

Title 7 – Police Regulations
Chapter 1 – Police Department

SECTIONS:

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7-1-1 Creation; Appointment. There is hereby established a Police Department, consisting of a Chief of Police and such other members as the Council may from time to time provide, which officers and men shall be appointed as provided in the Civil Service Law of the State of Iowa.

7-1-2 Chain of Command. The chain of command in the Police Department shall be as prescribed in the rules and regulations of the Department.

7-1-3 Sergeant at Arms. The Chief of Police, or his or her designated representative, shall serve as Sergeant at Arms of the Council, and as such, shall attend its meetings, keep the Council chamber in order, and promptly serve or have served all notices or orders required of him or her by the Mayor or Council.

7-1-4 Duties of Chief of Police. The Chief of Police shall be the executive head of the Police Department, and his or her orders shall be obeyed implicitly. It shall be the duty of the Chief of Police to cause the public peace to be preserved and to see that all the laws are enforced; and whenever any violations thereof shall come to his or her knowledge or be reported to him or her, he or she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender. He or she and his or her subordinates shall, in case of riot, tumult, insurrection or threatening thereof, take command in person of the police officers and direct their movements and operations in the discharge of their duties. He or she shall be responsible for the efficiency, general conduct, and good order of the Department. Annually, the Police Chief shall make and file with the Clerk an annual report showing a summary of the business of the Department.

7-1-5 Uniforms. Each member of the Police Department shall be required to properly wear suitable uniforms as directed by the Chief of Police; the same to be according to the design, color, and material as prescribed by the Chief of Police.

7-1-6 Obedience to Superior Officers. All members of the Police Department shall observe and obey the orders of their superior officers.

7-1-7 False Alarm. Any person who shall, without reasonable cause therefore, or shall for the purpose of either misleading, deceiving, or joking, notify or cause to be notified or informed any police officer that his or her presence or services are needed at any particular point, and thus cause such officer to go to such point, or who shall cause, suffer, or permit any false call for such officer to be made by or through any emergency system or telephone, shall be deemed guilty of a misdemeanor.

7-1-8 Rules. The Chief of Police shall have authority to adopt such departmental rules as he or she deems necessary for the orderly administration and operation of the Police Department.

Title 7 – Police Regulations
Chapter 2 – Alarm Regulations

SECTIONS:

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I. GENERAL PROVISIONS

7-2-1 Purpose. It is the purpose of this Ordinance to protect the Muscatine Police and Fire Departments and property owners from the erroneous and mistaken use of security and fire alarms which results in increased false response calls by the Police and Fire Departments and is creating a hazard to the members of the departments and to the general public. It is further the purpose of this Ordinance to control the use of security and fire alarms connected to the City's Public Safety Building.

7-2-2 Definitions. For the purpose of this chapter, the following words and phrases shall be construed to have the meaning set forth in this section unless it is apparent from the context that a different meaning is intended.

