalescent home, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet.
D. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
E. Electrical distribution station, pipeline pumping station, or water tower.
F. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all

parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.

G. Barber or beauty shop not to exceed two (2) chairs, providing a minimum of two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation 910-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-7-3 Height, Area, and off-Street Parking Requirements.

A. The limits in feet are as follows:

	Minimum Yards			
Maximum Height	Front	Side	Rear	Minimum Frontage
35	25	6	25	50

B. The limits in square feet are as follows:

	Minimum Lot Area Per Family		
Minimum Lot Area	Single	Two	Multiple
5,000	5,000	2,500	(Note 10-7-1(C))

C. The minimum off-street parking spaces are as follows:
   1. Single and two-family and multiple: One (1) per full bath.
   2. Place of worship: One (1) per four (4) seats in main room.
   3. High schools and colleges: Ten (10) per classroom.
   4. Elementary schools: Two (2) per classroom.
   5. Sanitarium or nursing home: One (1) for each three (3) beds.
   6. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning

Chapter 8 – R-5 Residential District

SECTIONS:

10-8-1 Permissive Uses
10-8-2 Conditional Uses
10-8-3 Height, Area and Off-Street Parking Requirements

10-8-1 Permissive Uses.

A. Multiple-family dwellings or townhouses on tracts of less than three (3) acres.
B. Rooming house or boarding house.
C. Single and two-family dwelling.
D. Group home sponsored by a religious, educational, or elementary-institution, provided that such home have single kitchen facilities; and further provided that such home be under twenty-four (24) hour adult supervision: but not a penal or mental institution.
E. Nursing, rest, or convalescent home, provided that it be located at least fifty feed (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet, and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
F. Private club, fraternity, sorority, or lodge, excepting when the chief activity of which is a service customarily carried on as a business.
G. Public park or playground.
H. Place of worship.
I. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
J. Golf course, except miniature course and driving tees operated for commercial purpose.
K. Clinics, but not animal clinics.

10-8-2 Conditional Uses.

A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
B. Electrical distribution substation, pipeline pumping station, or water tower.
C. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
D. Barber or beauty shop not to exceed two (2) chairs, providing a minimum of two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation (10-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-8-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Minimum Yards: Side	Minimum Yards: Rear	Minimum Frontage
35	25	6	25	50

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Minimum Lot Area Per Family: Two	Minimum Lot Area Per Family: Multiple
5,000	5,000	2,500	1,000

C. The minimum off-street parking spaces are as follows:

1. Multiple-family: One and one-half (1 1/2) per dwelling unit.
2. Rooming and boarding houses: One (1) per every two hundred (200) square feet of floor area.
3. Single and two-family: One (1) per full bath.
4. Place of worship: One (1) per four (4) seats in main room.
5. High schools and colleges: Ten (10) per classroom.
6. Elementary schools: Two (2) per classroom.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds.
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning

Chapter 9 – R-6 Residential District

SECTIONS:

10-9-1 Permissive Uses
10-9-2 Conditional Uses
10-9-3 Height, Area and Off-Street Parking Requirements

10-9-1 Permissive Uses.

A. Single-family or two-family dwelling.
B. Rowhouses, townhouses, or multiple-family dwellings on tract no less than three (3) acres nor more than five (5) acres.
C. Public park or playground.
D. Place of worship.
E. Public school, elementary or high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
F. Golf course, except miniature course and driving tees operated for commercial purposes.
G. Clinic, except animal clinic.
H. Nursing, rest, or convalescent home, provided that it be located at least fifty feet (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet, and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.

10-9-2 Conditional Uses.

A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
B. Electrical distribution substation, pipeline pumping station, or water tower.
C. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
D. YMCA, a YWCA, or a Family "Y" which is affiliated with the National "Y" Organization, provided that any substantial change in activities to be conducted on the site after original approval shall be subject to review by the Zoning Board of Adjustment in the same manner as the original Conditional Use.
E. Barber or beauty shop not to exceed two (2) chairs, providing a minimum or two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation (10-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-9-3 Height, Area and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Minimum Yards: Side	Minimum Yards: Rear	Minimum Frontage
35	25	6	25	50

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Minimum Lot Area Per Family: Two	Minimum Lot Area Per Family: Multiple
7,000	7,000	3,000	3,000

C. The minimum off-street parking spaces are as follows:

1. Single and two-family: One (1) per full bath.
2. Multi-family: One and one half (1 1/2) per dwelling.
3. Place of worship: One (1) per four (4) seats in main room.
4. High schools and colleges: Ten (10) per classroom.
5. Elementary schools: Two (2) per classroom.
6. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds.
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 10 – R-L Large Scale Residential
Development District

SECTIONS:
10-10-1 Purpose
10-10-2 Location
10-10-3 Intensity of Land Use
10-10-4 Permissive Uses
10-10-5 Height and Parking Requirements
10-10-6 Open Space
10-10-7 Conditions Filing
10-10-8 Procedures
10-10-9 Approval of Outline Development Plan
10-10-10 Preliminary Development Plan
10-10-11 Final Development Plan
10-10-12 Building Permits
10-10-13 Failure to Begin Planned Development
10-10-14 Changes in Final Development Plan
10-10-15 Enforcement

10-10-1 Purpose. The R-L District is intended to provide the developer of land in the City of Muscatine the opportunity to creatively, economically, and aesthetically develop the property based upon a comprehensive plan for its development. It is the purpose of this Chapter to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

10-10-2 Location. The R-L District may be applied anywhere in the City, provided that the objectives and provisions of this Chapter are satisfied and that the planned development is consistent with the spirit and intent of the City's Comprehensive Plan.

A. Any planned development in which apartments, condominiums, or townhouses are proposed, or in which a mixture of apartment, condominium, townhouse, single and/or two-family housing types are proposed, and for which development of at least five (5) acres is proposed, shall conform to the requirements set forth herein

10-10-3 Intensity of Land Use. The following chart shall be used to determine the residential density range to be permitted within the R-L District:

Type of Development	Maximum Density Per Acre
Garden apartments (2-3 stories)	15 units or 38 bedrooms
Mid-rise apartments (4-6 stories)	28 units or 57 bedrooms
High-rise apartments (above 6 stories)	60 units or 130 bedrooms
Townhouse	10 units or 25 bedrooms

A. Where a proposed R-L development is a combination of different residential types, the Planning and Zoning Commission shall evaluate the planned development's density range based upon the relative proportion of residential types proposed. If single or two-family houses are proposed, each house must have a minimum lot area

of seven thousand (7,000) square feet; this may consist of direct ownership and/or common interest in real estate within the development.

10-10-4 Permissive Uses.

A. Single-family, two-family, townhouse and multiple-family residential.
B. Park or playground.
C. Customary accessory or associated uses, such as private garages, storage spaces, recreational, and community facilities.
D. Additional uses shall be allowed only to the extent that the Planning and Zoning Commission find them to be:
    1. Designed to serve primarily the residents of the RL District.
    2. Compatibly and harmoniously incorporated into the unitary design of the development.
    3. Compatibly and harmoniously related to adjacent neighborhood uses. Such additional uses may include:
        a. Place of worship.
        b. Public or private school.
        c. Institution.
        d. Public or semi-public facility.
        e. Golf course, tennis courts, swimming pool, or other sports facilities.
        f. Nursery, rest, or convalescent home.
        g. Day care center.

10-10-5 Height and Parking Requirements

A. The limits in feet are as follows:
    1. Maximum height: None.
    2. Minimum yards: None.
    3. Minimum width: None.
B. The minimum off-street parking spaces are as follows:
    1. Multiple-family: One and one-half (1 1/2) per dwelling unit.
    2. Single and two-family residential: One (1) per full bath.
    3. Place of worship: One (1) per four (4) seats in main room.
    4. High schools and colleges: Ten (10) per classroom.
    5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet.
    6. Sanitarium or nursing home: Two (2) for each bed.
    7. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-10-6 Open Space. A minimum of twenty-five percent (25%) of the R-L site area shall be developed as open space, including walkways, plazas, landscaped areas, pools, fountains, and playgrounds. Parking areas and vehicle access facilities shall not be considered in calculating open spaces.

10-10-7 Conditions.

A. The Planning and Zoning Commission may recommend and the City Council may impose conditions regarding the layout, circulation, performance, preservation, care, and maintenance of the proposed development and may require that appropriate deed restrictions be filed.

B. Upon recommendation of the Planning and Zoning Commission, the City Council may require the developer to file a bond or security to secure the City for the actual construction and installation to specifications determined by or in accordance with the regulation of the City Council.
    1. Street Improvements. Streets shall be filled or excavated to the grade approved by the City and set by the City Engineer. All streets shall be graded the full platted width and pavement shall be constructed of seven inches (7") Portland cement concrete pavement, unless otherwise concurred with by the City Engineer and approved by the Planning and Zoning Commission and City Council.
    2. Sewers.
        a. The developers shall make adequate provision for disposal of sanitary sewage from the proposed development. The developers shall, at their expense, construct a sanitary sewer system, including all necessary pumping stations, manholes, and other necessary appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the proposed development with an existing City sanitary sewer; such sewage system to be designed and constructed in accordance with the standards and specifications of the City. Design and construction of the sewage system and sewer grades must be approved by, and shall be under the supervision and inspection of the City Engineer. The developers may be required to pay a reasonable charge for such engineering, inspection service and hookup fees.
        b. Storm Sewers. Storm drainage structures shall be constructed where needed as determined by the City Engineer. Minimum size of all storm sewer shall be twelve inch (12") Class III reinforced concrete pipe.
        c. When it is impracticable to connect such sewage system with an existing City sewer and it is necessary to dispose of such sanitary sewage by a septic system, such system and the installation thereof shall meet the standards and specifications set by the Department of Public Health, State of Iowa.
    3. Water and Gas Service. The developer shall install, or cause to be installed, all necessary water mains, fire hydrants, and gas mains as approved by local utilities and the City.
    4. Electric Service. The developer shall install, or cause to be installed, all necessary electric transmission lines.
    5. Sidewalks. Sidewalks shall be installed, or cause to be installed, by the developer according to specifications prescribed by the City and located and set at the grade established by the Engineer.

10-10-8 Filing Procedures. The procedure for obtaining a change of zoning district to R-L shall be as follows:

A. A petition for a zoning change to R-L shall be submitted to the Community Development Department. Such petition shall comply with all applicable provisions of the Zoning Ordinance and rules of procedure of the Planning and Zoning Commission.
B. The applicant shall accompany the request for a zoning change with four (4) copies of an outline development plan. The outline development plan shall include both maps and written statement, and must show enough of the area surrounding the proposed planned development to demonstrate the relationship of the development to adjoining uses, both existing and proposed.
C. The outline development plan must contain the following information:

1. Maps and Diagrams. Maps and diagrams may be in general schematic form but must include:
    a. The title by which the development is to be known and recorded.
    b. The existing topographic character of the site and adjacent land.
    c. Existing and proposed land uses and the approximate locations of buildings and other structures and their exterior facades.
    d. The character and approximate density of dwellings.
    e. The approximate locations, width, and dimensions of all existing and proposed streets, alleys, walkways, and thoroughfares.
    f. The locations and approximate dimensions of all areas to be reserved for future use as school sites, parks, playgrounds, or similar features.
    g. The locations, approximate dimensions, and character of all areas, sites, grounds, streets, or similar features which are to be dedicated for public use.
    h. Landscaping and tree planting plan.
    i. The location and approximate dimensions of parking lots and areas.
    j. The locations and size of existing storm and/or sanitary sewers, water mains, or field drains within or readily accessible to the tract.
    k. The location and character of all existing easements.
    l. The bearing and distance from monumented block or lot corner within the tract to some corner of a congressional district division within the City.
    m. A plat giving the names, as shown on the last deed of record, of all property owners within two hundred feet (200') of the perimeter of the tract.
    n. A legal description of the tract.
    o. The name and seal of the registered engineer or surveyor who prepared the documents.
2. Written Statement. The written statement must contain the following information:
    a. A statement of the character of the planned development, to include:
        i. Its relationship to the Comprehensive Plan of the City of Muscatine.
        ii. Its relationship to adjoining uses, both existing and proposed.
        iii. Its relationship to topographic features of the site and adjacent land.
        iv. Limiting conditions such as soils, excessive grade or slope, unstable ground, high water table, etc.
    b. A general indication of the expected schedule of development.
    c. A statement of the present ownership of all land included within the planned development.
    d. A list of the current addresses of all property owners within two hundred feet (200') of the perimeter of the tract.

10-10-9 <u>Approval of Outline Development Plan.</u>

A. Within ninety (90) days after the filing of the outline development plan, the Planning and Zoning Commission shall forward the outline development plan to the City Council with a written report recommending that the plan be approved, approved with modifications, or disapproved and giving the reasons for these recommendations.

1. Recommendations from City staff and general concurrence of utility companies are required in conjunction with the Planning and Zoning Commission review.
2. The Planning and Zoning Commission shall hold a public meeting prior to making a recommendation on the proposal. The public meeting shall be held in accordance with State and Municipal codes and Planning and Zoning Commission rules of procedure.

B. The Planning and Zoning Commission shall consider the following factors in making its recommendation to the City Council:
   1. That the proposal substantially conforms to the Comprehensive Plan for the City.
   2. That the existing character of the neighborhood will not be adversely affected, and that adequate safeguards are provided to minimize possible detrimental effects on adjacent properties and the neighborhood.
   3. That there is ample provision for water supply, sanitary sewage disposal, storm and surface water drainage, and other utilities.
   4. That soil conditions, natural characteristics, topography, and geography do not present a substantial hazard to development.
   5. That there is adequate availability to police and fire protection, parks and recreational facilities, schools, and other community facilities and public services.
   6. That the location, height, and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspective in the vicinity.
   7. That patterns of pedestrian circulation and the effective use and design of open spaces, landscaping, exterior facade, and amenities are considered.
   8. That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located, and that there are no conflicts between vehicular traffic and other uses and activities proposed.
   9. That the proposed installation of driveways, landscaping, and other site details are generally in harmony with the proposed structures, adjacent properties, and with the rights and interest of the general public.

C. After receiving the Planning and Zoning Commission's recommendations, the City Council shall hold a public hearing as provided by the Code of Iowa. Subsequent to holding said public hearing, the City Council shall approve, approve with modifications, or disapprove the outline development.
   1. If the outline development plan is approved, the City Council shall amend the Zoning Map to show the R-L District.
   2. If the outline development plan is approved with modifications, the City Council shall not amend the Zoning Map until the applicant has filed with the City Council written consent to the plan as modified.
   3. No building permits may be issued on land within the R-L District until the final development plan has been approved under the procedures provided in the following sections.

10-10-10 <u>Preliminary Development Plan.</u>

A. Within six (6) months after an outline development plan has been approved, an applicant shall file a preliminary development plan with the Community Development Department. Upon the filing of a preliminary development plan, the Community Development Director shall immediately refer one (1) copy of such plan to the City Engineer and one (1) copy to the Building and Zoning Administrator. This preliminary

plan shall then be presented at the next regular Planning and Zoning Commission meeting.

B. The Planning and Zoning Commission may authorize the submission of preliminary development plans in stages, if so requested by the applicant.

C. If a preliminary development plan covering at least twenty percent (20%) of the area of the outline development plan has not been submitted within six (6) months following the approval of the outline development plan, the City Council may withdraw its approval of the outline development plan. In its discretion and for good cause, the City Council may extend for three (3) months the period for filing the preliminary development plan.

D. The preliminary development plan shall include all of the following information:
    1. The location, width, and dimensions of all existing and proposed thoroughfares, streets, alleys, sidewalks, and walkways.
    2. All plot lines and plot designs (if applicable).
    3. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public or semi-public uses.
    4. The location and dimensions of each building site, common open area, improvement, and indication of open spaces around buildings and structures.
    5. Elevation and perspective drawings of proposed structures and improvements, except single-family residences and single-family residence accessory buildings. These drawings need not be of final architectural decisions and need not be in detail.
    6. A development schedule indicating approximate dates for start and completion of the project, if such schedule varies considerably from the schedule submitted with the outline development plan.
    7. All agreements, provisions, or covenants which will govern the use, maintenance, protection, performance, and/or design of the development and any of its common open areas.
    8. Off-street parking plan.
    9. A circulation diagram indicating proposed movement of vehicles and pedestrians within the development and to and from existing features and location and type of traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern.
    10. A landscaping and tree planting plan.
    11. The location and size of all existing storm or sanitary sewers, water mains, or field drains within or readily accessible to the development.
    12. The location and character of all existing easements and those proposed to be provided by the owner.
    13. The location of all proposed sewers.
    14. The location of all proposed water and gas mains.
    15. Grading plan, to include the location of waterways on the site or on adjacent land, and drainage plan with sufficient control grades to indicate the intent of the developer.
    16. The scale used on the drawings.
    17. Any other plans, diagrams, or information, as requested by the Planning and Zoning Commission or the City Council.

E. The preliminary development shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Iowa.

F. Approval of Preliminary Development Plan. Recognizing that some developments may proceed in stages and only in conjunction with outside phased financing approval, utility installation and related indirect action, the developer and City may jointly decide on the following approval process:

1. The Planning and Zoning Commission shall review the preliminary development plan to determine if it is in substantial compliance with the outline development plan and recognized principles of civic design, land use, and landscape architecture. A recommendation of the City staff is required prior to Planning and Zoning Commission review. The Commission may then recommend to the City Council, within forty-five (45) days after the filing of the preliminary development plan, that the plan be approved, approved with modifications, or disapproved.
2. After receiving the preliminary development plan, the Commission may mutually agree with the developer to concurrently review the preliminary and final development plan as a single process. If this option is selected, then the Commission shall forward a recommendation to City Council on the final development plan.
3. If the City Council disapproves a preliminary or final development plan, the applicant shall re-file within forty-five (45) days of disapproval, or the City Council may withdraw its approval of the outline development plan.

10-10-11 Final Development Plan.

A. Within six (6) months following the approval of the preliminary development plan, the applicant shall file copies of a final development plan. The Community Development Director shall refer one (1) copy of the plan and accompanying papers to the Building and Zoning Administrator and one (1) copy to the City Engineer for review prior to the next Commission meeting.
    1. In its discretion and for good cause, the Planning and Zoning Commission may extend for six (6) months the period for the filing of the final development plan, upon request of the applicant.
B. The Planning and Zoning Commission shall review the final development plan and shall recommend to the City Council within forty-five (45) days after the filing of the final development plan, that the plan be approved if that plain is in substantial compliance with the approved preliminary development plan. If the preliminary development plan had been approved by the City Council with modifications, the final development plan shall include those modifications.
    1. If the City Council disapproves a final development plan, the applicant shall file with the Community Development Department a revised final development plan within forty-five (45) days of the date of disapproval, or the City Council may withdraw its approval of the outline development plan.
C. The final development plan shall include all those items required by the preliminary development plan and, in addition, the following information:
    1. The proposed names of all streets, public ways, and places dedicated for public use; and the location, width, dimensions, and specifications of all streets, alleys, sidewalks, and walkways.
    2. The type and location of all permanent monuments at block and lot corners and elsewhere within the development.
    3. All radii, arcs, chords, points of tangency, and central angles for curved streets and the radii of all rounded curves.
    4. The location, size, grade, and specifications of all proposed sewers, pumping stations, manholes, and other necessary appurtenances.
    5. The location, size, grade, and specifications of all proposed water and gas mains; and the location, size, and specifications of all fire hydrants.
    6. The location and character of all proposed electric transmission lines.
    7. The certification of the engineer or architect preparing the documents with his or her license number and seal and the date of preparation.

