

TITLE 5

BUSINESS REGULATIONS

<u>SUBJECT</u>	<u>CHAPTER</u>
Business Licenses Generally	1
Alcohol Control	2
Cigarette and Tobacco Permits	3
Amusements	4
Billiards; Bowling	5
Outdoor Commercial Entertainment Establishment Permits	6
Bill Posting	7
Circuses; Carnivals	8
Pawnbrokers	9
Peddlers, Solicitors, and Transient Merchants	10
Residential Sales	11
Sales on City Property	12
Massage Establishments and Technicians	13
Taxicabs	14
Salvage, Junk Dealers and Refuse Haulers	15
Ambulance Service License	16

Title 5 - Business Regulations
Chapter 1- Business Licenses Generally

SECTIONS:

5-1-1 License Required

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

5-1-3 Application for License

5-1-4 Issuance of License

5-1-5 Record of Licenses

5-1-6 Transferability; Changes In Location

5-1-7 License Suspension or Revocation

5-1-8 Hearing

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

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

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

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

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

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

5-1-7 License Suspension or Revocation.

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

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

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

SECTIONS:

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

5-2-1 Application, License, and Permit Requirement

5-2-2 General Prohibition

5-2-3 Investigation

5-2-4 Action by Council

5-2-5 Prohibited Sales and Acts of License or Permit Holder

ARTICLE B: PROHIBITED ACTS GENERALLY

5-2-6 Amateur Fighting and Boxing

5-2-7 Consumption in Public Places; Possession of Open Containers; Intoxication

5-2-8 Persons Under Legal Age

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

5-2-10 Dancing Permitted; License

5-2-11 Removal from Licensed or Permitted Premises Prohibited

ARTICLE C: PENALTIES

5-2-12 Penalties

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

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

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

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

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

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

(Code of Iowa, Sec. 123.30)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- L. Permit or allow any person under twenty-one (21) years of age to enter into or remain upon a licensed or permitted establishment past 10 p.m., except as permitted in Section 5-2-9.

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

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

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

ARTICLE B: PROHIBITED ACTS GENERALLY.

5-2-6 AMATEUR FIGHTING AND BOXING.

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

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

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

5-2-8 Persons Under Legal Age.

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

(Code of Iowa, Section 123.47)

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

A. Prohibitions.

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

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

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

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

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

NOTICE TO PERSONS UNDER THE LEGAL AGE □□

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

D. Penalties.

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

5-2-10 Dancing Permitted; License.

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

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

ARTICLE C: PENALTIES

5-2-12 Penalties.

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

(Code of Iowa, Section 123.50)

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

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

SECTIONS:

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

5-3-1 Definitions.

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

5-3-2 Permit Required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

5-4-1 Definitions

5-4-2 License Required

5-4-3 Duration of License

5-4-4 Fire Inspections

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

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

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

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

Title 5 – Business Regulations

Chapter 5 – Billiards; Bowling

SECTIONS:

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

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

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

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

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

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

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

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

SECTIONS:

5-6-1 Outdoor Commercial Entertainment Establishment Permit

5-6-2 Hours Restriction

5-6-3 Duration of License

5-6-4 Renewal Application

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

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

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

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

Title 5 Business Regulations Chapter 7-Bill Posting

SECTIONS:

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

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

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

5-7-3 Requirements. City of Muscatine resident businessmen may distribute their own advertising matter without a permit as required in Section 5-7-2, provided that such distribution shall be made in such a manner as not to create a nuisance or litter and such advertising or billposting shall not be permitted on public streets or property. Such businessmen shall conform in all respects with the provisions of this Chapter except as to the requirement as to the permit.

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

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

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

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

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

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

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

SECTIONS:

5-8-1 Definitions

5-8-2 License Required; Circus

5-8-3 Circus License; Fee

5-8-4 License Required; Carnival

5-8-5 Carnival License; Fee

5-8-6 Right of Entry for Inspection

5-8-7 Public Property

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

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

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

(Code of Iowa, Section 88A.1)

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

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

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

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

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

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

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

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

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

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

**Title 5 – Business Regulations
Chapter 9 – Pawnbrokers**

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

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

5-10-2 License Required. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this Chapter.

5-10-3 Application for License. An application in writing shall be filed with the Clerk for a license under this Chapter. Such application shall set forth the applicant's name, permanent and local address, and business address if any. The application shall also

set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee in an amount fixed by resolution of the Council and set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

5-10-4 License Fees. The fee required for the issuance of a license issued under this Chapter shall be set by resolution of the City Council and is listed in the Schedule of Permit and Licensing Requirements in Appendix B of this Code of Ordinances.

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

5-10-6 Insurance Required.