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

9. "Direct alarm system" means an alarm system which has the capability of transmitting signals for reception by the communications center of the police department.
10. "Direct line" means a private line circuit ring down telephone line leading directly to the communications center of the police department that is for use only to report emergency messages and signals on a person-to-person basis.
11. "False fire alarm" means the activation of a fire alarm system through technical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. False fire alarm does not include the activation of an alarm system which is caused by storms, tornadoes, or other violent weather conditions. False fire alarm does not include alarm system activations or failures caused by water, gas, electrical, telephone or other transmission devices not under the control of an alarm user or his or her employees or agents, the willful act of any person other than the alarm user or his or her agent or employee, and does not include alarm activations or failures due to conditions clearly beyond the control of the alarm user or his or her agents or employees.
12. "False police alarm" means the activation of an alarm system through technical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. False police alarm does not include the activation of an alarm system which is caused by storms, tornadoes, or other violent weather conditions. False police alarm also does not include the activation or failure of an alarm system caused by transmission lines not under the control of an alarm user or alarm agent, the willful act of any person other than the alarm user or his or her employees or agents or the alarm agent, and does not include activations or failures due to conditions clearly beyond the control of the alarm agent or alarm user. False police alarm does include the activation or use of an alarm system for purposes other than warning or notification of an unauthorized intrusion, or robbery or attempted robbery, or other emergency situations.
13. "Fire chief" means the chief of the fire department of the City, or the chief's authorized representative.
14. "Fire Department" means the fire department of the City.
15. "Holdup alarm system" means a method of signaling a robbery or attempted robbery or unauthorized intrusion of a premise in which the signal transmission is initiated by the direct action of a person.
16. "Indicator" means the instrumentation on a monitor panel at the receiving terminal of a signal line which produces both visual and audible alarm signals when activated by a signaling device at an identifiable location or origin.
17. "Key" (to a telephone line) means to use a telephone line for transmitting a message, either by direct connection or by a mechanism not so connected, that utilizes the microphone of a standard telephone to do so.
18. "Modified central station" means a central station operated for the customers of an alarm business by a person which provides at all times the service of monitoring and relaying messages for customers to the police or fire department communications center in connection with automatic protection devices and alarm systems, but which does not meet the requirements nor provide all the services of a central station. This definition includes "monitoring stations".
19. "Person" means any individual, partnership, corporation, association, or other organization, but does not include the City.
20. "Police chief" means the chief of the police department of the City or the chief's authorized representative.
21. "Police Department" means the police department of the City.
22. "Protected premises" means that part of a building or real estate to which protection is afforded by an alarm system.

23. "Primary trunkline" means a telephone line leading directly into the communications center of the police or fire department that is for the purpose of handling emergency calls on a person-to-person basis, and which line is identified as a Public Safety Response line such as "911" or by a specific listing among any police department numbers in any telephone directory issued by any telephone directory publisher serving the City and surrounding area.
24. "Secondary trunkline" means a telephone line leading into the police or fire department or city hall that is identified by a specific listing among the telephone numbers in any telephone directory issued by any telephone directory publisher serving the city and surrounding area that is for handling administrative and other non-emergency calls on a person-to-person basis.
25. "Signaling device" means an instrument that, upon detection of physical force or condition characteristic of an emergency, will activate a signal line in such a way as to cause both visual and audible signals to be registered by indicators on a monitor panel at the receiving terminal of the signal line in a central location.
26. "Signal line" means a line not connected to any standard telephone equipment which leads into an indicator panel in the communications center of the police or fire department, or into such a panel in either a central station system or a modified central station and which is designated to transmit an alarm signal readily identifiable as to location or origin.
27. "Telephone answering service" means a business operating a telephone answering activity that includes the service whereby trained employees on duty at all times receive pre-recorded voice messages from automatic protection devices and who have the duty to relay immediately by live voice any such emergency message to the police or fire department.
28. "This chapter" includes any regulations adopted pursuant to the provisions of Section [7-2-26](#) and the standards, rules, and regulations established by the chief for direct alarm systems.

7-2-3 Automatic protection devices

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

7-2-4 Direct alarm systems

- A. No direct alarm system shall be permitted with the police or fire department except such as is connected to an indicator panel installed in uniform consoles within the communications facilities of the police or fire department pursuant to a permit issued in accordance with the provisions of this chapter.
- B. The chief may limit the number of such permits and may set standards, rules, and regulations governing direct alarm systems.

7-2-5 Alarm system restrictions

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

II. LICENSING REQUIREMENTS AND PROCEDURES

7-2-6 Alarm business -- license required - No person shall conduct an alarm business within the corporate limits of the city unless they possess a currently valid alarm business license issued pursuant to this chapter.

7-2-7 Alarm agent -- license required - No person shall conduct themselves as an alarm agent within the corporate limits of the city unless they have a currently valid alarm agent business license issued pursuant this chapter. A person holding a valid alarm business license is exempt from the requirement of obtaining an alarm agency license.

7-2-8 Alarm system -- permit required

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

7-2-9 Central station system -- license required - no person shall operate a central station system, which relays messages to the police department in the absence of a currently valid central station system license issued pursuant to the provisions of this chapter.