8. Certificate of approval for construction of water, electric, and gas service from the respective utility companies accompanied by a plat showing any easements required.
9. Three (3) sets of improvement plans and profile. All plans and drawings are to be submitted on twenty-four inch by thirty-six inch (24" x 36") plan and profile paper. Note: Any plans or profiles for recording in the Office of the County Recorder shall be eleven inches by seventeen inches (11" x 17").
10. Three (3) copies of all easement agreements for utility or other purposes.
11. Three (3) copies of a proposed resolution to be adopted by the City Council accepting lands to be dedicated for public use.
12. Three (3) copies of any agreement to be entered into between the applicant and the City of Muscatine providing for the grading of streets and installation of sewer system and other utilities or other improvements as may be required.
13. Three (3) copies of any deed restrictions or covenants required by the City Council under Section 10-10-7(A) of this Ordinance, or any other conditions imposed by the City Council under Section 10-10-7 of this Ordinance.
14. Three (3) copies of a proposed resolution to be adopted by the City Council approving and accepting the final development plan.

10-10-12 Building Permits.

A. Upon approval of the final development plan, the Building and Zoning Administrator shall issue building permits in accordance with all applicable State and local codes, regulations, and ordinances for buildings and structures in the area covered by the approved final development plan.

10-10-13 Failure to Begin Planned Development

A. If no construction has begun or no use established in the planned development within one (1) year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the Planning and Zoning Commission may extend for six (6)additional months the period for the beginning of the construction or the establishment of a use.
B. If a final development plan lapses under the provisions of this Section, the Community Development Director shall remove the planned development from the Zoning Map and shall file a notice of revocation of the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be revised and in effect.

10-10-14 Changes in Final Development Plan.

A. No changes shall be made in the approved final development plan during the construction of the planned development, except under authorization by the Planning and Zoning Commission. No amendments shall be made in the approved final development plan, unless they are shown to be required by change in conditions that have occurred since the final development plan was approved or by changes in the development policy of the community.

10-10-15 Enforcement.

A. At least once every six (6) months following the approval of the final development plan, the Building and Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units.
B. If the Building and Zoning Administrator finds that the final development plan has not been followed, he or she shall forward this information to the Planning and Zoning Commission, which may recommend to the City Council revocation of approval of the final development plan.

Title 10 – Zoning
Chapter 11 – C-1 Neighborhood
and General Commercial District

SECTIONS:
10-11-1 Permissive Uses
10-11-2 Conditional Uses
10-11-3 Height, Area, and Off-Street Parking Requirements
10-11-4 Site Plan Review

10-11-1 Permissive Uses.

A. Any retail business establishment such as Large Scale Retail Development; appliance store; auto accessory store; bakery with baking limited to goods for retail sale on the premises; book or stationery store; restaurant, cafeteria, bar, or tavern, but not drive-in establishments; camera or photographic supply shop; candy or ice cream store; delicatessen; drug store; fabric shop; floor covering store; florist shop; furniture store, including incidental upholstering; gift shop; grocery store; haberdashery or women's ready-to-war store; tire sales and service; hardware or paint store; variety store; and other uses of a similar character, except there shall be no slaughtering of animals or poultry nor commercial fish cleaning and processing on the premises.
B. Personal service uses such as a bank or other financial enterprise; barber or beauty shop; business or professional office; funeral home; theater, but not drive-in theater; photographic or art studio; laundry or dry cleaning receiving station; self-service laundry or cleaning establishment; messenger, taxicab, newspaper, or telegraphic branch station; medical or dental clinic, but not animal clinic; dressmaking; tailoring; shoe repair; repair of household appliances and bicycles; catering; and other uses of a similar character.
C. General service and repair establishments, such as plumbing and heating; printing and painting; and upholstering.
D. Residence when located on the second story of a building or above.
E. Place of worship and religious, education, instructional, and institutional service.
F. Office or office building.
G. Indoor recreation facility.
H. Public park or playground.
I. Bus terminal.
J. Private club, fraternity, sorority, or lodge.

10-11-2 Conditional Uses.

A. Automobile service station or automobile repair shop.
B. Drive-in establishments, including drive-in restaurants and drive-in theaters.
C. Used car sales.
D. Farm store or feed store, including accessory storage of liquid or solid fertilizer.
E. Electrical distribution substation, pipeline pumping station, or water tower.
F. Hotel or motel.
G. Mobile home, boat, or farm implement sales.
H. Veterinarian clinic, animal hospital, or kennel.

I. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses, in accordance with Section 10-22-1 of this City Code.

10-11-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Minimum Yards: Side	Minimum Yards: Rear	Minimum Frontage
45	20	6	20	None

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Minimum Lot Area Per Family: Two	Minimum Lot Area Per Family: Multiple
None	N/A	N/A	1,000

C. The minimum off-street parking spaces are as follows:
1. Restaurants and drive-in restaurants: One (1) per one hundred (100) square feet of floor area.
2. Retail food stores over four thousand (4,000) square feet: One (1) per two hundred (200) square feet of floor area.
3. Residence on second story of building: One (1) per full bath.
4. Place of worship: One (1) per four (4) seats in main room.
5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
6. All other non-residential buildings: One (1) every three hundred (300) square feet.
7. In Large Scale Retail Development, shared parking is permitted. The assignment of the same parking spaces to two or more different uses with off peak parking needs would satisfy the minimum off-street parking space requirement. Example, retail shopping and cinemas meet the off peak parking needs. The property owner shall present the proposed shared parking plan to the Site Plan Review Committee for review and approval.

10-11-4 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning
Chapter 12 – C-2 Central Commercial District

SECTIONS:
10-12-1 Permissive Uses
10-12-2 Conditional Uses
10-12-3 Height, Area, and Off-Street Parking Requirements
10-12-4 Site Plan Review

10-12-1 Permissive Uses.

A. Any permissive use in the C-1 District.
B. Printing or newspaper publishing plant.
C. Hotel or motor hotel.
D. Laundry.
E. Auto service station or automobile repair shop.
F. Wholesale merchandising or storage warehouse.
G. Public parking lot, customer, and other accessory parking area.
H. Private club, fraternity, sorority, or lodge.

10-12-2 Conditional Uses.

A. Electrical distribution substation and pipeline pumping station.
B. Manufacture or assembly of wood or paper products.
C. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses, in accordance with Section 10-12-1 of the City Code.

10-12-3 Height, Area, and Off-Street Parking Requirements.

A. There shall be a maximum floor area ratio of 4:1 with buildings not to exceed eight (8) stories, except that where a building is set back from one (1) or more lot lines, the floor area of such building or buildings may be increased by two (2) square feet of additional floor area for each square foot of open area provided. Maximum floor areas may be further increased by one (1) square foot of open space that is landscaped and planted and not paved.
B. The limits in feet are as follows:

Minimum Yards			
Front	Side	Rear	Minimum Frontage
None	None	None	None

C. The limits in square feet are as follows:

	Minimum Lot Area Per Family		
Minimum Lot Area	Single	Two	Multiple
None	None	None	None

D. The minimum off-street parking spaces are as follows:

1. Wholesale warehouse or similar establishment: One (1) per five hundred (500) square feet of floor area.
2. Residential: One (1) per full bath.
3. Place of worship: One (1) per four (4) seats in main room.
4. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.

Exception: All nonresidental uses within the C-2 District shall be exempt from off-street parking requirements.

10-12-4 Site Plan Review. Review to Section 10-2-7(I).

Title 10 – Zoning
Chapter 13 – C-3 Planned
Commercial District

SECTIONS:
10-13-1 Permitted Uses
10-13-2 Requirements of Plans

10-13-1 Permitted Uses. A building or premises on tracts of land may be used only for the retail sale of merchandise; services, banks, and financial institutions; restaurants; general and professional offices; service stations; recreation, except outdoor theaters; parking areas; and other similar facilities.

Before land is used or a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the City Council, upon recommendation from the Planning and Zoning Commission, for all contiguous property within this District in any one location. The City Council shall have thirty (30) days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned. Final plans will be approved when in accordance with approved preliminary plans. From time to time, the proponents may make changes in the approved final plan, so long as such changes have been approved by the Planning and Zoning Commission or upon denial of approval by said Commission, with the approval of the Council. What constitutes a "minor" change will be determined in the sole discretion of the Commission. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan.

10-13-2 Requirements of Plans. The preliminary plan shall:

A. Be drawn to scale.
B. Show boundaries of property to be developed.
C. Show the proposed size, location, use, and arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed streets.
D. Indicate location, type, use, and size of structures on adjacent properties within two hundred feet (200') of the proposed development.
E. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the official plan.
F. Indicate the stages, if any, which will be followed in construction.

The final plan shall be the standard plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

Title 10 – Zoning

Chapter 14 – M-1 Light Industrial District

SECTIONS:

10-14-1 Permissive Uses
10-14-2 Conditional Uses
10-14-3 Height, Area, and Off-Street Parking Requirements
10-14-4 Note Applicable Criteria for Permissive and Conditional Uses
10-14-5 Site Plan Review

10-14-1 Permissive Uses. (See Note 10-14-4)

A. Any use permitted in the C-2 District, as long as the users are not offensive due to emission of noise, odor, dust, gas, smoke, or vibration, except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted, with the exception of a single-family dwelling located on a lot two (2) acres or more in size.
B. The manufacturing, assembling, or treatment of articles or merchandise from the following prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastic, precious or semi-precious metals or stones, rubber, textiles, wood, and yarn.
C. The manufacturing or assembly of bolts, nuts, screws, and rivets; boats; ornamental iron products; firearms; electrical appliances; electronic instruments and devices; tools, dies, machinery, and hardware products; medical and dental equipment; drafting and optical instruments; musical instruments; watches and clocks; and toys and games.
D. The manufacture or storage of food products, including beverage bottling, bakery products, candy manufacture, fruit and vegetable processing and canning; but not packing and processing of meat and poultry products, distilling of beverages, or slaughtering of animals.
E. The manufacture, compounding, processing, packaging, or treatment of such products as cosmetics, pharmaceuticals, and toiletries.
F. Builders or contractors plant or storage yard; building materials sales and storage yard, including concrete mixing; and lumber yard, including millwork.
G. Open yard for storage and sale of feed, fertilizer, or fuel.
H. Automobile, truck, trailer, and garden and farm implement establishments for sales, display, and hire, including sales lots.
I. Truck or motor freight terminals, provided that service yards or docks are located at least two hundred feet (200') from any lot in an R District.
J. Drive-in restaurant.
K. Animal hospital, veterinary clinic, or kennel, provided that buildings or enclosures are at least one hundred feet (100') from any lot in an R District.
L. Public or private open-air recreational uses, provided that such uses are not within two hundred feet (200') of any R District.
M. Greenhouse or nursery.
N. Agricultural activity, except that all livestock operations or farms in excess of ten (10) head shall have a minimum of twenty (20) acres.

10-14-2 Conditional Uses. (See Note 10-14-4)

A. Electrical distribution substation, pipeline pumping station, or water tower.
B. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive -uses.

C. Solid Waste Transfer Station.

10-14-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

	Minimum Yards			
Maximum Height	Front	Side	Rear	Minimum Width
75	30	None	None	None

B. The minimum off-street parking spaces are as follows:
   1. Manufacturing or industrial establishment: Two (2) parking spaces for every three (3) employees on the maximum shift, plus vehicles used in connection therewith.
   2. Place of worship: One (1) per four (4) seats in main room.
   3. Community center, library, museum, or semi-public building: One (1) per every three hundred (300) square feet in building.
   4. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-14-4 Note Applicable Criteria for Permissive and Conditional Uses. In the event of new construction or substantial improvements, that is, the repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value, the Permissive and Conditional Uses of this district shall comply with the following applicable criteria:

A. Noxious fumes including dust, that is, fumes and dust which are in sufficient quantity to be harmful to health, shall not be emitted beyond the property line.
B. Noise, including vibration, shall not cause the ambient noise level as measured at the property line to exceed 75 decibels (dbA).
C. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, no direct outside lighting shall shine onto adjacent property.
D. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, outside trash receptacles and outside storage of equipment shall be screened from view by fencing (at least seventy-five percent (75%) opaque) or landscaping of sufficient height and density to provide screening at maturity or within three (3) years.

10-14-5 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning

Chapter 15 – M-2 General Industrial District

SECTIONS:

10-15-1 Permissive Uses
10-15-2 Conditional Uses
10-15-3 Height, Area, and Off-Street Parking Requirements
10-15-4 Site Plan Review

10-15-1 Permissive Uses.

A. Any use, except the following conditional uses and except that no dwelling other than that for a resident watchman or caretaker employed on the premises is permitted.

10-15-2 Conditional Uses.

A. Acid manufacture.
B. Auto salvage and wrecking operations, industrial and waste salvage operations, and junkyards, provided that all operations are conducted within an area enclosed on all sides with a solid wall of fence not less than eight feet (8') in height, located not less than two hundred feet (200') from any R District and one hundred feet (100') from any C District. No pile of salvage, scrap, or other material shall be higher than eight feet (8').
C. Bulk manufacturing, processing, and/or storage plants.
D. Cement, lime, gypsum, or other similar manufacture.
E. Distillation, manufacture, or refining of bones, coal, or tar asphalt.
F. Explosives manufacture or storage.
G. Fat, grease, lard, or tallow rendering or refining.
H. Fertilizer manufacture.
I. Gas manufacture and distribution.
J. Garbage, offal, or dead animal disposal.
K. Glue manufacture.
L. Packing plant, slaughter house, or stockyard.
M. Petroleum products terminal.
N. Sewage disposal and treatment.
O. Sanitary landfill.
P. Feed lot, livestock confinement area, provided location is not within two hundred feet (200') from any R District.

10-15-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

	Minimum Yards			
Maximum Height	Front	Side	Rear	Minimum Width
75	30	None	None	None

B. The minimum off-street parking spaces are as follows:

1. Manufacturing or industrial establishment: Two (2) parking spaces for every three (3) employees on the maximum shift, plus vehicles used in connection therewith.
2. Junkyards: Ten (10) per two thousand (2,000) square feet of lot area.
3. Place of worship: One (1) per four (4) seats in main room.
4. High schools and colleges: Ten (10) per classroom.
5. Elementary schools: Two (2) per classroom.
6. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-15-4 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning
Chapter 16 – S-1 Special
Development District

SECTIONS:
10-16-1 Intent and Purpose
10-16-2 Application for Special Development District
10-16-3 Permissive Uses
10-16-4 Height and Density Regulations
10-16-5 Approval of Plans
10-16-6 Plan Requirements
10-16-7 Construction Schedule and Assurance of Completion

10-16-1 Intent and Purpose. It is the purpose of this District to provide an opportunity for modern and imaginative architectural design, site arrangement, and City planning for certain special and unusual areas. These areas are not extensive; they will be generally described and outlined on the Official Zoning District Map. Within them, there should be a carefully planned combination of residential, commercial, public, and semi-public uses, or of some of these uses.

10-16-2 Application for Special Development District. The owner or owners of land included in areas suitable for establishment of a Special Development District, as shown on the Official Zoning District Map of the City, may petition the Council for the establishment of the Special Development District. The application for the establishment of this District shall indicate:

A. The area to be encompassed in said District.
B. Citation of the City's Comprehensive Plan's recommendations or comments on the area encompassed in said District and whether the proposal varies from or conforms to the City's Comprehensive Plan.
C. Evidence of unified ownership and control of the area applied for.
D. Evidence of financial capability of the petitioners to carry out the general type of development contemplated for the area.
E. Evidence of applicant's proposed general use of the area.
F. In establishing a Special Development District, the Commission and the Council shall give consideration among their factors to the criteria listed in Section 10-16-5 hereof.

Establishment of said Special Development District shall be by amendment of this Ordinance in accordance with the procedures established herein.

10-16-3 Permissive Uses.

A. Single-family dwelling, two (2) family dwelling, or multifamily dwelling.
B. Public park or playground.
C. Place of worship.
D. Public or private school.
E. Rooming house or boarding house.
F. Office building or medical clinic.
G. Nursing, rest, or convalescent home.
H. Public building erected by any governmental agency.

I. Automobile parking lot or storage or parking garage.
J. Bank or financial institution.
K. Mortuary.
L. Personal service uses, including barber shop, beauty parlor, photographic or art studio, messenger, taxicab, newspaper or telegraphic branch station, laundry or dry cleaning receiving station, and other uses of a similar character.
M. Retail store, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning and processing on the premises.
N. Theater, not including drive-in theaters.
O. Restaurants, cafeterias, bars, and taverns, not including drive-in establishments.
P. Automobile service station.
Q. Bowling alley or billiard parlor.
R. Dancing or music academy.
S. Display and salesroom.
T. Hotel or motel.
U. Laboratory, research, experimental, or testing.
V. Milk distributing station.
W. Radio or television broadcasting station or studio.
X. Rental agency.
Y. Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment of similar character. Not more than ten percent (10%) of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials or equipment.
Z. Bakery.
AA. Bottling works.
BB. Wholesale establishment or warehouse in a completely enclosed building.
CC. Bus terminal.

10-16-4 Height and Density Regulations. Height and density limits in the S-1 District are established by setbacks and floor area ratios. For residential, industrial, hotel, motel, and multiple dwelling uses, there shall be a maximum floor area ratio of 4:1. For commercial uses in the S-1 District, there shall be a maximum floor area ratio of 4:1.

10-16-5 Approval of Plans. Before land is used or a building is erected or used in the Special Development District, a preliminary and a final plan shall be approved by the Commission and the Council for all contiguous property within this District in any one location. The Commission shall have ninety (90) days to consider and approve or reject a preliminary plan with or without modifications, although this period may be extended by agreement of the parties concerned. The final plan shall be approved or rejected by the Commission within ninety (90) days of submittal. Final plans will be approved when in accordance with the approved preliminary plans. In approving plans, the Commission and the Council shall consider the following factors.

A. Those affecting the community as a whole:
    1. Uses or use.
    2. Intensity of use.
    3. Traffic.
B. Those affecting the neighborhood:
    1. Heights.
    2. Front, side, and rear yard definitions and uses where they occur at the development periphery.

C. Those affecting the development itself:
    1. Gross commercial building areas.
    2. Area ratios and the designation of the land surfaces to which they apply.
    3. Spaces between buildings. Open areas, if any.
    4. Width of streets in the development, if any.
    5. Setbacks from such streets, if any.
    6. Off-street parking and loading standards.
D. Those affecting the development procedures:
    1. The order in which development will likely proceed in complex multiple use developments.
    2. Estimates of time required to complete the development and its various stages, if any.
    3. List of streets, lighting, parking, or other improvements by the City, which in any way affect the development.