- A. Before a license under this Chapter is issued to a peddler, solicitor, or transient merchant operating on City-owned property, an applicant shall provide to the Clerk a certificate of insurance naming the City as an additional named insured. Said certificate of insurance shall be in a minimum amount of \$2,000,000 providing coverage against any and all property damage, injuries, including injury resulting in death, or wrongful fraudulent or illegal conduct by reason of, or related to, the licensee's use of public streets, sidewalks, right of ways or other public places to engage in activity pursuant to this Ordinance. Said insurance shall be maintained throughout the duration of the license period and one (1) year thereafter and failure to do so shall be a violation of this Ordinance. All certificates of insurance issued pursuant to this Chapter shall contain a clause that 10 days prior written notice of cancellation or change shall be given to the City Clerk of the City of Muscatine.
- B. An applicant shall also submit an executed agreement to indemnify and hold harmless the City of Muscatine and its officers, employees, agents and assigns from any and all claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of merchandise by said applicant or the granting of a license to do so.
- C. Failure to comply with the requirements of this Section shall be cause for denial or revocation of the license.

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

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

5-10-8 License Issued. If the Clerk finds the application is completed in conformance with the requirements of this Chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

5-10-9 Display of License. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this Chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

5-10-10 License Not Transferable. Licenses issued under the provisions of this Chapter are not transferable in any situation and are to be applicable only to the person filing the application.

5-10-11 Time Restriction. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 8:00 p.m.

5-10-12 Suspension or Revocation of License.

A. Grounds; Notice:

1. The City Clerk may suspend any license issued under this Chapter, pending the outcome of an administrative hearing, for any of the following reasons:
 - a. The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.
 - b. The licensee has violated this Chapter or any other Chapter of this Code or has otherwise conducted his/her business in an unlawful manner.
 - c. The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.
 - d. The City Clerk has received and investigated multiple written complaints during the licensed period from residents of the City who are dissatisfied with the manner in which the licensee is conducting business.
2. The City Clerk shall immediately serve notice to the licensee with notice either in person or by regular mail to the licensee's local address of the license suspension, the specific reason(s) for such action, and date and time of hearing with the City Clerk to review the particulars of the suspension.

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

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

D. If the City Clerk revokes or refuses to issue a license, the licensee or the applicant shall have a right to a hearing as provided in Title 5, Chapter 1 of this Code of Ordinances.

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

5-10-13 Penalty. Anyone violating any of the provisions of this Ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding one hundred dollars (\$100.00). Each day that a violation continues to exist shall constitute a separate offense.

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

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

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

5-10-16 Prohibited Activities. No peddler, solicitor, transient merchant, or other person engaged in other similar activities shall conduct business in any of the following manner:

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

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

SECTIONS:

5-11-1 Purpose

5-11-2 Definitions

5-11-3 Signs

5-11-4 Residential Sales Regulations

5-11-5 Enforcement

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

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

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

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

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

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

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

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

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

SECTIONS:

5-12-1 Selling on City Property

5-12-2 Selling of Merchandise

5-12-3 Soliciting for Worthy Cause

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

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

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

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

SECTIONS:

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

5-13-1 Definitions.

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

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

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

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

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

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

5-13-4 Licenses for Massage Business.

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

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

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

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

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

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

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

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

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

5-13-6 Massage Technician License.

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

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

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

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

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

5-13-8 Health Standards.

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

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

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

5-13-9 Unlawful Acts.

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

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

**Title 5 – Business Regulations
Chapter 14 – Taxicabs**

SECTIONS:

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

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

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

5-14-3 License and Fee Required. No person shall engage in the business of maintaining or operating any taxicabs without first procuring from the Council a license. The fee for the issuance of a license issued under this Chapter shall be set by resolution of the City Council and is listed in the Schedule of Permit and Licensing Requirements in Appendix B of this Code of Ordinances. Every driver of a licensed taxi shall also possess a valid Iowa commercial driver's license, as defined by Section 321.1(11) of the Code of Iowa.

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

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

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

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

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

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

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

SECTIONS:

5-15-1 Purpose

5-15-2 Scope

5-15-3 License Required

5-15-4 Screening

5-15-5 Collection Vehicles License

5-15-6 Disposal

5-15-7 Violation

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

5-15-2 Scope. The scope of this Chapter shall encompass all land within the Corporate Limits of the City of Muscatine and any future land annexed thereto. The regulations of this Chapter shall apply to all person(s) who actively pursue a livelihood by collecting, salvaging, distributing, or processing any junk, refuse, or garbage as defined in Title 10, Chapter 23 and Title 13, Chapter 3 of this Code and applies to all salvage, refuse, or junk dealers, whether new or existing.

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

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

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

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

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

5-15-6 Disposal. All salvage, refuse, garbage, or junk must be disposed of at a local landfill in accordance with Title 13, Chapter 4 of the City Code.

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

Title 5 – Business Regulations
Chapter 16 - Ambulance Service License

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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