7-2-10 Modified central station -- license required - No person shall conduct a modified central station system which relays messages to the police department in the absence of a currently valid license issued pursuant to the provisions of this chapter.

7-2-11 Telephone answering service -- license required - No person shall conduct a telephone answering service which includes in such service the receipt and relay of messages to the police department from automatic protection devices in the absence of a currently valid telephone answering service license issued pursuant to the provisions of this chapter.

7-2-12 License and permit applications and fees

- A. Applications for licenses and permits required by this chapter shall be filed with the City's Department of Finance on forms provided for that purpose, and shall be reviewed by the police chief.
- B. Each application shall be accompanied by a receipt for a non-refundable fee from the city treasurer as follows:
 1. For an alarm business, central station system, modified central station, or telephone answering service an annual fee of one-hundred dollars (\$100.00).
 2. For an alarm agent a fee of ten dollars (\$10.00).
 3. For a direct alarm system permit from a commercial alarm company a fee of one hundred dollars (\$100.00).
 4. For an alarm system permit from a non-commercial private residential or commercial user a fee of twenty-five dollars (\$25.00).

7-2-13 License and permit renewal, modifications

- A. All licenses and direct alarm system permits issued pursuant to this chapter shall expire annually on June 30. All applications for renewal of such licenses and permits shall be filed with the City's Department of Finance and reviewed by the police chief on forms provided for that purpose. The fee for the renewal of each license and direct alarm system permit shall be the same as the initial application fee and shall be paid to the city treasurer prior to the time the license or permit renewal is issued.
- B. Alarm system permits need not be renewed.
- C. Any modification of, change in ownership of, change in location of, or addition to an alarm system requires that a new application, new application fee, and new alarm system permit be issued pursuant to this chapter.

7-2-14 Issuance of license, permit, or renewal

- A. Upon approval by the police chief of the application for a license or permit, or for the renewal thereof, the chief shall endorse his/her approval thereon and transmit the application together with the treasurer's receipt for the fee to the office of the city clerk who shall be responsible for the issuance of the license, permit, or renewal thereof.
- B. The Chief shall have a reasonable time to investigate the application for a license, or for the renewal thereof, and the background of the applicant to the extent deemed necessary. Thereafter, the license shall be issued unless the chief finds that:

1. The applicant has submitted an application that contains a misstatement or omission of any material fact, or
 2. Some matter or activity in the background of the applicant reasonably related to the activities to be engaged in is such that a reasonable person would conclude that there would be an undue risk to the public health, safety, or welfare if the license were granted, or
 3. The applicant has been convicted of a felony within the last fifteen years from the date of the application.
- C. The chief shall have a reasonable time to investigate the application for a permit, or for the renewal thereof, to the extent deemed necessary. The chief may also inspect the alarm system and protected premises to the extent deemed necessary. Thereafter, the permit shall be issued unless the chief finds that:
1. The applicant has submitted an application that contains a misstatement or omission of any material fact, or
 2. The alarm system was, or will be, installed by an unlicensed alarm business or alarm agent, or
 3. The alarm system is not in conformance with this chapter, or
 4. The alarm system has generated an excessive number of false alarms such that it has interfered with the conduct of the business of the police department or fire department.
- D. If the license or permit, or renewal thereof, is denied, the reason for the denial shall be set forth in writing and provided to the applicant or his designee.

7-2-15 Revocation and suspension of licenses and permits

- A. Grounds. A license granted under this chapter may be suspended or revoked by the chief if he/she finds that the business operations of the licensee are being, or have been, conducted in violation of state law or local ordinance, or that there exists any of the grounds for not issuing an original license, or renewal, pursuant to this chapter. For the purpose of this chapter, the holder of a license shall be responsible for the conduct of its officers, agents, or employees. A permit may be suspended or revoked if there exists any of the grounds for not issuing an original permit, or renewal thereof, pursuant to this chapter.
- B. Notice and Hearing. A license or permit, however, may not be revoked or suspended until a hearing has been held before the police chief. Written notice of the time and place for the hearing shall be served upon the licensee or permittee at least seven days prior to the date set for the hearing if such notice is personally served. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the license or permit. Notice shall be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the address appearing on the application. If notice is given by mail as provided, it shall be deemed given at the time of the deposit in the United States mail, but such notice shall be given at least seven days prior to the date set for such hearing. Any person aggrieved by the action of the police chief may appeal to the city council within the time and manner provided in this chapter.