From time to time during construction, the developer may make minor technical changes in an approved final plan, so long as such changes have been approved by the Planning Commission, or upon denial of approval by the Planning Commission, with the approval of the Council. Any other changes to the approved final plan shall be accomplished by the submission of preliminary plans and final plans of such changes, which shall be approved under the procedures, as set forth herein, for the approval of the original preliminary plans and the approval of the original final plans. No building permit or certificate of occupancy shall be issued for any building or use that is not in accordance with an approved final plan.

10-16-6 Plan Requirements. The preliminary plan shall:

A. Be drawn to scale.
B. Show boundaries of property to be developed.
C. Show existing topography with contour intervals of not less than two feet (2') obtained from a field survey and referred to an approved City bench mark.
D. Show the proposed size, location, use, and arrangement of the buildings and the proposed arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed street parking areas.
E. Show drainage plan with sufficient control grades to indicate the intent of the developer.
F. Indicate location, type, and size of structures on adjacent properties within two hundred feet (200') of the boundary of the Special Development District.
G. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the Comprehensive Plan.
H. Indicate the stages, if any, which will be followed in carrying out the construction of the project and interim use and maintenance of areas not under construction at any given time.
I. Contain a traffic analysis prepared by a registered professional engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the complete development of the project with said estimates shown for the average week, twenty-four (24) hour period, and for the peak morning and evening traffic hours. The impact of this new traffic on existing traffic in the vicinity of the project shall be appraised and a list submitted of new street construction and new traffic control measures required to accommodate the estimated traffic increases.

The final plan shall be the standard plot plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

10-16-7 Construction Schedule and Assurance of Completion. With the final plan, the proponents shall submit a construction schedule. Construction shall begin within one (1) year after approval of the final plan and shall be completed within five (5) years after approval of the final plan, except that the Council may extend and change, or either of them, such periods upon a showing of good and sufficient cause. With the final plan, the applicant shall file a surety bond or escrow agreement to insure the construction of the project within the period specified. No such bond or escrow shall be acceptable, unless it is enforceable by or payable to the City in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks, walls, storm and sanitary sewers, landscape planting, ornamental features not on a building, and terraces) for the entire project. Said bond or escrow shall be in a form and with surety and conditions approved by the City Attorney. In the event of default under such bond or escrow, the City shall use the sum defaulted to construct said site improvements.

Title 10 – Zoning
Chapter 17 – S-2 Institutional -
Office District

SECTIONS:
10-17-1 Permissive Uses
10-17-2 Conditional Uses
10-17-3 Height, Area, and Off-Street Parking Requirements

10-17-1 Permissive Uses.

A. Single and two (2) family dwellings.
B. Bank.
C. General business office.
D. Professional office.
E. Medical or dental clinic.
F. Studio for artist, photographer, sculptor, or musician.
G. Art gallery.
H. Place of worship.
I. Hospital or sanitarium.
J. Public building.
K. Educational, religious, or philanthropic institution.
L. Nursing, rest, or convalescent home.
M. Business, dancing, music, and other similar schools and colleges.
N. Lodge, club, fraternity, or sorority.
O. Library.
P. Parking structure or lot.
Q. Laboratory and research center.
R. Private or public school.

10-17-2 Conditional Uses.

A. Retail Sales. As of the effective date of the adoption of this Section of the Ordinance, existing uses within the S-2 District Boundaries may be considered for conversion to retail uses. Site criteria required:
    1. A map indicating land uses, property owners and their mailing addresses within two hundred feed (200') of the parcel of lot(s) proposed for retail sales.
    2. Yard setback requirements.
    3. A floor plan of the proposed structure or conversion of an existing operation.
    4. The location and direction of outside lighting.
    5. The location of curb cuts, internal traffic circulation on the site, and parking lot layout.
    6. Sign location and size.
    7. Visual screening from adjacent properties.
    8. Location of outside storage, trash receptacles, and vending machines, including can and bottle redeeming machines.
    9. Other such information as may be requested by the Zoning Board of Adjustment.
    10. The intensity of projected traffic on the site of the proposed retail use should not be significantly greater than the existing traffic intensity.

10-17-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Side	Rear	Minimum Frontage
45	20	6	20	None

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Two	Multiple
7,000	7,000	3,000	N/A

C. The minimum off-street parking spaces are as follows:

1. Single and two (2) family: One (1) per full bath.
2. Place of worship: One (1) per four (4) seats in main room.
3. High schools and colleges: Ten (10) per classroom.
4. Elementary schools: Two (2) per classroom.
5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
6. Hospital: Two (2) for each bed.
7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 17A – S3 Large Scale Mixed Use Development (MXD) District

SECTIONS:
10-17A-1 Intent and Purpose
10-17A-2 Permissive Uses
10-17A-3 Conditional Uses
10-17A-4 Approval of Development Plans
10-17A-5 Height, Area, and Off-Street Parking Requirements

10-17A-1 Intent and Purpose. It is the primary purpose of this S-3 Mixed Use Development (MXD) District to provide large scale areas in the City within which commercial, light industrial, and residential uses can locate with the assurance of a high permanent level of design quality, extensive site amenity, open space and compatibility with existing land uses. Stringent site planning, aesthetically desirable design, screening standards, buffer strips, sign requirements and other appropriate procedures will be used to achieve the desired results of compatibility with existing uses and protection between future residential and nonresidential land uses.

As this S-3 MXD District will be a unique setting with a wide array of land uses, it requires a site with a minimum size of eighty (80) acres for said designation.

10-17A-2 Permissive Uses:

A. Any uses permitted in the Residential Zoning Districts. Residential development shall occur on tracts of a minimum size of five (5) acres and an open space buffer 50 feet wide, within which no structure is permitted, is required to separate all non-residential uses from residential uses.
B. Any uses permitted in the M-1 Light Industrial Zoning District, further including such uses as research and development facilities, industrial parks, and office parks shall occur on tracts of a minimum size of five (5) acres. In the case of minor residential streets, the minimum right-of-way may be 50 feet.

10-17A-3 Conditional Uses:

A. Those uses listed as Conditional Uses in the Residential Zoning District.
B. Those uses listed as Conditional Uses in the M-1 Light Industrial Zoning District.

10-17A-4 Approval of Development Plans. The subdivision of any real estate within the S-3 MXD District shall be in accordance with Title 11, Subdivision Regulations, of the City Code. To facilitate the development approval process a preliminary site plan may be submitted to the Planning and Zoning Commission. If Commission approval is granted on the preliminary site plan, the developer then has the assurance that the proposal is consistent with the intent of the S-3 MXD District. The following preliminary site plan information shall be required, but not limited to, such criteria as:

A. Proposed facility description, including type of use, process, or service, approximate number of employees on initial start and within five years.
B. Information on traffic generation, deliveries, employee parking, and public access to the facility.

C. Information on required utilities, utility extensions if required, and any unique requirements for material disposal or pre-treatment of sanitary sewage.
D. Approximate perimeter boundaries, acreage, and topographical features.
E. Proposed location, or alternative locations, of any structures, parking lots, outside storage and landscaping. This may be in the form of a concept layout.
F. Information on proposed public improvements necessary to serve the development. This includes the extension of public streets, sidewalks, storm and sanitary sewers, public transit shelters or any other public amenities.

The above information shall be submitted in narrative and/or graphic format to the Director of Planning and Community Development; a meeting for the purpose of taking action on the preliminary site plan shall then be conducted within the ten (10) days by the Planning and Zoning Commission. Upon approval of the preliminary site plan, the developer has the assurance that the proposal conforms to the intent of the S-3 MXD District and the proposal shall be permitted. A final site plan shall then be developed and approved in accordance with the Site Plan Review Criteria of the City Code in Title 10, Chapter 2, Section 7, as amended.

10-17A-5 Height, Area and Off-Street Parking Requirements. A minimum tract of real estate consisting of eighty (80) acres is required for designation as the S-3 MXD District. A minimum tract of five (5) acres is required for all residential development and non-residential. An open space buffer 50 feet wide, within which no structure is permitted, is required to separate all nonresidential uses from residential uses. All other dimensional requirements are associated with the respective uses listed in the Residential Districts and M-1 Light Industrial District. These respective Zoning District requirements shall be construed as minimum applicable requirements for development in the S-3 District.

Title 10 – Zoning

Chapter 18 – A-P Airport District

SECTIONS:

10-18-1 Basic Intent and Purpose
10-18-2 Definitions
10-18-3 Airspace Zones
10-18-4 Height Restrictions
10-18-5 Land Use Restrictions
10-18-6 Lighting
10-18-7 Airport Zoning Map
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10-18-1 Basic Intent and Purpose. It is hereby found that:

A. An airport hazard endangers the lives and property of users of the Muscatine Municipal Airport and property or occupants of the land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Muscatine Municipal Airport and the public investment therein.
B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Muscatine Municipal Airport.
C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, it is necessary to prevent the creation of airport hazards to regulate and restrict the use of land in the vicinity of the Muscatine Municipal Airport.
D. The prevention of airport hazards should be accomplished, to the extent legally possible, by the proper exercise of the police power.
E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire lands or property interests therein.

10-18-2 Definitions. As used in this Chapter, unless the context otherwise requires:

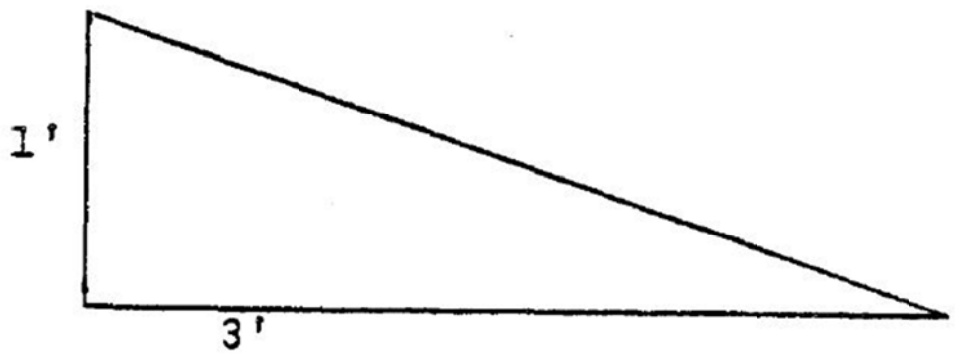
A. "Airport" means the Muscatine Municipal Airport.
B. "Airport elevation" means the established elevation of the highest point on the usable landing area, which elevation is established to be five hundred forty-seven and one-half feet (547.5') above mean sea level.
C. "Airport hazard" means any structure or object of natural growth located on or in the vicinity of the airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
D. "Decision height" means the height at which a decision must be made during an instrument landing system instrument approach to either continue the approach or to execute a missed approach procedure.

E. "Height". For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the Muscatine Municipal Airport Zoning Map, the datum shall mean sea level elevation, unless otherwise specified.
F. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment for which an instrument approach procedure has been approved or planned.
G. "Landing area" means the area of the airport used for the landing, taking off, or taxiing of aircraft.
H. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard approach procedure where no electronic glide slope is provided.
I. "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
J. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on very high frequency omni-range station airways, off-airway route, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
K. "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.
L. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a planning document having the approval of the Federal Aviation Administration (FAA).
M. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
N. "Planned". As used in this Chapter, only those proposed future airport developments that are so indicated on a planning document having the approval of the FAA and the City of Muscatine.
O. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway, but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
    1. Two hundred fifty feet (250') for utility runways having only visual approaches.
    2. Five hundred feet (500') for utility runways having nonprecision instrument approaches.
    3. For other utility runways the width is:
        a. Five hundred feet (500') for visual runways having only visual approaches.
        b. Five hundred feet (500') for nonprecision instrument runways having visibility minimums greater than three-fourths (3/4) statute mile.

The width of the primary surface of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway.

P. "Runway" means any existing or planned paved surface or turf covered area of the airport which is specifically designated, or used or planned to be used for the landing or takeoff of aircraft.
Q. "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

Example:



Slope = 3:1 (3 feet horizontal to 1 foot vertical)

R. "Tree" means any object of natural growth.
S. "Utility runway" means a runway that is constructed for an intended use by propeller five hundred (12,500) pounds maximum gross weight or less.
T. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach proc indicated on an FAA planning document submitted to the FAA by competent authority.

10-18-3 Airspace Zones. In order to carry out the provisions of this Chapter, there are hereby created and established the following airspace zones, whose locations and dimensions are described below and which are shown on the Muscatine Municipal Airport Zoning Map, consisting of two (2) sheets and dated October 16, 1975, which is made a part hereof by reference and is on file in the Office of the City Clerk. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. "Primary zone,' means all that land which lies directly under the primary surface.
B. "Horizontal zone" means all that land which lies directly under an imaginary horizontal surface one hundred fifty feet (150') above the established airport elevation, or a height of six hundred ninety-seven and one-half feet (697.5') above mean sea level, the perimeter of which is constructed by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of existing or planned runways designated as utility or visual and ten thousand feet (10,000') for all others, and connecting adjacent arcs by lines tangent to these arcs. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. The horizontal zone does not include the approach and transitional zones.

C. "Conical zone" means all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal zone at a slope of twenty to one (20 to 1) for horizontal distance of four thousand feet (4,000') as measured radially outward from the periphery of the horizontal surface. The conical zone does not include the precision instrument approach zones and transitional zones.

D. "Approach zone" means all that land which lies directly under an imaginary approach surface centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides, with the end of the primary surface. The approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1. The inner edge of the approach surface is:
    a. Two hundred fifty feet (250') wide for visual utility runways.
    b. Five hundred feet (500') wide for visual runways other than utility runways and nonprecision instrument runways.
    c. One thousand feet (1,000') for precision instrument runways.
2. The outer edge of the approach zone is:
    a. One thousand, two hundred fifty feet (1,250') for visual utility runways.
    b. One thousand, five hundred feet (1,500') for visual runways other than utility runways.
    c. Four thousand feet (4,000') for nonprecision instrument runways.
    d. Sixteen thousand feet (16,000') for precision instrument runways.
3. The approach zone extends for a horizontal distance of:
    a. Five thousand feet (5,000') at a slope of twenty to one (20 to 1) for all visual runways.
    b. Ten thousand feet (10,000') at a slope of thirtyfour to one (34 to 1) for nonprecision instrument runways.
    c. Ten thousand feet (10,000') at a slope of fifty to one (50 to 1), and then twelve thousand feet (12,000') at a slope of forty to one (40 to 1), and then restricted to five hundred feet (500') above airport elevation for twenty-eight thousand feet (28,000') for precision instrument runways.

E. "Transitional zone" means all that land which lies directly under an imaginary surface extending upward and outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven to one (7 to 1) from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline. The transitional surface for the precision approach extends upwards and outward at a slope of seven to one (7 to 1) until it intersects a plane five hundred feet (500') above the airport elevation, at which time it becomes a plane five hundred feet (500') above the airport elevation.

F. No structure shall be erected that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway.

10-18-4 <u>Height Restrictions.</u> Except as otherwise provided in this Chapter, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 10-18-3 so as to project above any of the imaginary airspace surfaces described in said Section 10-18-

3 hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

10-18-5 Land Use Restrictions.

A. Subject to all times to the height restrictions set forth in Section 10-18-4, no use shall be made of any land in any of the airspace zones defined in Section 10-18-3 which creates or causes interference with the operations of radio or electronic facilities of the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft using or intending to use the Muscatine Municipal Airport.
B. The primary zone shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permissive uses include agricultural activities, light outdoor recreation (nonspectator), and auto parking.
C. The following uses are specifically prohibited under the approach zones:
    1. Theaters, fairgrounds, and auditoriums.
    2. Gas and oil facilities.
    3. Trash dumps and incinerators.
    4. Poultry and mink farms.
D. Subject to all times to the restrictions set forth in Sections 10-18-4 and 10-18-5(A), (3) and (C), the land in the airspace zones are subject to the regulations and requirements of the zoning district in which they are situated, as shown on the District Map of the City of Muscatine, as described in Section 10-2-2 of the Zoning Ordinance.

10-18-6 Lighting.

A. Notwithstanding the provisions of Section 10-18-5, the owner of any structure over two hundred feet (200') above ground level must install on the structure lighting in accordance with FAA Advisory Circular 70-7460-ID and amendments. Additionally, any structure constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine feet (949') above ground level must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 70-7460-ID and amendments.
B. Any permit or variance may be so conditioned as to require the owner of the structure or growth in question to permit the City of Muscatine at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

10-18-7 Airport Zoning Map. The several zones herein established are shown on the Muscatine Municipal Airport Zoning Map, consisting of two (2) sheets and dated October 16, 1975, made a part hereof by reference and on file in the Office of the City Clerk, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Chapter.

10-18-8 Nonconforming Uses.

A. Regulations Not Retroactive. The regulations provided in this Chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alterations, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.
B. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the appropriate official who may be charged with the duty of determining the necessity of lighting and marking to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

10-18-9 Permits.

A. Future Uses. No material changes shall be made in the use of land and no tree or structure shall be erected, altered, planted, or otherwise established in any zone hereby created, unless a permit therefore shall have been applied for and granted by the Building and Zoning Administrator.
    1. However, a permit for a tree or structure of less than seventy-five feet (75') of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand, two hundred feet (4,200') from each end of the runway, except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height limits prescribed for the respective zone.
    2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction or growth of any structure or tree in excess of any of the height limitations established by this Chapter.
B. Existing Uses. Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except when indicated, all applications for such permit shall be granted.
C. Nonconforming Uses Abandoned or Destroyed. Whenever the Building and Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than sixty-five percent (65%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

10-18-10 Variances. Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Chapter, may apply to the Zoning Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Chapter.

A. No application for variance to the requirements of this Chapter may be considered by the Zoning Board of Adjustment, unless a copy of the application has been submitted to the Airport Manager of the Muscatine Municipal Airport for an opinion as to the aeronautical effects of such a variance.

10-18-11 Appeals. Any person aggrieved, or any taxpayer affected, by any decision by the Building and Zoning Administrator made in the administration of this Chapter may appeal to the Zoning Board of Adjustment by complying with the provisions of Section 10-22-2(c) of the Zoning Ordinance.

10-18-12 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Title 10 – Zoning

Chapter 19 – Other Use Regulations

SECTIONS:

10-19-1 Accessory Buildings
10-19-2 Signs, Canopies, and Awning Regulations
10-19-3 Fence Regulations
10-19-4 Mobile Home Regulations
10-19-5 Nonconforming Use Regulations
10-19-6 Cemetery Development Standards

10-19-1 Accessory Buildings. Accessory buildings and uses are permitted when in accordance with the following:

A. In the AG District, accessory buildings and uses are limited to:
    1. Dwellings for persons employed on the premises, including mobile homes, provided such mobile homes are occupied by persons employed on the premises or immediate members of the family and do not exceed one (1) per farm tract.
B. In the R Districts, accessory buildings and uses are limited to:
    1. A noncommercial greenhouse that does not exceed in floor area twenty-five percent (25%) of the ground floor area of the main building.
    2. In the R-1, R-2, and R-3 Districts, accessory buildings, which includes garages for the storage of non-commercial vehicles, shall not exceed one thousand, four hundred forty (1,440) square feet. This maximum square footage is determined by conforming to the setback requirements for the District Zone and by not exceeding forty percent (40%) coverage of the rear yard. The square footage of any existing accessory building or garage, whether attached or detached, is deducted from the computation derived. In the R-4, R-5, and R-6 Districts, required parking is determined by the appropriate ratio based on the required number per full baths or the required number per dwelling unit. All required parking shall be located in the side or rear yard. All required parking may be enclosed, provided appropriate setbacks are maintained.
    3. Home occupation.
    4. Raising and keeping of small animals and fowl, not on a commercial basis, not to exceed twenty-four (24) in number, with no grain fed species to exceed twenty-five (25) pounds in weight, on a site of not less than two (2) acres.
    5. Tennis court, swimming pool, garden house, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.
C. In commercial districts, there may also be:
    1. Parking lots and garages conforming with the requirements of Chapter 21 hereof.
    2. Use of not more than forty percent (40%) of the floor area of a building for incidental storage or light industrial activity.
D. There shall be the following additional regulations for accessory buildings:
    1. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.

2. No accessory building may be erected in front of a main building, unless the accessory building is attached to the main building by a common wall.

10-19-2 Signs, Canopies, and Awning Regulations. Regulations regarding signs shall be as follows:

A. General. Permit Required. It shall be unlawful for any person to erect, or cause to be erected or constructed within the City, any sign or awning without having first secured a permit therefore from the Building and Zoning Administrator. A permit fee, as designated in this Ordinance, for each sign or awning shall be charged to the applicant securing the required permit. Said fees may be subject to change from time to time by resolution of the City Council.
B. The following signs are allowed in all districts:
    1. Temporary signs not exceeding twelve (12) square feet in area advertising the sale or lease of real estate when located upon the property to which the sign refers. Said signs shall be removed upon sale or lease of the property.
    2. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained, subject to the provisions of this Section, provided such signs do not exceed thirty two (32) square feet in area or remain longer than six (6) months. “For Rent” and “For Lease” signs in commercial and industrial districts for new buildings shall not exceed forty eight (48) square feet or remain for more than ninety (90) days after the building is completed.
    3. Churches, and other permitted uses in single family residential zoning districts, shall be permitted to erect one bulletin board sign in addition to other signage permitted in this chapter. The bulletin board sign may be illuminated changeable letter or LED message center not to exceed eighteen (18) square feet in area, be turned off between the hours of 11 p.m. and 7 a.m. and shall be set back from all property lines a minimum of twenty-five (25) feet, or the same distance as the principal structure; whichever is less. Electronic message centers (EMC) permitted by this section shall be restricted to red or amber alpha numeric displays on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
    4. Traffic and public signs.
C. In the R-5, R-6, and S-2 Districts, there may be one (1) wall sign related to the name or use of each occupant, and not more than one (1) electronic message center, per parcel, set back from the front property line the distance at least equal to the square footage of the EMC, but in no case shall the EMC exceed twenty-five (25) square feet in area. EMC’s permitted in this section shall be restricted to red or amber alpha numeric display on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
D. In the C-1, C-3, M-1, and S-1 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, electronic message centers, and awning signs when displaying no advertising matter, except pertaining to the business conducted in the building on the premises on which such sign is placed. Exception: The use of signs to promote not-for-profit communitywide events or activities. The total square foot area of all signs attached or affixed to any building or wall shall not exceed one-fifth (1/5) of the total square foot area of the face of the building on which they are placed, but in no event shall the maximum square foot area of all such signs exceed two hundred forty (240) square feet.

    Signs in the S-3 Mixed-Use Development (MXD) District shall be permitted through the process of Site Plan Review approval. The existing Sign Code Regulations

contained herein for the respective uses in the residential, commercial, and light industrial zoning districts shall be construed as the guide in reviewing proposed signs in the Site Plan Review process. Resolution of sign size or location conflicts in the S-3 Mixed Use Development (MXD) District may be appealed to the Zoning Board of Adjustment and the Planning and Zoning Commission.

In the C-2 District, Electronic Message Center (EMC) signs shall not exceed twenty-five (25) square feet in area and shall be restricted to alpha numeric displays on a dark background. Message changes shall not occur more frequently than once every four (4) seconds.

E. In a Large Scale Retail Development, the following sign regulations apply:
    1. The total surface area in square feet of all signs on a building shall not be more than three (3) times the number of lineal feet in the length of the longest elevation of the building, measured from exterior face of building wall to exterior face of building wall directly across the plane of the building elevation, not including building setbacks, nor protrusions, nor canopies, nor the like appurtenances of the building.

        Signs may be erected on each wall of the building and shall not exceed one-fifth (1/5) of the total square foot area of the face of the building on which they are placed, but in no event shall the total square footage of all such signs on a building exceed the total sign surface area as defined above.
    2. All signs shall be affixed on the building walls and/or canopies and shall not extend outward therefrom more than twelve (12) inches or project higher than thirty-five (35) feet above curb level or five (5) feet above building height, whichever is lower.
    3. One (1) pylon sign for each public road frontage adjacent to the property; each of which may identify the name of the Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), may be erected in addition to the signs affixed to the building walls as permitted in 10-19-2(D.1)a above. Such signs shall: have a total surface area of not more than five hundred (500) square feet on each side; not project higher than thirty-five (35) feet above grade at the sign; may be erected so that the sign begins directly at grade level; but may not be located within ten (10) feet of property lines. Should the sign height be three (3) feet or less in height measured from the ground elevation at the base of sign, no setback from property line is required.
    4. Post Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)4 with the exception of the quantity of Post Signs, which shall be proposed by the property owner and subject to the approval of the Site Plan Review Committee.
    5. Ground Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)1 with the exception that not more than one (1) ground sign is allowed per street frontage as otherwise permitted in the sign ordinance. Additional ground signs may be allowed at public access points into Large Scale Retail Developments but shall be limited to not more than ten (10) feet in height and subject to the approval of the Site Plan Review Committee.

F. In the C-2 and M-2 Districts, there may be any sign allowed in subsection (D) and ground signs; provided that no ground sign shall exceed four hundred (400) square feet in area; not more than one (1) ground sign shall be erected on any one (1) lot or tract of land, or one (1) sign for each four hundred feet (400') apart on such lot or

tract of land; and no ground sign, when erected on a lot fronting on intersecting streets, shall be erected within fifty feet (50') of the intersection of the streets.

G. The following additional sign regulations shall be observed:
    1. Ground Signs. No ground sign shall be at any point over twenty-five feet (25') above the ground level. The ground sign shall be stoutly constructed in a secure and substantial manner and shall be at least ten feet (10') distant from any lot line.
    2. Wall Signs: No wall sign shall extend beyond the building more than twelve inches (12"). No wall signs shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.
    3. Projecting Signs. Projecting signs may extend from the building into the front yard, provided that if the projecting sign is within ten feet (10') of any property line at its closest point, a minimum of ten feet (10') of vertical clearance must be maintained from ground level to the lowest edge of the sign.
    4. Post Signs. The maximum square foot area for each face of a post sign shall not exceed two (2) square feet for each lineal foot of the longest dimension of that lot; however, the maximum square foot area for each face of a post sign shall not exceed two hundred forty (240) square feet. No post sign shall exceed thirty-five (35) feet in height. There shall be not more than one (1) post sign per lot. Post signs shall be wholly maintained within private property lines. Post signs constructed within ten feet (10') of any property line must maintain at least ten feet (10') of vertical clearance from the ground or pavement to the lowest edge of the sign. No post sign may be extended downward nearer than five feet (5') to the ground or pavement.
    5. Marquee Signs. Marquees may extend eight feet (8') into a front yard. Marquees shall be not less than ten feet (10') above the ground at its lowest level. A sign may be placed on a marquee, provided such sign does not extend more than three feet (3') above nor one foot (1') below such marquee.
    6. Conditional and Nonresidential Permissive Uses may have signs as allowed by the Zoning Board of Adjustment.
    7. Signs not Visible from a Public Street. Existing signs, as of July 1, 1981, not visible from a public street, which are located on public property or private property, may remain if maintained in a reasonable manner.
    8. Paper Posters, Portable Signs, and Certain Signs or Devices Prohibited. Portable signs or paper posters applied directly to the wall, building, pole, or other support and letters or pictures in the form of advertising, printed or applied directly on the wall of a building, are prohibited.

       Temporary signs may be displayed in or attached to the inside of show or display windows, provided the total sign area does not exceed twenty percent (20%) of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting time and temperature devices. However, temporary signs promoting yard sales, political campaigns, referendums, public notices, and similar purposes shall be permitted, provided such signs shall be removed within three (3) days after the date the event, sale, election, etc., occurs.
    9. History Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be

made without conformance to all the requirements of this Ordinance when authorized by the Zoning Board of Adjustment provided:

a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
b. All unsafe conditions are corrected.

10. In the Agricultural District (AG), farm produce signs are permitted accordingly:
    a. Permanent Sign. One on-premises sign not to exceed 32 square feet is allowed. Special exceptions may be approved by the Zoning Board of Adjustment for approval of any permanent monuments, insignia, device, symbol, or object regardless of the nature of the material thereof and manner of composition or construction.
    b. Temporary Signs. Permits for farm-related produce operations in the Agricultural District (AG) shall be for temporary signs not exceeding the period of June 1st through November 10th, at which time they shall be removed. Permits shall be renewed annually. A permit for a temporary sign shall include all such temporary signs on the premises.
11. Large Scale Development Guidelines. For those developments exceeding the Sign Code provisions of 10-19-2(F)4 which permits a maximum size sign of 240 square feet with 120 linear feet of frontage along a public street, the following guideline applies. To exceed the 240 square foot maximum with 120 feet of street frontage, an additional 1 square foot of sign is permitted for every two linear feet of public street frontage. However, no single sign exceeding 600 square feet in size is permitted.
12. Community Sponsored Events. That is, signs that denote public, civic, or educational activities or events shall require City Council approval for any signs located in the public right-of-way under the terms and conditions as the City Council may require. Approved sign permits shall remain effective only for the duration granted by City Council and shall then be removed by the sponsor.
13. Grand Openings and Special Events. Banners, pennants, propellers, valances, balloons, sandwich boards, and similar advertising display shall require a sign permit for a period not to exceed 14 days. Under appropriate circumstances, the 14 day period permit may be renewed once by the Building and Zoning Administrator. Appeals may be made to the Zoning Board of Adjustment. These displays shall not interfere with traffic or pedestrian safety when erected.

H. Signs, Canopies, and Awnings Constructed on or Over Public Right-of-Way. General. Signs, canopies, and awnings constructed on or over public right-of-ways are prohibited, except as otherwise allowed herein.

1. Face mounted signs not exceeding twenty percent (20) of the face of the building on which they are attached and not exceeding more than twelve inches (12”) from the building.
2. Signs constructed below a canopy or awning, provided the sign does not extend further than the outer edge of the canopy, the sign does not exceed eighteen inches (18”) in height, and a vertical clearance of seven feet (7’) is maintained from the lowest point of the sign to the ground or pavement.
3. Canopies and Awnings. All canopies and awnings shall be constructed on private property only and cantilevered over public right-of-ways. They shall be of stoutly constructed materials capable of withstanding imposed loads and shall provide a minimum of seven feet (7’) of vertical clearance from the bottom edge of the canopy or awning to grade.

4. Historic Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be made without conformance to all the requirements of this Ordinance when authorized by the City Council following a review and recommendation of the Zoning Board of Adjustment provided:
    a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
    b. All unsafe conditions are corrected.
5. Overhanging signs, canopies, and awnings which overhang public right-of-ways as of September 16, 1981, and which otherwise conform to all applicable provisions of this Ordinance may continue to be maintained, provided the owner(s) of said signs, awnings, or canopies shall agree in writing to indemnify the City of Muscatine from any and all claims or suits for damages caused by the signs, awnings, or canopies on forms provided by the City. Further, the owner(s) shall provide the City of Muscatine with proof of public liability insurance in the amount of one hundred thousand dollars ($100,000).
6. Signs, awnings, or canopies referenced in Title 10, Chapter 19, Section 2(G)5 shall be brought into compliance with all provisions of this ordinance when they are changed, altered or replaced.
7. Proposals for any new sign, canopy, or awning which will overhang public right-of-ways shall be reviewed by the Zoning Board of Adjustment with a recommendation forwarded to the City Council for their approval or denial.

I. Nonconforming Uses. All legal nonconforming uses at the effective date of the passage of this Ordinance are entitled to maintain sign(s) until said sign(s) are changed, altered, or replaced at which time they shall be brought into conformance with all regulations set out herein.

J. Violation. Any person who violates any of the provisions contained herein shall be guilty of a misdemeanor and each day of the violation may be considered a separate and distinct offense.

10-19-3 <u>Fence Regulations.</u> Regulations regarding fences shall be as follows:

A. No sign, fence, wall, shrub, or other obstruction to vision exceeding three feet (3') in height above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty feet (30') distant from the intersection of the street lines.

B. All newly constructed outdoor swimming pools shall be enclosed by a six (6) foot fence. Such fencing shall be of a material sufficient to prevent infant children from crawling through.

C. Fences not exceeding six feet (6') in height may be located on any part of a lot except the area beyond the front of the dwelling or twenty-five feet (25') from the property line, whichever is less. Any fence located beyond the front of a dwelling or twenty-five feet (25'(from the front property line, whichever applies, shall not exceed three feet (3') in height or may be six feet (6') in height with the provision that it shall be of an open type (at least 75% open) chain link or woven material that does not create a safety hazard for pedestrians or vehicular traffic.

10-19-4 <u>Mobile Home Regulations.</u> Regulations regarding mobile homes shall be as follows:

A. All inhabited mobile homes shall be located in a mobile home court which has received a conditional use permit and which conforms with the requirements of the following paragraph. No mobile home outside of an approved mobile home court shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.
B. Mobile home courts shall meet the following minimum standards:
    1. Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than four thousand (4,000) square feet and a width of not less than forty-five feet (45'), and no court shall be permitted an average density of mobile home lots of more than nine (9) per acre, and each mobile home court shall provide an area of not less than ten (10) acres. Each lot shall have provisions for at least 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.
    2. All mobile home courts shall provide lots sufficient in size that no mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent court boundary.
    3. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent buildings.
    4. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty feet (20') in width, which shall have unobstructed access to a public highway, street, or alley.
    5. The mobile home court shall be surrounded by a landscaped strip of open space fifty feet (50') wide along the street frontage of a major street and twenty-five feet (25') wide along all other lot lines or street frontage.

10-19-5 <u>Nonconforming Use Regulations.</u>

A. Nonconforming Use of Buildings. The lawful use of a building existing at the effective date of this Ordinance may be continued, although such does not conform to the provisions hereof, provided no structural alterations are made. A nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
B. New Structures. No new structures shall be erected nor shall any additional area of land be utilized other than that which is lawfully occupied and used at the time this Ordinance takes effect.
C. Abandonment. A nonconforming building, structure, or use shall be deemed abandoned if the building, structure, or use is discontinued for a period of one (1) year. Said building, structure, or property shall not thereafter be returned to such nonconforming use and shall be used only in conformity to and with these regulations. A nonconforming use shall be considered abandoned:
    1. When the intent of the owner to discontinue the use is apparent; or
    2. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year; or
    3. When a nonconforming use is replaced by a conforming use; or
    4. When a nonconforming use has been changed to another use under proper permit from the Board of Adjustment.
D. Rebuilding or Restoration. If a nonconforming building or use is damaged by fire, explosion, or other catastrophe to such an extent that the cost of restoration would

be less than fifty percent (50%) of the assessed value of the building at the time of the catastrophe, such building or use may be rebuilt or restored and used again as previously. Such rebuilding or restoration shall be completed within twelve (12) months after such catastrophe, and the building as restored shall not be greater in volume or floor space than the original nonconforming structure. If destroyed to such an extent that the cost of restoration would exceed fifty percent (50) of said value, such building or use shall not be restored and may be replaced only by a conforming building and use.

E. Discontinuance. If a nonconforming building, structure, or use is abandoned for one (1) year after the adoption of this Ordinance, it shall not return to its nonconforming state, but must be brought into conformity with the regulations of the district in which it is located.
F. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or more conforming classification and such use thereafter shall not be changed to a less conforming classification.
G. Alterations to Nonconforming Uses. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit a nonconforming use to be changed to another nonconforming use, provided such changed use is more in conformity with the spirit and intent of this Ordinance than the prior use and is not more injurious, obnoxious, or offensive to the neighborhood. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit an expansion of a nonconforming use if such expansion would not be injurious, obnoxious, or offensive to the neighborhood and would not constitute an expansion of more than fifty percent (50%) of the previous gross floor area.
H. Existence of a Nonconforming Use. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.
I. Intermittent Use. The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

10-19-6 <u>Cemetery Development Standards.</u>

<u>New Cemeteries:</u>

A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
B. An initial site plan shall be submitted for review and approval by the Planning and Zoning Commission and City Council prior to any site development. The Site Plan Review Process as adopted and amended shall be construed as the guide in developing a site plan for review. Any alteration or modification of the initially approved site plan shall require resubmission under the Site Plan Review Process.
C. No mausoleum or columbarium shall be located within 300 feet of any cemetery property line or public street.
D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Code and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.

E. A sign is permitted indicating the name of the cemetery, it shall not exceed twenty-five (25) square feet. Any other sign for incidental and accessory uses shall be face mounted on a building or structure and in total shall not exceed twenty-five (25) square feet. Internal signs not visible from the property line directing cemetery traffic, posting of cemetery rules, and designating areas within a cemetery are permitted.
F. No above ground monument or structure shall be placed within 50 feet of any property line or public streets.
G. Outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75) opaque. This includes, but is not limited to, trash bins and vaults or headstones for sale or future use.
H. No burial plots or facilities are permitted on areas designated as flood plain by the City's Federal Flood Insurance Rate Maps.
I. Assurances must be provided that water supplies of surrounding properties will not be adversely affected by cemetery operations.

<u>Existing Cemeteries</u> (as of the adoption of this amendment December 4, 1986):

A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
B. A site plan shall be submitted for review and approval prior to obtaining a permit for the erection of any building or structure in accordance with the site plan review process as adopted and amended. Any alteration or modification of an approved site plan shall require resubmission under the site plan review process.
C. No mausoleum or columbarium shall be located within 200 feet of any cemetery property line or public street.
D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Codes and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.
E. All existing signs shall continue to be permitted. In the event any existing sign visible from adjacent property or public street is to be changed or replaced, it shall comply with all other local regulations as well as the provisions of 10-19-6 (New Cemeteries) (E) above.
F. Subsurface grave site interments in development areas may continue in accordance with the pattern established by existing burials. Undeveloped areas abutting adjacent residential lots are subject to a setback provision of 25 feet from said property line. The use of the first 25 feet of undeveloped areas adjacent to public streets shall be restricted to flush mounted subsurface gravesite interments only
G. Proposed outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75%) opaque. This includes but is not limited to, trash bins, and vaults or headstones for sale or future use.
H. Subject to applicable property line and public street setback requirements as set out in 10-19-6II.C, a crematory shall be a permissive use within Memorial Park Cemetery.