7-2-16 Notice of decision

- A. Within ten (10) days after reaching a determination regarding an application for a license or permit; or after a hearing concerning the suspension or revocation of a license or permit, the chief shall serve a written copy of his decision on the applicant,

licensee, or permittee at the address set forth in the application or renewal, or at an address specified by the applicant, licensee, or permittee. Said decision shall be deemed served when deposited in the United States mail.

- B. The copy of the decision shall apprise the applicant, licensee, or permittee of his right to appeal and of the time limitation and appeal procedures specified in this chapter.

7-2-17 Appeal notice

- A. An applicant, licensee, or permittee aggrieved by the decision of the chief shall have the right to appeal to the city council.
- B. Notice of appeal must be filed with the city clerk within fifteen (15) days after service of the chief's decision. The notice of appeal shall briefly state the basis for such appeal.

7-2-18 Appeal procedure

- A. Hearing. Upon receipt of the notice of appeal together with an appeal fee of five dollars (\$5.00), the city clerk shall cause the matter to be placed on the agenda of the next regularly scheduled meeting of the city council. The city clerk shall cause a written notice of the time and place of meeting to be given to the appealing party. If the appealing party deems additional time is necessary to prepare a presentation for the hearing, the appealing party shall notify the city clerk thereof and upon receipt of such notice the city clerk shall continue the hearing to a later date, not to exceed thirty days beyond the original date set for hearing.
- B. Burden of Proof. At the time and place set for hearing upon the appeal, the city council shall give the appealing party a reasonable opportunity to be heard in order to show cause why the determination of the chief should not be upheld. In cases where a license or permit has been denied, the burden of proof to show that the action taken by the police chief was arbitrary, capricious, or in excess of the chief's authority shall be upon the appealing party. In cases where a license or permit has been suspended or revoked, or a license or permit renewal was denied, the burden of proof shall be upon the police chief to establish that appropriate grounds existed for such action.
- C. Notice of Decision. The city council shall reach a decision on the matter within fourteen (14) days after the hearing and within ten (10) days after reaching a determination with reference thereto shall cause a written copy of the decision to be mailed to the appellant. At the same time the council shall give to the chief a copy of such decision.

7-2-19 Business license tax - Nothing contained in this chapter shall be construed as a waiver or exemption from any business license tax otherwise applicable.

7-2-20 Posting of licenses and permits - A central station system, modified central station, telephone answering service, or an alarm business license shall be posted at all times at the premises from which the licensed activity is conducted. A person acting as an alarm agent shall carry their alarm agent registration card on their person at all times which so engaged and shall display said card to any police officer or fireman upon demand. An alarm system permit shall be posted at all times on the protected premises.

7-2-21 Transfer of license or permit prohibited - No license or permit issued pursuant to this chapter shall be transferable.

7-2-22 Failure to pay ad valorem taxes - No license or permit shall be issued or renewed pursuant to this chapter if any ad valorem taxes upon any real property or personal property used directly or indirectly in connection with the proposed business or service are delinquent. Where a license or permit has been issued and ad valorem taxes on such property thereafter become delinquent, the license or permit shall be subject to cancellation immediately without notice and without right of appeal.

7-2-23 Service available - Each alarm business shall have licensed alarm agents and supplies and equipment so located as to be able to respond to a request for repair or adjustment of any alarm system that such an alarm business sold, maintained, or inspected within four (4) hours of the request for such service. They shall respond within four (4) hours of the request; except that if the request occurs within the hours that the protected premises is open for business or otherwise substantially occupied, repair or adjustment may be made at any time prior to the closing of the protected premises.