Title 10 – Zoning
Chapter 20 – Additional Height,
Yard and Density Regulations

SECTIONS:
10-20-1 Exceptions to Height Limits
10-20-2 Additional Yard Requirements
10-20-3 Exceptions to Yard Requirements
10-20-4 Exceptions to Lot Area and Width Requirements

10-20-1 Exceptions to Height Limits. Height limits may be exceeded in the following instances:

A. Public, semi-public, or public service buildings, hospitals, institutions, agricultural buildings, or schools when permitted in a district may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75'), if the building is set back from each yard line at least one foot (1') for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.
B. Television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, stacks, conveyors, and flag poles may be erected to such height as may be authorized by the City Council.

10-20-2 Additional Yard Requirements. The following additional yard requirements must also be observed:

A. Whenever a lot abuts upon a public alley, one-half (1/2) of the alley width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two (2) family dwelling or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
B. Where the R-3, R-4, R-5, and R-6 Districts abut the R-1 or R-2 District, a minimum side yard shall be ten feet (10').
C. On a lot fronting on two (2) nonintersecting streets, a front yard must be provided on both streets.
D. On corner lots, there must be a front yard on both streets. On corner lots that are lots of record, the buildable width cannot be reduced to less than twenty-eight feet (28'), except that there shall be a yard along the side street of such a lot of at least five feet (5').
E. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
F. In the C-1, M-1, and S-1 Districts, there may be more than one (1) building on a lot, provided that:
    1. The lot is under, and will be retained under, single ownership, whether a private individual or corporation.
    2. A site plan is provided to the Planning and Zoning Commission for approval prior to obtaining a building permit.
    3. All separate buildings and uses are interrelated and part of a cohesive development plan.
    4. The applicable street and utility standards apply.

G. There may be two (2) or more related multi-family, hotel, motel, or institutional buildings on a lot; provided that (a) the required yards be maintained around the group of buildings, and (b) buildings that are parallel or that are within forty-five degrees (450) of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
H. No part of an existing building that violates yard regulations when damaged by any cause whatsoever to the extent of more than sixty-five percent (65%) of the fair market value of the building immediately prior to damage shall be restored, except in conformity with the yard regulations of this Ordinance.
I. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of front or side yard shall be measured from such official line to the nearest line of the building.
J. The minimum width of side yards for schools, libraries, places of worship, community buildings, and other public and semipublic buildings in residential districts shall be twentyfive feet (25'), except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.

10-20-3 Exceptions to Yard Requirements. The following exceptions may be made to the yard requirements:

A. Where, on the effective date of this Ordinance, forty percent (40%) or more of a frontage was occupied by two (2) or more buildings, then the front yard is established in the following manner:
    1. Where the building furthermost from the street provides a front yard not more than ten feet (10') deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
    2. Where subsection 1 is not the case and a lot is within one hundred feet (100') of a building on each side, then the front yard is a line drawn from the closest front corners of these two (2) adjacent buildings.
    3. Where neither subsections 1 nor 2 is the case, and the lot is within one hundred feet (100') of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
B. Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four inches (24").
C. Filling station pumps and pump islands may occupy required yards, provided, however, that they are not less than fifteen feet (15') from all lot lines.
D. Signs in accordance with Section 10-19-2.
E. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than five feet (5'), when so placed as to not obstruct light and ventilation.
F. Open, unenclosed, or screened porches (not glassed in) may extend ten feet (10') into a front yard.
G. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections be distant at least two feet (2') from the adjacent side lot line.
H. No side yards are required where dwellings are erected above commercial and industrial structures, except such side yard as may be required for a commercial or industrial building on the side of a lot adjoining a residential district.

I. Accessory buildings and uses may be located in a rear yard, but may not occupy more than forty percent (40%) of a rear yard.
J. Any accessory building or use closer than ten feet (10') to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
K. An accessory building or use more than ten feet (10') to a main building may be erected within four feet (4') of a side or rear lot line, but must be located at least sixty feet (60') from the front lot line when entry is from an alley or street at the rear, and four feet (4') behind the front building line of the main building when entry is from the street at the front.
L. Where a garage door is parallel to the alley and is entered from an alley, it must be setback ten feet (10') from the alley line.
M. On corner lots, the minimum buildable width of twenty-eight feet (28') for main buildings is reduced to twenty-two feet (22') for accessory buildings.
N. Satellite receiving dishes shall be erected and maintained behind the building line in residential districts and shall be located not nearer than four feet (4') to any side or rear lot line.

10-20-4 Exceptions to Lot Area and Width Requirements. The minimum lot area and lot width requirements established above may be modified as follows:

A. Where a lot of record at the time of the effective date of this Ordinance has less area or frontage than herein required in the district in which it is located, said lot may nevertheless be used for any use permitted in the district in which it is located.
B. The number of permitted dwelling units for multiple dwellings may be increased in the following instances:
    1. By five percent (5%) if a landscaped buffer area not used for off-street parking, with a minimum depth of ten feet (10') or a masonry wall six feet (6') in height is provided on all lot lines that are also district boundaries with a less restricted zoning district.
    2. By ten percent (10%) if the project provides at least two (2) off-street parking spaces for each dwelling unit.
    3. By five percent (5%) if all of the required parking spaces are enclosed or in an underground structure.
    4. By ten percent (10%) if the project includes a club, tennis court, swimming pool, or other major recreation facility occupying at least two-tenths (0.2) of a square foot of land area for each square foot of floor area in the buildings.
    5. By five percent (5%) if the buildings proposed in the project meet the requirements of the Department of Defense, Office of Civil Defense, and can be officially designated as Fallout Shelters having a capacity equal to or greater than the number of residents allowed in the project.

The above percentages are to be applied individually and not cumulatively.

C. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to existing yard requirements for that district.
D. Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes, or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

Title 10 – Zoning
Chapter 21 – Additional Off-Street
Parking and Loading Regulations

SECTIONS:
10-21-1 Rules for Computing
10-21-2 Location of Required Parking Spaces
10-21-3 Standards for Parking Lots and Garages
10-21-4 Operation of Parking Lots and Garages
10-21-5 Off-Street Loading Requirements
10-21-6 Exceptions

10-21-1 Rules for Computing. In computing the number of required off-street parking spaces, the following rules shall apply:

A. Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.
B. Where fractional spaces result, the parking spaces required Shall be the nearest whole number.
C. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
D. Whenever an existing building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking spaces shall be provided on the basis of the enlargement of change.

10-21-2 Location of Required Parking Spaces. All parking spaces required herein shall be located as follows:

A. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served and located behind the front building line. The parking spaces required for any other building or use may be located on an area within three hundred feet (300') of said building and two (2) or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this Ordinance.
B. No required parking spaces may be located in a front yard in any R Residential District.

10-21-3 Standards for Parking Lots and Garages. Parking lots and garages shall conform with the following improvement and maintenance standards:

A. Such lot shall be surfaced with asphalt or concrete for allweather parking.
B. Adequate provision shall be made for the disposal of storm water so that water will not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
C. A structurally sound wall or other abutment approved by the City Engineer to insure safety shall be installed around each side of the parking lot wherever necessary to prevent the washing of soil to and from adjoining property, and a wall or screen of

such height and character as are necessary for adequate screening of the parking lot from adjacent property shall also be provided to meet requirements of the City Engineer.

D. The location and width of entrances and exits to and from the lot or garage shall be as determined by the City Engineer, but there shall not be more than one (1) entrance and one (1) exit, or one (1) combined entrance or exit, along any one (1) street, unless the same is deemed necessary by the Council for the alleviation of traffic congestion and interference of traffic movement along such street.
E. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing, where required by the City Engineer.
F. Wherever the parking lots or garages are to be used during darkness, a system of flood lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All flood lights shall be shielded so that minimum glare will extend to adjacent property and shall meet the requirements of the City Engineer.
G. A sign, the size and character of which shall be approved by the City Engineer, shall be installed showing the ownership of the lot or garage and the permitted use thereof. If the lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the sign.
H. Landscape planting shall be installed on all parking lots and on or adjacent to all garages. Such planting shall consist of at least one (1) standard tree of three inch (3") diameter or more for each ten (10) parking spaces in the lot or garage.
I. A temporary shelter for the use of parking lot attendants may be maintained on the lot, provided the location, construction, and design of the same shall first be approved by the City Engineer.
J. The parking lot or garage shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees, and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes and the City Engineer shall have the authority to prohibit the use of the area for parking purposes, unless and until proper maintenance, repair, or rehabilitation is completed.

10-21-4 Operation of Parking Lots and Garages. Any person operating a parking lot or garage shall either:

A. File with the City a bond in such form as may be prescribed by the City Attorney and in such amount as required by the Council, which shall be surety for any judgment for damages rendered against the operator of the parking lot resulting to person or property when incurred while using the parking lot; or
B. Carry public liability insurance in such amount as may be required by the Council.

10-21-5 Off-Street Loading Requirements. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the following requirements:

A. Office buildings, apartments, apartment hotels, motels, and hotels: One (1) space for each five thousand (5,000) to fifty thousand (50,000) square feet of gross floor area; two (2) spaces for each fifty thousand (50,000) to two hundred thousand (200,000) square feet of gross floor area; one (1) additional space for each seventy-five thousand 75,000 square feet of gross floor area above two hundred thousand (200,000) square feet.
B. Retail or service establishment or wholesale commercial use: One (1) space for each two thousand (2,000) to twenty thousand (20,000) square feet of gross floor area; two (2) spaces for each twenty thousand (20,000) to one hundred thousand (100,000) square feet of gross floor area; one (1) additional space for each seventy-five thousand (75,000) square feet of gross floor area above one hundred thousand (100,000) square feet.
C. Manufacturing or industrial use: One (1) dock per ten thousand (10,000) square feet; two (2) docks per twenty thousand (20,000) square feet; and three (3) docks per thirty thousand (30,000) square feet of floor space. For any structure of greater size, an applicant may present, upon his application for a building permit, justification for deviating from this ratio to the Building Official, who may at his or her discretion allow a reduced ration of loading docks.
D. In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than fifty feet (50') shall be provided on the lot on which the industry is located.
E. All off-street loading spaces shall be paved and shall be screened from any front yard area, either by the building existing on the lot or by a planting screen or fence.

10-21-6 Exceptions. All nonresidential uses within the C-2 Central Commercial District shall be exempt from off-street parking and loading requirements.

Title 10 – Zoning
Chapter 22 – Administration

SECTION:
10-22-1 Conditional Uses
10-22-2 Board of Adjustment
10-22-3 Enforcement of Ordinance
10-22-4 Permits
10-22-5 Boundaries of Districts
10-22-6 Interpretations
10-22-7 Amendments of Ordinance

10-22-1 Conditional Uses. Application for conditional permits for uses specifically authorized for consideration in the district use regulations shall be filed with the Building and Zoning Administrator, together with the appropriate application fee, and upon such filing, the Building and Zoning Administrator shall immediately refer the application to the Board of Adjustment for hearing after publication of a public notice as provided by law.

Before authorizing the issuance of such a conditional use permit, the Board of Adjustment may impose such conditions as will, in the Board's judgment, ensure that:

A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public's health, safety, morals, comfort, or general welfare.
B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
C. The conditional use will not substantially diminish and impair property values within the neighborhood.
D. The conditional use will be compatible with and will not impede adjoining development and the proposed character of the zoned district where it is to be located.
E. Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
F. Adequate off-street parking and loading are provided and ingress and egress are so designed as to minimize traffic congestion in the public street.
G. The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and all other applicable regulations provided in the Zoning Ordinance.
H. The Zoning Board of Adjustment shall find that there is a public benefit for the conditional use.

10-22-2 Board of Adjustment.

A. A Board of Zoning Adjustment consisting of five (5) members, all of whom shall be residents and all of whom shall be persons with knowledge of construction, architecture, fine arts, engineering, landscape architecture, or law shall be appointed by the Council. The terms of all members shall be five (5) years and not more than two (2) members of the Board shall be members of the Planning and Zoning Commission. Each member shall serve until his or her successor is appointed. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause by the Council upon written charges having been filed with the

Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Council and shall be for the unexpired term.

B. The Board shall organize and adopt rules in accordance with the provisions of this Ordinance and with the Iowa Statutes. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his or her absence, the acting chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. All business of the Board shall be transacted at such meetings. The Building and Zoning Administrator shall keep minutes of its proceedings showing the vote of each item in question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Building and Zoning Administrator and shall be a public record.

C. Appeals to the Board may be taken by any person aggrieved. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, given seven (7) days' notice to the parties in interest by publication of notice of hearing, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. The appropriate fee as established by resolution in Section 5-15-2 of this Code shall be paid to the Building and Zoning Administrator at the time the notice of appeal is filed, which the Building and Zoning Administrator shall forthwith pay over to the Clerk to the credit of the General Revenue Fund.

D. The powers of the Board are:
    1. To interpret the Ordinance, being:
        a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building and Zoning Administrator in the enforcement of this ordinance.
        b. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Ordinance.
        c. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Ordinance where the street layout on the ground varies from the street layout as shown on the map aforesaid.
    2. To permit the following three (3) exceptions:
        a. Use of premises for public utility.
        b. Reconstruction of a nonconforming building that would otherwise be prohibited by Section 10-18-5 where such action would not constitute continuation of a monopoly.
        c. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but

only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

3. To permit the following two (2) variations:
    a. Vary the yard regulations where there is an exceptional, unique, or unusual physical condition of a lot, and which condition, when related to the yard regulations of this Ordinance, would prevent a reasonable or sensible arrangement of buildings on the lot.
    b. Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance, but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.
4. Exceptions. Interpretations, exceptions, and variations involving the Flood Plain or Flood Channel Districts shall be referred to the Iowa Natural Resources Council.
5. To allow conditional uses pursuant to the provisions of Section 10-22-1 of the City Code.

10-22-3 <u>Enforcement of Ordinance.</u>

A. Building and Zoning Administrator:
    1. Duties. It shall be the duty of the Building and Zoning Administrator to enforce this Ordinance. He or she shall receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates. He or she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with. He or she shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, except as may be otherwise provided for. He or she shall, when requested by the City Administrator, or when the interests of the Municipality so require, make investigations in connection with matters referred to in this Ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he or she shall issue such notices or orders as may be necessary.
    2. Records. The Building and Zoning Administrator shall keep careful and comprehensive records of minutes, of applications or permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He or she shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the Office of the Building and Zoning Administrator.
    3. Cooperation of Other Officials. The Building and Zoning Administrator may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Attorney in prosecuting violations, and of other officials.

10-22-4 Permits.

A. When Required. It shall not be lawful to construct, alter, repair, remove, or demolish or to commence the construction, alteration, removal, or demolition of a building or structure, without first filing with the Building and Zoning Administrator an application in writing and obtaining a formal permit.
B. Form. An application for a permit shall be submitted in such form as the Building and Zoning Administrator may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building and Zoning Administrator for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Council may determine from time to time.
C. Plans. Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations, and structural details as the Building and Zoning Administrator may require.
D. Plat Diagram. There shall also be filed one (1) copy of a plat diagram in a form and size suitable for filing permanently with the permit record, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.
E. Amendments. Nothing in this Section shall prohibit the filing of amendments to an application or to a plan or other record accompanying the same at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
F. Completion of Existing Buildings. Nothing contained in this Ordinance shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Ordinance; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Ordinance.
G. Action on Application. It shall be the duty of the Building and Zoning Administrator to examine applications for permits within a reasonable time after filing. If, after examination, he or she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he or she shall approve such application and issue a permit for the proposed work as soon as practicable. If his or her examination reveals otherwise, he or she will reject such application noting his or her finding in a report to be attached to the application and delivering a copy to the applicant.
H. Approval in Part. Nothing in this Section shall be construed to prevent the Building and Zoning Administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed

statements have been presented for the same and have been found to comply with this Ordinance.

I. Condition of the Permit. All work performed under a permit issued by the Building and Zoning Administrator shall conform to the approved application and plans and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

J. Signature to Permit. Every permit issued by the Building and Zoning Administrator under the provisions of this Ordinance shall have his or her signature affixed thereto; but this shall not prevent him or her from authorizing a subordinate to affix such signature.

K. Limitation. A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.

L. Posting of Permit. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same. The Building and Zoning Administrator may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Building and Zoning Administrator shall be given at least twelve (12) hours' notice of the starting of work under a permit.

M. Revocation. The Building and Zoning Administrator may revoke a permit or approval issued under the provisions of this Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

N. Certificate of Occupancy for a Building. No building shall be occupied before a Certificate of Occupancy has been issued. A Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said Certificate shall be issued with three (3) days after the request for the same shall have been made in writing to the Building and Zoning Administrator after the erection or alteration of such building or part thereof shall have been completed, and in the case of new subdivisions, when all public improvements, including sewers, streets, and utilities, have been accepted in accordance with the provisions of this City Code. Pending the issuance of a regular Certificate, a temporary Certificate of Occupancy may be issued by the Building and Zoning Administrator for a period not exceeding one (1) year during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this Ordinance, and such temporary Certificate shall not be issued, except under such restrictions and provisions as will adequately insure the safety of the occupants.

The process of issuing this Certificate of Occupancy shall be considered the minimum enforcement requirement for the protection of the public health, safety, and welfare of the residents of the City of Muscatine. However, if in the case of a new subdivision, all public improvements are not acceptable prior to request for a regular Certificate of Occupancy, the subdivider or his agent may request a waiver from the City Council of this provision. The developer or his agent must clearly demonstrate that due to peculiar conditions pertaining to his subdivision, the literal enforcement of one or more steps of this process is impractical or will exact undue hardship. The

City Council may waive the requirement for completion of the public improvements prior to issuance of a regular Certificate of Occupancy for a reasonable period of time until the deficiency is corrected by the subdivider or his agent. In allowing a waiver due to a specific situation, the City Council shall not release the performance bond and also shall notify the bonding company of the deficiency and a reasonable period of time for correction to the satisfaction of the City Council. (Any action taken by the City Council under the terms of this process shall give primary consideration to the welfare of the entire community.)

O. Content of Certificate of Occupancy. A Certificate of Occupancy shall state that the building or proposed use of the building complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Office of the Building and Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. (Note Subdivision Regulations, Title 11.)
P. Building Permit. No permit for construction of any building shall be issued before application has been made for a Certificate of Occupancy.

10-22-5 Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this Ordinance, the following rules apply:

A. The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts, unless the boundaries are otherwise indicated on the Map.
C. In unsubdivided property, the district boundary lines on the Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the Map.

10-22-6 Interpretations. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

10-22-7 Amendments of Ordinance.

A. The Council may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law and after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established. In case the Commission disapproves the proposed change or in case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof or directly opposite thereto extending the depth of one (1) lot or not to exceed two hundred feet (200') therefrom or two

hundred feet (200') from the street frontage of opposite lots, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all members of the Council. If no report is received from the Commission in sixty (60) days, it may be assumed that said Commission has approved the amendment.

B. Before any action shall be taken as provided by this Section, the party or parties proposing or recommending a change in the district boundaries or district regulations shall file with the Planning Administrator a petition or application accompanied by the appropriate filing fee as established by resolution in Section 5-15-2 of this Code to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

C. Change in Flood Plan or Flood Channel District boundaries shall be referred to the Iowa Resources Council.

Title 10 – Zoning

Chapter 23 – Definitions

SECTION:
10-23-1 Definitions

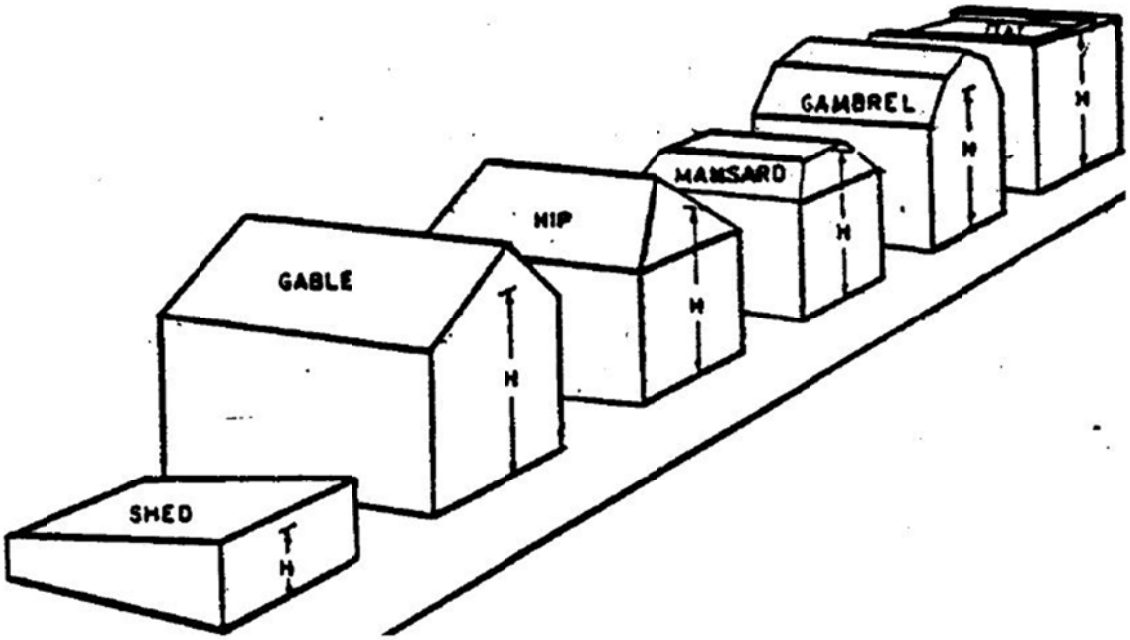
10-23-1 Definitions. For the purpose of this Ordinance, certain terms are hereby defined:

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word 'building" shall include the words "structure" and "premises"; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, associations, organization, partnership, trust, company, or corporation, as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

Accessory Building:	A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
Accessory Use:	A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
Agricultural Activity:	Agricultural activity, including forests and forest products; harvest and management; dairy farming; livestock grazing and pasturage; truck gardening, the raising of crops, fruit, and nursery stock; fish farms; animal kennels and fur bearing animal farms; the harvesting, processing, packaging, packing, shipping, and selling of products produced on the premises, and incidental farm occupations and uses such as machinery, farm equipment, and domestic repair and construction; excluding commercial feed lots.
Alley:	A public or private thoroughfare which affords only a secondary means of access to abutting property.
Ambient Noise:	The all-encompassing noise associated with a given environment for a specified period of time, usually being a composite of sounds from many sources, near and far.
Amortization:	The established process of eliminating nonconforming uses over a period of time.
Apartment:	See Dwelling Unit.
Assembling:	Combining two (2) or more finished products into a single product.
Automobile Service Station:	Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories; but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.
Basement:	A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Bed and Breakfast Home:	Means a private residence which provides lodging and meals for guests, in which the owner resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
Billboard:	Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. (See also Sign Ordinance.)
Board:	Means Board of Adjustment established in Chapter 21.
Boarding House:	A building, other than a hotel or apartment hotel, where for compensation and by pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons.
Buildable Width:	The width of the lot left to be built upon after the side yards are provided.
Building:	Any structure having a roof supported by columns of walls for the shelter or enclosure of persons or property. For the purposes of this definition "roof' shall include awning or other similar covering, whether permanent in nature or not.
Building and Zoning Administrator:	The individual designated to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.
Building Height of:	The vertical distance from the grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points of a shed roof.

See Diagram Below



Building Line:	A line parallel to the street establishing the closest point to the street at which a house is permitted to be constructed.
Bulk Storage:	The outdoor storage of a product or material in large quantities.

Cellar:	That part of a building having more than one-half (1/2) of its height below the average grade of the adjoining ground.
Cemetery:	Land used or intended (10 acre minimum) to be used for the burial of deceased humans. A marker or memorial is erected at each gravesite for permanent remembrance of the deceased. Other principal uses permitted on land used or intended for use as a cemetery include columbariums and mausoleums; incidental uses include business designed for the benefit, service, convenience or spiritual uplift of cemetery lot owners or persons visiting the cemetery. Accessory uses include utility buildings, maintenance storage areas, chapels and cemetery administration offices. <u>Note.</u> Interior columbariums are permitted ancillary uses within places of worship.
Chapel:	A structure intended for use as a place of worship or nondenominational assembly or visitation.
City:	The City of Muscatine, Iowa.
Clinic:	An establishment where patients are not lodged overnight, but where they may be admitted for examination or treatment or observation by an individual or group of individuals engaged in certain of the healing arts. In order to qualify as a clinic, the establishment must be operated and staffed by an individual or group of individuals who are licensed under the provision of Chapter 147 of the 1989 Code of Iowa to practice medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, and optometry.
Club:	Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.
Columbarium:	A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.
Commercial Feed Lot:	An area of and devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.
Commission:	The City Planning and Zoning Commission of Muscatine, Iowa.
Common Land:	Land held and/or used jointly by two (2) or more owners of other land in proximity to it. Usually established by subdivision regulations.
Conditional Use:	The use allowed in a zoning district after a permit is granted by the Board of Adjustment according to the provisions of Section 10-22-1.
Condominium:	A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.
Council:	The City Council of Muscatine, Iowa.
Court:	An open space more than one-half (1/2) surrounded by buildings.
dBA:	A unit of measure of sound intensity as measured on the "A" scale, such scale being that which is audible to the human ear.
Decibel:	A unit of measure in determining sound intensity.
District:	A part of the City wherein regulations of this Ordinance are uniform.
Drive-In Use:	Any establishment designed for the general public to make use from

	their vehicles of the sales or service provided on the premises.
Duplex:	A building or structure limited to two (2) individual residential units. (See Dwelling Two-Family.)
Dwelling:	Any building or portion thereof which is designated and used exclusively for residential purposes.
Dwelling Single-Family:	A building designed for or occupied exclusively by one (1) family.
Dwelling Two-Family:	A building or structure limited to two (2) individual residential units. (See Duplex.)
Dwelling Multiple:	A building designed for or occupied exclusively by three (3) or more families.
Dwelling Unit:	One (1) or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
Farm:	See Agricultural Activity.
Farm Residence:	A structure utilized as a residence, located on or in conjunction with a crop producing farm property of forty (40) acres or more and housing either the farm owner or tenant who is actively engaged in the farming of said property.
Feedlot:	A tract of land or structure wherein any type of fowl or livestock are maintained in close quarters for the purpose of fattening for final shipment to market.
Fence:	A structure for enclosing or screening.
Flood Channel: (Floodway):	The channel of a river or other watercourse and the adjacent portion of the flood plain required to convey the one hundred (100) year flood without increasing the water surface elevation more than one foot (1') at any point assuming equal conveyance reduction outside the channel from the two (2) sides of the flood plain.
Flood Insurance Rate Map:	The official map prepared by the U.S. Department of Housing and Urban Development - Federal Insurance Administration delineating where flood insurance may be sold and the risk premium zones applicable to such area.
Flood Plain:	The area adjoining a river or other watercourse that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of flood occurrence in every one year), assuming the operation of all existing flood control structures.
Flood Proofing:	Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
Floor Area:	The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.
Floor Area Ratio:	The floor area of the building or buildings on any lot divided by the area of the lot.
Frontage:	That continuous portion of a lot fronting on an improved public street.
Garage, Private:	A detached accessory or portion of a main building housing the motor

	driven vehicles of the occupants of the premises, but not commercial vehicles.
Garage, Public:	A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
Garage, Storage:	Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.
Grade:	The average level of the finished surface of the ground adjacent to the exterior walls of the building.
Group Home:	Any premises, privately or publicly sponsored, where board and supervision are given to persons not related by blood or marriage to the owner or primary occupant thereof, for the purpose of social rehabilitation and/or long-term sheltered care.
Historic Site:	A site, building, or structure which has local, state, or national historical significance, as determined by the appropriate authority.
Home Occupation:	Any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than a name plate, not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling or garage; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is customarily for purely domestic household purposes, provided that cobbler's work or shoe repair work (including the use of such mechanical equipment as is normally used for such repair) shall be considered a home occupation so long as it meets all the other occupation criteria set forth herein.
Hospital:	An establishment providing physical or mental health service, in-patient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.
Hotel:	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house as herein defined.
Institution:	A nonprofit establishment for public use.
Junk:	Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.
Junk Yard:	The use of land, whether inside or outside a structure, for the keeping or abandonment of junk. (Also see salvage.)
Kennel:	An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.
Landscaped Area:	An area that is permanently devoted and maintained to the growing of shrubbery, grass, and other plant material.
Large Scale Retail Development:	A property of twenty (20) acres or more including the main lot and subdivided lot(s), which is used primarily for purposes as defined in Section 10-11-1(A), (B), (F), and (G); and Section 10-11-2(A), (B),

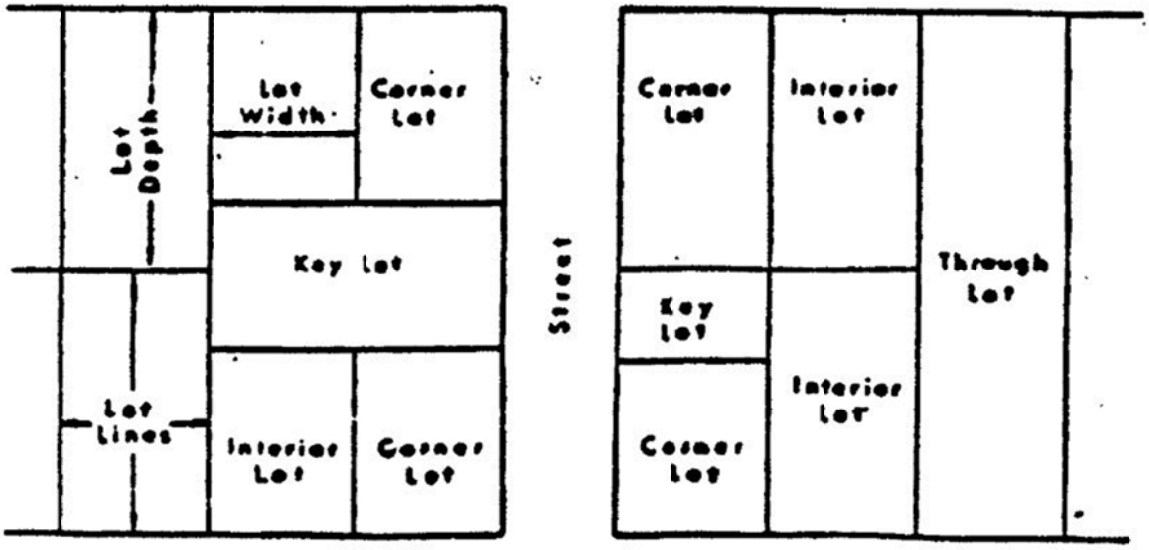
(F), (G), (H), and (I). The Large Scale Retail Development can be one or multiple owners for the entire property or any individual subdivided lot.

Lodging or Rooming House: Same as "Boarding House".

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, open spaces, and parking spaces required by this Ordinance, and having its principal frontage upon an improved road or street.

Lot, Area: The total horizontal area within the lot lines of the lot.

ILLUSTRATION OF LOT DEFINITIONS



Lot, Corner: A lot abutting upon two (2) or more streets at their intersections.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting roads, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot or parcel of land the plat or deed of which has been recorded prior to the adoption of this Ordinance.

Lot, Width: The width of a lot at the front yard line.

Manufacturing: The act of making goods or articles from raw materials or unfinished products. Includes processing and assembling.

Mausoleum: A building or structure designed with vaults to hold many caskets or crematory urns.

Mobile Home (House Trailer): A transportable manufactured structure built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Mobile Home Park: A parcel of land, ten (10) acres or more in area, under single ownership on which two (2) or more mobile homes are occupied as residences, not accessory to a farm, developed in accordance with a site development plan meeting all the requirements of this Ordinance.

Modular Building: A prefabricated transportable building manufactured in whole or in part off the site, designed to be used by itself or to be incorporated

	with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, or sub-elements which are to be incorporated into a structure at the site.
Motel, Motor Court, Motor Lodge, or Tourist Court:	Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.
Nonconforming Use:	The use of any building, structure, or land existing at the time of the enactment of this Ordinance, or any amendments thereto, which does not conform in whole or in part to the provisions of this Ordinance or its amendments.
Noxious Fumes:	Fumes which are in sufficient quantity to be harmful to health.
Nursery School (Child Care):	Any land, building, structure, or premises used for educational instruction and/or supplemental parental care for four (4) or more children, either on an hourly or daily basis, with or without compensation.
Nursing Home:	A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick and injured.
Office:	The building, room, or series of rooms in which the affairs of a business, profession, or branch of government are conducted.
One Hundred (100 Year) Frequency Flood:	That portion of the flood plain of the Mississippi River its tributary streams that would be inundated by the limits established for a hypothetical flood having a recurrence frequency of once in about one hundred (100) years, as determined by the U.S. Corps of Engineers.
Open Area:	That part of a lot on which no part of a building or structure extends above the following elevations: A. Two feet (2') above the highest curb elevation of the street or streets that bound the lot; B. One foot (1') above the adjacent curb elevation for each one and one-fourth foot (1 1/4') the building or structure is set back from the street lot line, except that no portion of the structure shall exceed twelve feet (12') above the adjacent curb elevation. This provision shall apply to walls or structures that do not extend more than four feet (4') above the adjacent curb elevation.
Parking Area (Lot):	An open area, other than the street, intended and used for the temporary parking of motor vehicles.
Parking Space:	A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile less than nine feet (9') wide and twenty feet (20') long, together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.
Premises:	A lot, together with all buildings and structures thereon.

Processing:	To prepare a product for sale by either a special treatment or to change it through a series of steps, but not the original manufacture of a component part.
Salvage or Junk Yard:	Any land, building, or other structure used for the storage, collection, processing, or conversion of any worn out, cast off, or discarded metal, paper, glass, or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use. This includes, but is not limited to, such things as automobiles, machinery, farm implements, household appliances, and construction materials. (Also see Junk Yard.)
Satellite Receiving Dish:	An apparatus that allows microwaves to reflect back to an antenna, also commonly referred to as an earth station.
Setback:	The distance between any street line and the nearest point to which any building or structure can be erected. All measurements shall be to the outside edge of the ground floor wall nearest the lot line or street line.
Sign:	A sign is any structure or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business; or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction, or advertisement. For the purpose of this Ordinance, the word “sign” does not include the flag, pennant, or insignia of any nation, state, city, or political unit, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, moment, or event. (See Sign Ordinance.)
Sign, Advertising:	A sign which directs attention to a business or commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises. (See Sign Ordinance.)
Sign, Area:	The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures and the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.
Sign, Electronic Message Center:	A light emitting diode (LED) sign that is controlled via electronic communication. An electronic message center (EMC) sign has information created on a computer using a software program that allows the user to display static or moving messages consisting of text, graphics, video graphics, and animation, including the use of multiple colors on a contrasting background. Unless otherwise provided herein, EMC’s shall not be permitted to change pages or images more frequently than once every two (2) seconds. The use of EMC’s shall be restricted to on-site advertising and/or the promotion of not-for-profit communitywide events or activities. Historic Consideration: The use of Electronic Message Center Signs within any Historic District as approved for listing to the National Register of Historic Places by the National Park Service is prohibited.
Sign, Ground:	Any sign erected, constructed, or maintained for the purpose of

	displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by two (2) or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.
Sign, Marquee:	Any sign affixed to a marquee over the entrance to a building and supported from the building.
Sign, Portable:	A sign, banner, sandwich board, mannequin, or advertising display constructed of cloth, canvas, plastic, blackboard, cardboard, wall board, metal, or other light material as well as any vehicle or trailer, one (1) of the major uses of which is as a fixed or mobile advertising display. Such described signs shall be deemed portable if they are capable of being carried or moved and not affixed in a permanent manner to the ground, a structure, or other supporting device.
Sign, Post:	Any permanent sign supported by one (1) or more uprights or braces in or upon the ground and not attached to any building or wall, but not including a ground sign or billboard.
Sign, Pylon:	A sign which may identify the name of a Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), which must be constructed in accordance with the requirements of Section 10-19-2(D.1)c.
Sign, Roof:	Any sign erected, constructed, or maintained upon the roof of any building.
Sign, Wall:	Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.
Solid Waste Transfer Station:	A site with a permanent enclosed structure for receiving solid waste for the purpose of reducing its volume for transport to other destinations. Activities include, but are not limited to, the sorting and compacting of materials, shredding, and the temporary storage of said materials while awaiting transport to a landfill or recycling destination. Ancillary site activities may include the composting of yard waste material.
Standard Shrub:	A standard shrub is any bush or small evergreen tree occupying a space of at least eighteen (18) cubic feet.
Standard Tree:	A standard tree is a tree with a minimum caliber of two and one-half inches (2 ½”), ten to twelve feet (10’ to 12’) high, of a deciduous hardwood variety normally capable of attaining a twenty-five foot (25’) height when the tree is twenty (20) years old.
Street:	A public way sixty feet (60’) in width which affords the principal means of access to abutting property.
Street Center Line:	The street center line is a line halfway between the street lines.
Street Line:	A dividing line between a lot and a contiguous street.
Structural Alteration:	Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other Ordinances.
Structure:	Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or

	permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs, whether located on a rock, tree, separate structure, or part of another structure.
Tourist Home:	An establishment used for dwelling purpose in which rooms, with or without meals, are offered to transient guests for compensation.
Townhouse:	A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.
Yard:	An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
Yard, Front:	A yard across the full width of the lot extending from the front line of the main building to the front line of the lot or to the designated street line in cases where the present property line extends to the center line of the abutting street. On corner lots, the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.
Yard, Rear:	A yard extending the full width of the lot between a principal building and the rear lot line.
Yard, Side:	A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
Yard Width and Depth:	The shortest horizontal distance from a lot line to the main building.

Title 11 – Subdivision Regulations

Chapter 1 – Plats, Filing, Approval Process

SECTIONS:

11-1-1 General Procedure
11-1-2 Filing Requirements
11-1-3 Requirements of Preliminary Plat
11-1-4 Preliminary Approval of Plat
11-1-5 Final Plat Requirements

11-1-1 General Procedure. The City of Muscatine hereby adopts the following rules and regulations governing the subdivisions of land within its jurisdiction, pursuant to the Code of Iowa, Chapter 409, as amended, and to the City Code of the City of Muscatine, Iowa, as amended. No subdivision of land within the City of Muscatine or within two (2) miles of the Corporate Limits of the City shall be authorized until it has been submitted to and approved by the Planning and Zoning Commission and the City Council.