7-2-24 Responsibility for alarm response - Every person who has an alarm system on premises shall, upon notification that the alarm system is giving a signal, proceed immediately to the protected premises and render all necessary service. However, the owner or person in control of the protected premises may enter into an agreement with an alarm business or other responsible party or service to respond in that person's stead to the site of the alarm. A responsible person shall respond to every notification, without exception. Such response shall be made within 30 minutes of notification. Failure to respond to such notification on more than one occasion will result in the revocation of the alarm permit

7-2-25 City's right to own certain equipment

- A. All alarms will be routed through a central monitoring panel owned and maintained by a single alarm company. The City reserves the right to own all indicator panels and accessory equipment for direct alarm systems located within the police or fire departments. In such cases, each direct alarm system permittee, in addition to the annual permit fee, shall be required to pay an initial installation fee and an annual user fee as the same may be established from time to time by council resolution and uniformly applied to cover the cost of the maintenance of such facilities. In the event the city decides not to own the equipment within the police or fire departments, but to provide for its installation and maintenance by a third party, the city shall establish and regulate reasonable fees and charges which may be charged by direct alarm system permittee, and the third party shall, at no additional cost to the city, make the necessary connection to the indicator panel and maintain the required equipment for all direct alarm systems located within city-owned buildings as requested by the city. All such fees provided by this subsection shall be payable annually on or before April 1 of each year.
- B. The police chief may set standards and rules and regulations governing all indicator panels and accessory equipment for direct alarm systems located within the police department.

III. ENFORCEMENT AND ADMINISTRATION

7-2-26 Generally

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

7-2-27 Testing of equipment - No person shall conduct any test or demonstration of an automatic protection device or a signaling device designed to make direct connection with the department without first contacting the Public Safety Communications Center where the equipment to be tested or demonstrated is keyed to an intermediary. Such permission is not required unless the alarm or signal is to be relayed to the police department.

7-2-28 False fire alarms

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

7-2-29 False police alarms

- A. Reports. A report on a form approved by the chief shall be forwarded, if requested by the chief, to the police department within forty-eight (48) hours, Sundays and holidays excepted, with regard to each and every false alarm transmitted to the police department together with such additional information as may be reasonably required by the chief. The report shall be made by the alarm business where the

alarm system is serviced by an alarm business. The report shall be made by the alarm system permittee in all other cases.

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

7-2-30 Change of location - If the location of the communications facilities of the police department should be changed or moved, the cost of moving any alarm system or parts thereof shall be borne by the permittee.

7-2-31 Regulation of charges - If alarm reporting equipment located inside the police department is privately owned and the owner makes any charge for the connection to that equipment, such charge shall be fully borne by the owner of the reporting equipment.

7-2-32 Liability of the city limited - The city shall take every reasonable precaution to assure that alarm signals and messages received from central station systems, modified central stations, and telephone monitoring services regarding alarm signals received by the city are given appropriate attention and are acted upon with dispatch. The city shall not be liable for any defects in the operation of any alarm devices or signal line systems, for any failure or neglect to respond appropriately upon receipt of an alarm, nor for the failure or neglect of any person with a license or permit issued pursuant to this chapter in connection with the installation, maintenance, or operation of equipment, the transmission of alarm signals and pre-recorded alarm messages, or the relaying of such signals and messages. In the event that the city finds it necessary to disconnect a defective automatic protection device or signaling device, the city shall incur no liability by such action.

7-2-33 Conflict of interest prohibited - No employee of the police or fire department, nor a member of such employee's immediately family, shall have any interest, directly or indirectly, in any alarm business within the limits of the city. No such employee or family member shall be employed by an alarm business subject to the provisions of this chapter.