No subdivision plat or replat of land located within the City or within two (2) miles thereof shall be recorded until it shall have been approved in accordance with the provisions of this Chapter and the Code of Iowa, Section 409.14, and by resolution of the Council. Said approved plat and accompanying certificates and documents shall not be considered valid until they are filed and/or recorded in the County Recorder's, Auditor's, and Assessor's Offices. The provisions of this Chapter shall be construed to be in conformance with Chapter 409 of the Code of Iowa and restrictions set forth in Section 409.14 of said Code are hereby specifically adopted and incorporated by reference within this Chapter.

11-1-2 Filing Requirements.

A.

1. Any tract, lot, or parcel of land within the Corporate Limits of the City of Muscatine which shall hereafter be divided into three (3) or more parts shall be considered a subdivision. This includes resubdivision and the division of a parcel of land held in common and subsequently divided into parts among several owners, with or without a structure, on which a separate business without shared amenities, such as parking, is to be conducted or a separate dwelling erected or used. All such subdivisions shall conform to the applicable requirements set forth in this Chapter. This includes resubdivision or lease of a parcel on which a separate business is to be conducted.
2. Any tract, lot, or parcel of land of record at the time of the adoption of this Ordinance which is located outside the Corporate Limits and which shall hereafter be subdivided into three (3) or more parts for the purpose of making an addition, subdivision, or residential lots shall, pursuant to Section 409.14 of the Code of Iowa, be approved by the City Council.

The plats of any subdivision located outside the Corporate Limits of the City, but within two (2) miles of the Corporate Limits, shall be examined by the City Council and the City Planning and Zoning Commission, with a view to ascertaining whether the same conform to the City Ordinances relating to plats and whether streets, alleys, boulevards, parks, and public places conform to the general plat of the City and are conducive to an orderly development thereof, and do not conflict or interfere with rights-of-way or extensions of streets or alleys already established, or otherwise

interfere with the carrying out of the Comprehensive City Plan. If such plats shall conform to the Statutes of the State and Ordinances of the City and if they shall fall within the general plan for the City and the extensions thereof, regard being had for public streets, alleys, parks, sewer connections, water service, and service of other utilities, then it shall be the duty of the Council and the Planning and Zoning Commission to endorse their approval upon the plat; provided that the City Council may require, as a condition of approval of such plats, that the owner of the land bring all streets to a grade and standard acceptable to the Council and comply with such other improvements as the Council may deem requisite for the protection of the public interest.

All newly constructed roadways providing access to lots within two (2) miles of the Corporate Limits shall be in conformance with the county right-of-way width of sixty-six feet (66') and shall be improved as required by the City Council; the minimum improvements shall provide a twenty-four foot (24') wide roadway surface and shall be constructed with a surface material having an equivalent to a Structural Number (SN) of 4.0, and in accordance with the rural street standards as defined in Title 12, Chapter 2. The City Council may require street and roadway improvements in addition to the minimums as provided in this Section. Also, the City Council may require other improvements as it deems requisite for the protection of the public interest. The approval of any such plat, whether or not such approval requires complete compliance with the provisions of this Title, shall not be construed as requiring the City to maintain any of the improvements required to be installed in the subdivision.

B. The subdivider shall prepare and file in the Office of the Planning Administrator four (4) copies of the preliminary plat conforming in detail to the requirements set forth herein of any tract, lot, or parcel of land that is subdivided into three (3) or more parts for the purpose of making an addition to the City or a subdivision thereof.
C. Prior to the City Council approval of a final subdivision plat, the developer shall file a duly completed and executed bond, escrow agreement, or other collateral certified by the City Attorney as valid and enforceable by the City. This guarantee shall be in an amount determined by the City Engineer to be satisfactory for securing and making the installation of all public improvements required by the Planning and Zoning Commission and the City Council.
D. An application for approval of a subdivision plat shall be filed with the Planning Administrator and accompanied with the required plats and with a filing fee, as established by resolution in Section 5-15-2 in this City Code.

11-1-3 Requirements of Preliminary Plat. Such preliminary plat shall contain the following information:

A. The scale used on the drawings.
B. The title under which the proposed addition or subdivision is to be known and recorded.
C. The dimensions of all platted lots and unplatted areas and contours of a two foot (2') interval.
D. An application for approval of a subdivision plat shall be filed with the Planning Administrator and accompanied with the required plats and with a filing fee, as specified in the City Code.
E. The location of all property lines, watercourses, streets, alleys, public grounds, and similar features adjoining the platted area.

F. The location and dimensions of all areas to be reserved for future use as school sites, parks, playgrounds, or similar features and which are to be dedicated to the public for such use.
G. The location and size of existing storm or sanitary sewers, water mains, or field drains within or readily accessible to the platted area.
H. The location and character of all existing easements and those proposed to be provided by the owner for utility purposes.
I. The location, dimensions, and present use of existing buildings within the platted area.
J. The bearing and distance from some monumented block or lot corner within the platted area to some corner of a congressional division within the City.
K. A legal description of the area being platted, together with the name or names of the owners and the name and seal of the registered land surveyor making the plat.
L. All elevations shown on the plat, profiles, and cross sections shall be referred to City datum.
M. A general location map showing the proposed subdivision site in relation to the City of Muscatine.
N. No strip of land shall be reserved by the subdivider, unless the tract is of sufficient size and shape to be of some practical use or service, as determined by the Commission and the Council.
O. Suitable public right-of-way for bicycle/pedestrian paths shall be carefully considered and required on the preliminary plat when they are compared with the Comprehensive Plan or designated as a part of the Running River Trail system as it may be amended from time to time. All such paths indicated on the final plat shall be installed by the City at such time as funds are available to the City for construction of the paths. All right-of-ways for bicycle/pedestrian paths shall be not less than twenty (20) feet wide.

11-1-4 Preliminary Approval of Plat. Upon the filing of a preliminary plat with the Planning Administrator, the Planning Administrator shall refer one (1) copy of such plat and accompanying papers to the City Engineer, one (1) copy to the Building and Zoning Administrator, and one (1) copy to the Planning Commission at its first regular meeting.

The Planning and Zoning Commission shall review the application and preliminary plat of the subdivision to determine if it conforms to the minimum standards and requirements outlined in Chapter 2 and shall approve or reject the plat within thirty-five (35) days of the initial Commission review. In the event of a large subdivision which is to be developed in a phased sequence over a period of time, the Commission shall refer the overall preliminary plat to the City Council for review and appropriate action.

The approval of the preliminary plat by the Planning and Zoning Commission, and if appropriate by the City Council, shall not constitute final acceptance of the subdivision by the City. The owner shall, within one (1) year following the preliminary approval of the subdivision plat, prepare and file a final plat and other required construction plans and documents.

One (1) copy of the approved preliminary plat shall be retained in the Office of the Planning Administrator and one (1) copy in the Office of the City Engineer. One (1) copy shall be given to the subdivider and its receipt shall be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in these regulations and with the preparation of the final plat.

11-1-5 Final Plat Requirements.

A. The final plat shall contain all information required to be shown on the preliminary plat and, in addition, the following information:
    1. The proposed names of all streets, public ways, and places dedicated for public use, lot numbers, dimensions, and areas.
    2. The type and location of all permanent monuments at block and lot corners and elsewhere within the platted area.
    3. All radii, arcs, chords, points of tangency, and central angles for curved streets and the radii of all rounded curves shall be shown on the plat.
    4. The certification of the engineer and/or land surveyor preparing the plat with his license number, and seal, signature, and the date of survey.
    5. Certificate of approval for construction of water, electric, and gas service from the respective utility companies, accompanied by a plat showing the easements required.
    6. The subdivider shall file with the City two (2) sets of improvement plans and profile, one (1) set reproducible. All plans and drawings are to be submitted on eighteen inch by twenty-four inch (18" x 24") plan and profile paper.

       NOTE: The maximum size sheet for the final plat for recording purposes under the Code of Iowa, Section 409.31., is eighteen inches by twenty-four inches (18" x 24").

    7. Building setback lines and dimensions.
    8. In addition to showing the sanitary sewer line, all stub-in laterals to individual lots shall be indicated and a notation on depth shall also be made on the plat.
B. The subdivider shall file with the Planning Administrator, not less than seven (7) days prior to consideration by the Planning Commission of the final plat, the following:
    1. Four (4) copies of the final plat.
    2. One (1) reproducible copy of the final plat shall be submitted.
    3. All utility easements must be indicated, with signature block with approval signatures from the respective utility interests.
    4. Two (2) copies of any agreement to be entered into between the subdivider and the City of Muscatine providing for the grading of streets and the installation of sewer systems and other utilities or improvements as may be required.
    5. Two (2) copies of a proposed resolution to be adopted by the City Council accepting lands to be dedicated for public use.
    6. Two (2) copies of a proposed resolution to be adopted by the City Council accepting the final plat.
    7. The appropriate bond or other collateral approved by the City Attorney and City Engineer to cover the estimated public improvements.
C. Before submitting the final plat for approval, the owner or subdivider of the land being platted shall cause monuments to be placed within the platted area as follows:
    1. One inch (1") galvanized iron pipe monuments, not less than thirty inches (30") in length and driven six inches (6") below the ground surface, shall be placed at each block corner, each end of curves, and each angle or change in direction along lot lines.
    2. One-half inch (1/2") iron rods, not less than twenty-four inches (24") in length, shall be placed at each lot corner and left flush with the ground surface. Equivalent material may be used upon approval of the City Engineer.

3. Each monument shall have the registration number of the land surveyor in charge.

D. Upon the filing of the final plat, the Planning Administrator shall immediately refer one (1) copy of the final plat and accompanying papers to the City Engineer and one (1) copy to the Building and Zoning Administrator, and report to the Planning Commission.

Title 11 – Subdivision Regulations

Chapter 2 – Minimum Standards: Improvements

SECTIONS:

11-2-1 Minimum Standards; Requirements
11-2-2 Improvements

11-2-1 Minimum Standards; Requirements. In this Section, the phrase "the subdivider shall provide" means the subdivider shall install the facility referred to at his expense and at no cost to the City. All facilities must be installed in accordance with these regulations prior to occupancy of the buildings. No subdivision plat shall be approved by the Planning and Zoning Commission, unless it conforms to minimum standards and requirements established by this Chapter.

A. Acreage Addition. Whenever an area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be resubdivided, consideration shall be given to the street and lot arrangement so that additional streets can be opened which will permit of a logical arrangement of smaller lots.
B. Erosion Control. The submitted plan shall be reviewed by the Muscatine County Soil Conservation District. The appropriate recommendations of the Soil Conservation District shall be incorporated into the plan along with a time schedule indicating when ground cover or plantings will be installed.
C. Blocks. No block shall be longer than one thousand feet (1,000') between street lines, nor less than two hundred twenty feet (220') nor wider than three hundred feet (300'), except for special reasons where deemed necessary. In its discretion and for good cause, the Planning and Zoning Commission may recommend and the City Council may require that a public walkway not less than ten feet (10') wide be installed near the center of the block and that such walkway be dedicated to and properly maintained by the City of Muscatine.
D. Lots. All subdivided lots shall conform to the dimensions specified in the appropriate Zoning District. The Commission shall not approve a subdivision plat which attempts to create lots which do not meet minimum standards as specified in the Zoning Ordinance.

   Corner lots shall have extra width to permit the maintenance of building lines on both front and side streets. The dimensions shall conform to the front yard requirements of the Zoning Ordinance for the specific district.

   Lots at street intersections shall have a radius of at least fifteen feet (15') at the street corner.

   All lots shall abut an improved public street prior to the issuing of a building permit or if a proper performance bond is submitted for street and other public improvements, a building permit may be issued; however, a Certificate of Occupancy will not be issued until the public improvements are completed.

E. Building setback lines shall be established as required by the Zoning Ordinance and indicated on the final-plat.

11-2-2 Improvements. A performance bond or other security which will insure to the City that the subdivision public improvements will be completed by the subdivider within two (2) years after City Council acceptance of the plat, and a maintenance bond from the subdivider

or his contractor, which will insure "to the City that said improvements will be maintained in good and suitable condition for a period of two (2) years after City Council acceptance of the construction, shall be filed with the City through the City Planning Administrator. The subdivider shall file a duly completed and executed bond or other security certified by the City Attorney as valid and enforceable by the City. The amount of the bond or other security, as determined by the City Engineer, shall be in an amount satisfactory for securing and-making the installation of all the required public improvements. This guarantee shall be retained by the City until the improvements have been satisfactorily completed and accepted by the City.

It is the responsibility of the subdivider to obtain or insure that liability insurance for both personal injury and property damage are in effect for contractors.

The design standards for rural residential subdivisions as defined in Title 12, Chapter 2, shall apply where appropriate. The following improvements are required of all other City subdividers:

A. Sidewalks. Sidewalks shall be installed, or caused to be installed, on both sides of streets, places and cul-de-sacs. The subdivider shall install sidewalks according to specifications prescribed by the City and set at the grade established by the City Engineer.
B. Street Improvements To be Made Upon Approval of Final Plat.
    1. Curbs and gutters shall be constructed by the subdivider on both sides of all streets.
    2. Minimum right-of-way width for residential streets shall be sixty feet (60').
    3. Streets shall be filled or excavated to the grade approved by the City and set by the City Engineer. All streets shall be graded the full platted width and pavement shall be constructed of seven inches (7") of Portland cement concrete pavement or equal. All streets determined by the City Engineer to be local roads or sub- collector streets shall be not less than thirty-one feet (31') or nine and one-half meters (9.5m) in width from back of curb to back of curb. All streets determined by the City Engineer to be collector streets shall be not less than forty-four feet (44') or thirteen and one-half meters (13.5m) in width from back of curb to back of curb. All street improvements shall be in accordance with City specifications.

        Commercial and industrial subdivisions shall be reviewed individually by the City Engineer for a determination of the thickness of the Portland cement concrete.
    4. Inspection and testing of street improvements shall be performed under the direction of the City Engineer or a qualified engineer and a testing laboratory selected by the City Engineer. The subdivider shall bear this expense.
C. Storm Sewers.
    1. Storm Sewers. The plans for installation of a storm drainage system shall be prepared by the subdivider and approved by the City Engineer. Design shall be based on a ten (10) year frequency storm.
    2. Storm sewers, if practicable, shall be placed in either the parkway adjacent to the street or where necessary, provided the proper easements are granted.
    3. Minimum size of all storm sewers shall be twelve inches (12") reinforced concrete pipe.
D. Sanitary Sewers.

1. The subdivider shall provide the subdivision with a complete public sanitary sewer system to each lot within the subdivision. In areas where a public sanitary sewer outlet is not available, that is not within one thousand feet (1,000'), the subdivider shall, or his assigns shall, provide a private sanitary disposal system in accordance with the State of Iowa Department of Environmental Quality and local sanitary disposal codes.
2. The provision of a public sanitary sewer system by the subdivider shall consist of all necessary laterals, pumping stations, manholes, and other appurtenances to provide for the discharge of disposal for the platted area.
3. All public sanitary sewer systems shall be constructed in accordance with plans and specifications of the City and at sewer grades as established by the City.
4. The subdivider shall furnish a "Sewage Treatment Agreement" from the Iowa Department of Environmental Quality for the City to execute.
5. The installation of such sewers shall be under the supervision and inspection of the City Engineer and the subdivider may be required to pay a reasonable charge for such engineering and inspection service.
6. Prior to acceptance of the installed sanitary and storm sewer line by the City the developer shall be responsible for televising the line and furnishing a VHS video to the Engineering Department for review.

E. Utilities. All gas, water, electrical, cable television, telephone, or maintenance of any associated structures shall be placed underground. The subdivider shall install, or cause to be installed, all necessary water mains, hydrants, gas mains, and electrical transmission lines and shall make said utilities available to each lot within the subdivision.

F. Water Supply. The subdivider shall install, or cause to be installed, a common deep well or install the Municipal Water distribution system by extension for all affected subdivision proposals. Subdivisions involving eight (8) or more lots require the developer to obtain approved well permits from the Iowa Department of Water, Air and Waste Management prior to final plat approval. Subdivisions involving less than eight (8) lots require the developer to submit well plans, specifications, and layout information along with the final plat for review during the approval process. Affected subdivisions located south of Hershey Avenue and County Road G-28, between the Mississippi River and the bluffs to the west, commonly referred to as Muscatine Island, shall also have the option of extending Municipal Water service or drilling common deep wells which penetrate alluvial matter and clay strata to the point of bedrock in complying with the requirements of the approval process.

Title 11 – Subdivision Regulations

Chapter 3 – Documents to be Submitted with Final Plat

SECTIONS:

11-3-1 Required Documents
11-3-2 Document Format

11-3-1 Required Documents. Documents to be submitted with final plat. Upon approval of the subdivision, it shall be the responsibility of the subdivider to record the subdivision at the County Court House. When the final plat is submitted to the Council, it shall be accompanied by the following instruments, which will be current within thirty (30) days prior to the date of the Council's approval:

A. An attorney's legal opinion placing the fee title, free from unbonded encumbrance, in the owner, provided it may show a mortgage or encumbrance if the plat is accompanied by a consent to such platting by the holder of the mortgage or encumbrance of all streets, easements, and other areas to be conveyed or dedicated to the City of Muscatine within which such land is located.
B. A certificate from the County Recorder placing fee title in the owner and certifying that the land is free from encumbrances or free from encumbrances other than those provided for in an encumbrance bond duly prepared, executed, and recorded by the owner, as required by the Code of Iowa, provided it may show a mortgage or encumbrance if the plat is accompanied by a consent to such platting by the holder of the mortgage or encumbrance of all streets, easements, and other areas to be conveyed or dedicated to the City of Muscatine within which such land is located.
C. A certificate by the owner of the property and spouse, if any, that the subdivision as it appears on the plat is with free consent and is in accordance with the desire of said owner and spouse, dedicating the streets and other public property shown on the plat, establishing the setbacks, declaring the limitations on easements, and providing for any restrictive covenants needed or requested.
D. A certificate from the County Treasurer certifying that the land is free from taxes.
E. A certificate from the Clerk of the District Court certifying that the land is free from all judgments, mechanic's and other liens, or attachments as shown in the records of that office.
F. One of the following:
    1. A certificate bearing the approval of the City Engineer, stating that all improvements and installations to the subdivision required by this Article have been made or installed in accordance with specifications.
        a. A performance bond or bonds with the City, which will insure to the City that the subdivision improvements will be completed by the subdivider within two (2) years after Council acceptance of the plat and a maintenance bond or bonds from all the subdivider's contractors with the City, which will insure to the City that said improvements will be maintained in good and suitable condition for a period of two (2) years after Council acceptance of the construction.
        b. The term "maintain" or "maintained" shall be defined as pertaining to the repairs which shall become necessary because of defective or faulty workmanship or materials in the improvement completed by the subdivider and/or his contractors.
        c. The form and type of a performance bond or bonds shall be approved by the City Attorney and the amount of any bond shall not be less than the estimated cost of the improvements, as determined by the City

Engineer, and the amount of any performance or maintenance. If the improvements are not completed or maintained within the specified times, the Council may use the bond or bonds or any necessary portion thereof to complete or maintain the improvements.

G. A certificate from a registered land surveyor, including an accurate metes and bounds description of the addition.
H. Two (2) resolutions and a certificate for approval by the Council.

11-3-2 Document Format. The forms set out in this Section shall be used, as required, in conjunction with final plats.

LAND SURVEYOR'S CERTIFICATE

Each final plat submitted to the Council for approval shall carry a certificate signed by a registered land surveyor in substantially the following form:

I,_____, hereby certify that I am a registered
(Name)
land surveyor, licensed in compliance with the laws of the State of Iowa; that this plat of _____,
(Name of Addition)
an addition to the City of Muscatine, Iowa, correctly represents a survey completed by me on_____; that all of the
(Date)
monuments and pins shown thereon (will exist by _____ as
(Date)
required by the Code of Iowa) (do exist) and that their location, size, type, and material are accurately shown; and that the correct metes and bounds description of said addition is as follows:

(SEAL)

_____
(Signature)

_____
(Registration Number)

DEDICATION CERTIFICATE OF OWNER

Each final plat submitted to the Commission and the Council for approval shall carry a certificate of owner in substantially the following form:

We, the undersigned,_____, owners of the real estate
(Names)
shown and described herein, do hereby certify that we have platted and subdivided, and hereby lay off, plat, and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

This subdivision shall be known and designated as _____
(Name of
_____, an addition to the City of Muscatine,
Subdivision)
Iowa. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street there shall be erected or maintained no buildings or structures.

A perpetual easement is hereby granted to any local public utility or municipal department, their successors and assigns, within the area shown on the plat and marked as an easement, to install, lay, construct, renew, operate, maintain, and remove conduits, cables, pipes, poles, and wires with all necessary braces, guys, anchors, manholes, and other equipment for the purpose of serving the subdivision and other property with the underground telephone, storm sewer, cable television, electric, gas, sanitary

sewer, water, or other service as a part of the respective utility system; (Further, as an overhead easement is hereby granted for those overhead utilities in existence at the time of this platting); also is granted, subject to the prior rights of the public therein, the right to use the streets and lots with underground service lines to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent buildings shall be placed on said area as shown on the plat and marked "Easement", but same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or the rights herein granted.

Dated at Muscatine, Iowa, this _____ day of _____ 19___.
(Date) (Date) (Year)

_____
(Husband)

_____
(Wife)
or

_____
(Office)

(SEAL)

_____
(Office)

STATE OF IOWA)
) ss:
County of Muscatine)

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared_____ and each
(Names)
separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this _____ day of _____,
(Date) (Month)
19_____.
(Year)
(SEAL)

_____
(Notary Public)

OR

STATE OF IOWA)
) ss:
County of Muscatine)

Before me, the undersigned, a Notary Public in and for the County and State, personally appeared _____ and
(Name)
_____, to me personally known, who being
(Name)
by me duly sworn did say that they are the_____ and
(Office)
_____ respectively of said corporation executing the
(Office)
within and foregoing instrument, (no seal has been procured by the said) (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors and that the

said _____ and _____ as such officers
(Name) (Name)
acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

(SEAL)

_____
Notary Public

TAX CERTIFICATE

The certificate reflecting the paid taxes on the subdivided property shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

_____, Treasurer for the County of Muscatine, State of Iowa,
(Name)
hereby certify that I have examined the records of said County, and find that the following described real estate, to-wit: _____
(Name of Addition)
is free from taxes.

(SEAL)

_____
Date

_____
Treasurer, Muscatine County
Iowa

LIEN CERTIFICATE

The certificate reflecting liens on the subdivided property shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

I _____, Clerk of the District Court for County of
(Name)
Muscatine, State of Iowa, hereby certify that I have examined the records of this Court, and find that the following described real estate, to-wit: _____ is free from all judgments, mechanic's
(Name of Addition)
or other liens, or attachments as shown by the records of my office.

(SEAL)

_____
Clerk of District Court

_____
Date

ENCUMBRANCE CERTIFICATE

The certificate reflecting encumbrances on the subdivided property shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

I _____, Recorder for the County of Muscatine, State of
(Name)
Iowa, hereby certify that I have examined the records of said County, and find that title in fee to the following described real estate, to-wit: _____ is found in_____ and _____
(Name) (Name)
and I further find that said real estate is either free from encumbrance or free from encumbrance other than that secured by an encumbrance bond properly executed and filed with me on _____,
(Date)
19____, and that said bond has been given instrument number or free
(Year)
from encumbrance other than that shown if the plat is accompanied by a consent to such platting by the holder of the encumbrance and a release from the encumbrance of all streets, easements, and other areas to be conveyed or dedicated to the City.

(SEAL)

_____
Recorder, Muscatine County,
Iowa

_____
Date

ATTORNEY'S CERTIFICATE

The attorney's certificate shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

_____, certify that I have examined the records of Muscatine
(Name)
County, Iowa, and from such examination find title in fee simple to the real estate identified as _____, an Addition to the
(Name of Subdivision)
City of Muscatine, Iowa, free from encumbrance or from encumbrance other than that secured by bond or free from encumbrance other than that shown if the plat is accompanied by a consent to such platting by the holder of the encumbrance and a release from the encumbrance of all streets, easements, and other areas to be conveyed or dedicated to the City, as of this date, to be vested in _____
(Name of Owner)

DATED this _____ day of _____, 19_____.
(Date) (Month) (Year)

By_____
(Name)
Attorney-At-Law

MAINTENANCE BOND

The maintenance bond shall be in the following form:

KNOW ALL MEN BY THESE PRESENTS THAT WE, _____,
(Contractor's Name)
as PRINCIPAL, and _____, a company duly authorized to
(Surety)
transact business in the State of Iowa, as surety, are held and firmly bound unto the City of Muscatine, Iowa, as obligee, in the sum of $_____ for payment whereof well and truly to be made, the principal and the surety bind themselves, their heirs, executors, administrators, successors, and assigns jointly and severally firmly by these presents.

SIGNED and sealed and dated this _____ day of _____, 19___.
(Date) (Month) (Year)

WHEREAS, the principal has entered into contract for the construction of _____ to the City of Muscatine, Iowa.
(Improvement to an Addition)

WHEREAS, the obligee has required said principal to furnish a bond guaranteeing remedy of any defect in material or workmanship within a period of two (2) years from the date of official acceptance of the improvements by the City Council of the City of Muscatine, Iowa.

NOW, THEREFORE, the condition of this obligation is such that if the said principal does and shall at his own cost and expense remedy any and all defects that may develop in said work, then this obligation

shall be null and void; otherwise, it shall remain in full force and effect.

By_____
Principal

By_____
Surety

By_____
Agent & Attorney-In-Fact

STATE OF IOWA)
) ss:
County of Muscatine)

On this _____ day of _____, 19___, A.D., before me, the undersigned,
(Date) (Month) (Year)
a Notary Public, personally appeared the above named _____
(Name)
Principal (Agent or Attorney for Principal), and/or _____
(Name)
Surety (Agent or Attorney for Surety), to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that he (they) executed the same as his (their) voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

(SEAL)

_____
Notary Public in and for

_____ County, State of _____

RESOLUTION NO._____

WHEREAS, there has been presented before the City Council of the City of Muscatine, Iowa, a dedication and plat of a subdivision of the following described real estate situated in the County of Muscatine, and State of Iowa, to-wit:

(Insert Legal Description)

which dedication and plat lay out and subdivide said real estate into (# of lots) lots; and

WHEREAS, said plat has heretofore been approved by the Planning and Zoning Commission of the City of Muscatine, Iowa; and

WHEREAS, said dedication and plat fully conform with all laws of the State of Iowa and all ordinances of the City of Muscatine, Iowa, applicable thereto; and

WHEREAS, the platting of said subdivision is conducive to an orderly development within the City of Muscatine, Iowa; is not in conflict with any extensions of the established street system of the City of Muscatine, Iowa; and is in harmony with the Comprehensive Plan of zoning now in effect within the City of Muscatine, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:

Section 1. That the dedication and plat of (name of subdivision), be, and the same area, hereby accepted and approved, and that in filing of approved bonds or other security guaranteeing to the City that all of the improvements required by Title 11 of the City Code of the City of

Muscatine, Iowa, will be installed within two (2) years from the date hereof and in accordance with the plans and specifications for the installation thereof now on file in the Office of the Planning Administrator.

Section 2. That said subdivision be, and the same is hereby designated as (name of subdivision) to the City of Muscatine, in Muscatine County, Iowa; and that the descriptions of the lots and parcels of land located therein shall be according to the number and designation thereof as set forth on said plat.

Section 3. That, upon the filing of approved surety bonds, the Mayor and City Clerk of the City of Muscatine, Iowa, be and they are, hereby authorized and directed to certify this resolution in order that the same and all other matters material to said subdivision may be recorded in the Office of the Recorder of Muscatine County, Iowa.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 19___.

BY THE CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA

_____

Mayor

Attest:

_____
City Clerk

CERTIFICATE OF THE MAYOR AND CITY CLERK

The certificate of the Mayor and City Clerk shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

We, _____ and _____, do hereby certify that we are the Mayor and City Clerk, respectively of the City of Muscatine, Iowa; that the dedication and plat of Lots _____ of _____ (Name of Subdivision) to the City of Muscatine, in Muscatine County, Iowa, were presented to the City Council of the City of Muscatine, Iowa, on the_____ day of_____, 19___ that the following resolution was duly adopted by said City Council at a meeting thereof held on the _____ day of _____, 19___, at 7:30 o'clock P.M., at which meeting a quorum was present.

The dedication and plat of said subdivision were thereby accepted and approved by said City Council, approved surety bonds have been filed in accordance with the provisions of said resolution; and that the undersigned were authorized and directed to certify said resolution in order that the same and all other matters material to said subdivision may be recorded in the Office of the Recorder of Muscatine County, Iowa.

Dated at Muscatine, Iowa, this _____ day of _____, 19___.

(SEAL)

_____
Mayor

Attest:

_____
City Clerk

CERTIFICATE OF THE EXECUTIVE SECRETARY
OF THE PLANNING AND ZONING COMMISSION

The certificate of the Executive Secretary of the Planning and Zoning Commission shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

_____, do hereby certify that I am the Executive Secretary of the Planning and Zoning Commission of the City of Muscatine, Iowa; and that the attached plat of lots (# of lots) inclusive, of _____ (Name of Subdivision) to the City of Muscatine, in Muscatine County, Iowa, was approved by said Commission on the _____ day of _____, 19___, as shown by the records of said Commission now in my possession.

Dated at Muscatine, Iowa, this _____ day of _____, 19___.

_____
(Name)
Executive Secretary of
the Planning and Zoning
Commission of the City
of Muscatine, Iowa

Title 11 – Subdivision Regulations

Chapter 4 – Enforcement

SECTIONS:

11-4-1 Approval Required
11-4-2 Building; Repair Permits
11-4-3 Conformance
11-4-4 Changes; Amendments
11-4-5 Validity

11-4-1 Approval Required. No plat of any subdivision shall be entitled to record in the County Recorder's Office or be of any validity until it shall be approved in the manner prescribed herein. Upon approval, the subdivider shall be responsible for the recording of all necessary documents and plats.

11-4-2 Building, Repair Permits. No building or repair permits shall be granted for any structure located on a lot in any subdivision within the limits of the City, the plat of which has been prepared after the adoption of this Title, but which has not been approved in accordance with the provisions contained herein.

11-4-3 Conformance. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Title, unless such subdivisions or street has been approved in accordance with the provisions contained herein.

11-4-4 Changes; Amendments. Any regulations or provisions of this Title may be changed, modified, or amended from time to time by the Council, provided, however, that such changes, modifications, or amendments shall not become effective until after study and report by the Planning Commission and until after a public hearing has been held, notice of which shall be given in a newspaper of general circulation in the City at least four (4) days prior to such hearing.

11-4-5 Validity. If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be unconstitutional or void, such shall not effect the validity of the remaining portions of this Title.

Title 12 – Public Works Improvements
Chapter 1 – Commercial Frontage Roads

SECTIONS:
12-1-1 Intent
12-1-2 Developer's Responsibilities
12-1-3 Design Standards
12-1-4 Final Plans

12-1-1 Intent. The purpose of a commercial frontage road is to provide access to real estate located along and adjacent to existing and proposed arterial streets and limited access highways. All proposed commercial frontage roads shall be aligned parallel and adjacent to the existing right-of-way of either the arterial street or limited access highway.

All proposed commercial frontage roads shall be initially reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall make a recommendation to the City Council on the proposed lay out. The City Council will make the determination of whether the proposed frontage road will be accepted as a public street.

All commercial frontage roads providing access to laid out lots of record shall be constructed in accordance with the specifications of the City Engineering Department. Upon completion of the construction and inspection approval by the City Engineering Department, the frontage road shall be dedicated to the City as a laid out public street.

12-1-2 Developer's Responsibilities. The developer shall file a duly completed and executed bond, escrow agreement, or other collateral, the amount to be determined by the City Engineering Department, certified by the City's Corporate Council as valid and enforceable by the City, with the Finance Director at the time of filing final construction plans with the Engineering Department. This performance guarantee shall be retained by the City Clerk until the improvements have been satisfactorily completed in accordance with the specification of the City Engineering Department.

Prior to proceeding with the construction, the developer must show evidence of contractors and public liability insurance for both personal injury and property damage (the amount of such insurance shall be determined by the City Engineering Department), by filing a current certificate of such insurance with the City Clerk. A maintenance bond guaranteeing workmanship and materials for a period of two (2) years from the date of acceptance is required.

12-1-3 Design Standards. All designs shall be based on accepted engineering practices and sound planning principles. The developer shall provide a complete set of reproducible drawings to the City Engineering Department. The design of all proposed frontage roads submitted for approval shall be prepared by a Professional Engineer registered in the State of Iowa. All costs associated with required construction inspections performed by the City Engineering Department shall be paid by the developer. In the event that the workload of the City Engineering Department does not permit timely construction inspections, the inspection may be completed by a qualified independent inspector approved by the City, however, the final inspection and acceptance will be made by the City Engineer.

12-1-4 Final Plans. The following criteria shall be incorporated in the final plans:

A. The minimum right-of-way for frontage roads shall be fifty feet (50') (15.25 meters), as designated by the Iowa Department of Transportation.
B. The paved width shall be a minimum of twenty-four feet (24') (7.3 meters), with a surface consisting of seven inches (7") (17.8 centimeters) of concrete, as specified by Iowa DOT standards relating to C-3 mix.
C. The shoulder adjacent to an existing arterial or limited access highway shall be stabilized for a width of ten feet (10') (3 meters) from the pavement according to Iowa DOT specifications - Class A three-fourths inch (3/4") stone six inches (6") (15.25 centimeters) thick. Normally underground power and/or telephone utilities will be installed within the right-of-way on this side of the pavement, on or established rear/side lot line easements.
D. The paved portion of the frontage road adjacent to commercial oriented establishments shall be curbed. Normally water lines shall also be installed within the right-of-way on this side of the pavement.
E. The maximum number of curb cuts per commercial lot fronting on a commercial frontage road is two (2). The maximum width of the cut at the property line shall be twenty-five feet (25') (7.6 meters), the maximum width of the cut at the paved frontage road shall be determined by the City Engineer.
F. Based on existing and projected development of the general vicinity, sidewalk construction or a surety bond guaranteeing installation 'at a future specified date may be required at the discretion of the City Council.

As applicable, the following criteria may be incorporated in the final plans and shall be installed by the developer:

A. The final plan should indicate the location of all sanitary sewer installations within the right-of-way.
B. The final plan should indicate any street lighting fixtures which may be required.
C. Clearing, grading, replacement of top soil, final seeding, and landscaping will be the responsibility of the developer.
D. The final plan should indicate any required storm sewers/ culverts for the purpose of handling surface runoff.
E. A turn around radius shall be provided on dead end frontage roads.

Title 12 – Public Works Improvements
Chapter 2 – Rural Street Standards

SECTIONS:
12-2-1 Intent
12-2-2 Area of Impact
12-2-3 Design Standards

12-2-1 Intent. The purpose of this amendment to the City Code is to establish reasonable rural residential street standards consistent with safe, convenient vehicle and pedestrian circulation. Consideration of appropriate balance among initial construction costs, amortization costs, operating and maintenance costs, and replacement costs were considered in formulating these rural residential street design standards. The adoption of a consistent standard based on rural residential traffic load, subgrade soil, surface drainage and climatic conditions in this area will contribute toward promoting the quality of our residential neighborhoods. Commercial and industrial subdivision streets will be reviewed on a case-by-case basis by the City Engineer.

12-2-2 Area of Impact. The design standards are applicable to new residential streets for the Muscatine Island area, specifically for that portion within the corporate limits west of Highway 61 and south of Sampson Street and east of Highway 61 and south of Maple Grove Road as extended from its intersection at Latham Street toward Highway 61; and for those rural areas outside the corporate limits but within two (2) miles thereof, which are subject to subdivision review by the City of Muscatine as provided by the Code of Iowa, Section 409.14.

12-2-3 Design Standards. For the appropriate locations as specified above, the following minimum design standards shall apply as follows:

A. The right-of-way width shall be sixty-six feet (66'), except that at the end of a cu-de-sac diameter shall be one hundred feet (100').
B. Two (2) twelve foot (12') travel lanes are to be provided to serve the residential area. This twenty-four foot (24') travel surface width shall have a four foot (4') stabilized shoulder on each side. The hard surfaced turning radius at the end of a culde- sac shall consist of forty feet (40') to the outside of the travel surface.
C. Drainage shall be provided for by grader ditching parallel to each roadway shoulder. Driveway culverts shall be provided and maintained by the property owner, the diameter of which shall be determined by the City Engineer.
D. The surface material for travel lanes shall have an equivalent to a structural number (SN) of 4.0. The thickness and type of material for the travel lanes shall be reviewed by the City Engineer for a determination of the SN. This method allows for the substitution of material, such as asphalt, flyash mixtures, and concrete, along with a type of roadway base, to achieve a strength and service life acceptable for rural residential area. NOTE: SN = 4.0, equivalent strength is equal to eight inches (8") concrete.
E. In the rural residential area defined above, sidewalks shall be installed within the right-of-way on both sides of streets and cu-de-sacs. The subdivider shall install sidewalks according to the following specifications, or as may otherwise be required by the city.
    1. An excavation shall be made a full five feet (5') in width to a depth of four inches (4") below the finished grade of the walk; the subgrade shall be thoroughly compacted by a mechanical means or hand tamping, and in such

excavation shall be placed a concrete mix reaching four thousand (4,000) psi compressive strength in twenty-eight (28) days according to ASTM-39. Concrete sidewalks shall be a minimum of four feet (4') wide and four inches (4") thick.

F. In the rural residential area defined above, a pipe storm sewer system is not required.

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