7-2-34 Violations and penalties

- A. An alarm user who has more than four (4) false police and/or fire alarms within a consecutive twelve (12) month period shall be deemed to have committed a municipal infraction for a fifth (5th) or any subsequent false alarms within a consecutive twelve (12) month period. The fifth (5th) false alarm shall be deemed a first violation and shall, upon judgment against the violator, be subject to a civil penalty of fifty dollars (\$50.00). A sixth (6th), seventh (7th), or eighth (8th) false alarm shall be a repeat infraction and shall, upon judgment against the violator, be subject to a civil penalty of one hundred dollars (\$100.00) for each repeat infraction. A ninth (9th) false alarm within a consecutive twelve (12) month period shall result in the automatic suspension of the alarm system permit. The effect of the suspension

shall mean that the police and/or fire departments need not respond to alarm warnings at the licensed or permitted premises until such time as a new alarm system permit has been obtained by the alarm user. Prior to the issuance of a new alarm system permit the alarm user must have the system tested and certified as mechanically sound and all fines for previously issued citations for false alarms shall be paid. No alarm which occurs within fourteen (14) days of the date of notification of the installation of a new alarm system shall be considered to be a false alarm for purposes of determining the number of false alarms per consecutive twelve (12) month period or for the purpose of imposing a penalty.

- B. Anyone who violates any of the other provisions of this chapter shall be deemed to have committed a municipal infraction and shall, upon judgment against the violator, be subject to a civil penalty of one hundred dollars (\$100.00) for the first infraction and two hundred dollars (\$200.00) for each repeat infraction. In addition to being subject to the imposition of civil penalties, the city may also request that the court order equitable relief to prevent, correct, or abate such violations. Each day that the violation is permitted to exist after notification in writing by the chief or city clerk, and the expiration of the time designated for correction in the aforesaid notification, shall constitute a separate or repeat municipal infraction offense.

Title 7 – Police Regulations
Chapter 3 – Bicycles

SECTIONS:

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

7-3-1 Registration Required. Every person who shall own a bicycle in the City shall register such bicycle as provided in this chapter.

7-3-2 Application. The owner of any bicycle shall apply to the Police Department for registration of such bicycle and such registration shall be on a form furnished and prescribed by the Police Department and shall provide a full description of the bicycle, such as name, address, type, color, manufacturer, and serial number.

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

7-3-4 Second Hand Sales Report. All persons buying or selling second hand bicycles shall notify the Police Department within five (5) days of the sale.

7-3-5 Destroying Frame Number or License. No person shall willfully or maliciously remove or destroy any frame number or license.

7-3-6 Lost or Destroyed License. In the event that an owner of a bicycle should lose a license or that such license should be destroyed or stolen, the owner shall report the same to the Police Department and there shall be furnished to the owner a new bicycle license at the cost as determined by the provisions of Title 5, Chapter 15, of the City Code.

7-3-7 License Fees. The bicycle license fee shall be as determined by Resolution of the City Council and as stipulated in Title 5, Chapter 15, of the City Code.

7-3-8 Riding on Sidewalks. Bicycles may be operated on sidewalks in the City, except in the downtown business area, however, Muscatine police officers while on duty may operate bicycles on sidewalks anywhere in the City. For the purpose of this section, the downtown business area shall encompass an area bounded by and including Mississippi Drive, Mulberry Avenue, Fourth Street, and Pine Street. Under all circumstances, a driver of a bicycle shall yield the right-of-way to pedestrians using the sidewalk and due and proper care shall at all times be exercised by the driver of the bicycle for pedestrians.

7-3-9 Parking on Sidewalks (Business District). No person shall park any bicycle upon the sidewalks in the business district; the business district is that area as defined in Section 7-3-8 of this chapter.

7-3-10 Number of Persons. Only one person shall ride a bicycle at any time, unless it is of the tandem type.

7-3-11 Riding Two Abreast. Bicyclists riding upon any street shall not ride more than two (2) abreast.

7-3-12 Method of Riding; Rate of Speed. When riding upon the streets, bicyclists shall at all times keep both hands on the handle bars of the bicycle, except to make hand signals and at no time shall ride at such a rate of speed as to endanger the person or property of others.

7-3-13 Lamps: Reflective Devices. Every bicycle operated within the City during the period from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of three hundred feet (300') ahead shall be equipped with a lighted white lamp on the front thereof of such bicycle. Every bicycle shall also be equipped with a reflex mirror reflector or lamp on the rear, visible under like conditions from a distance of at least three hundred feet (300') to the rear of such bicycle.

7-3-14 Traffic Regulations. All persons riding bicycle upon any street shall observe the traffic laws of the City and of the State insofar as the same may apply to the riding of bicycles and specifically, but without limitation, shall include traffic rules as to traffic lights, highway stop signs, signaling change of direction of the course of travel, traveling on the right-hand side of the street, no turns to the right or left in traffic except at the regular intersection of streets or alleys and no weaving in and out of traffic.

Title 7 – Police Regulations
Chapter 4 – Controlled Access Facility

SECTIONS:

7-4-1 Purpose

7-4-2 Definition

7-4-3 Exceptions

7-4-4 State Law; Law of the Road

7-4-1 Purpose. This chapter shall be deemed an exercise of the police power of the City under the Code of Iowa for the preservation of the public peace, health, safety, and the promotion of the general welfare.

7-4-2 Definition. For the purpose of this chapter, a "Controlled Access Facility" shall mean: A highway or street especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right of easement or only on controlled right of easement of access, light, air, or view by the reason of the fact that their property abuts upon such controlled access facility or for any other reason. (Specifically this shall mean U. S. Highways 61 and 92 and Iowa Highways 22 and 38.)

7-4-3 Exceptions. This Chapter shall not be construed to effect existing entrances to the various Primary Road Extensions in the City, a copy of which is on file in the Office of the Clerk, and which is referred to for purposes of identification as Public Document No. 58597.

7-4-4 State Law; Law of the Road. Section 321.366 of the Code of Iowa is hereby adopted by reference and it shall be unlawful for any person to violate any provision or amendments thereto.

Title 7 – Police Regulations
Chapter 5 – Adult Crossing Guards

SECTIONS:

7-5-1 Administration

7-5-2 Compensation and Status of Guards

7-5-3 Violation

7-5-1 Administration. The Chief of Police is authorized to appoint persons as Adult Crossing Guards, provided all such persons shall meet the qualifications established by the City Council. The Chief of Police shall train and supervise the Crossing Guards, and shall have authority to discharge said Crossing Guards when necessary. The Chief of Police shall perform such other duties in connection with the administration of this program as may be requested by the City Council.

7-5-2 Compensation and Status of Guards. Crossing Guards shall be paid at such rate as may be fixed from time to time by the Council. Crossing Guards shall not be a part of, nor affiliated or connected in any official capacity with the City Police Department. Crossing Guards shall have and exercise only such limited police powers as may be delegated to them by the Chief of Police. Crossing Guards shall not have civil service status.

7-5-3 Violation. It shall be unlawful for any person to disobey the signal or direction of an Adult Crossing Guard while in the performance of his or her duties.

Title 7 – Police Regulations
Chapter 6 – Curfew

SECTIONS:

- 7-6-1 Title
- 7-6-2 Definitions
- 7-6-3 Hours of Curfew
- 7-6-4 Exception
- 7-6-5 Responsibility of Parent or Guardian
- 7-6-6 Full Force and Effect
- 7-6-7 Repealer
- 7-6-8 Severability of Provisions
- 7-6-9 Enforcement
- 7-6-10 Penalty

7-6-1 Title. This ordinance may be known and cited as the "City Curfew Ordinance" of Muscatine, Iowa.

7-6-2 Definitions.

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

7-6-3 Hours of Curfew. It shall be unlawful for any minor under the age of fifteen (15) to be or remain, in or upon any of the alleys, streets, or other public places in the City between the hours of nine-thirty o'clock (9:30) p.m. and six o'clock (6:00) a.m. of the following day. It shall be unlawful for any minor under the age of eighteen (18) years and over the age of fourteen (14) to be or remain, in or upon any of the alleys, streets, or other public places in the City between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. of the following day.

7-6-4 Exceptions. In the following cases the presence of a minor on a City street or other public place shall not constitute a violation of this ordinance:

- A. When the minor is accompanied by the minor's parent.
- B. When the minor is accompanied by an adult at least twenty-one (21) years of age authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose. Such permission authorization shall be in written form, shall specify the particular reason or event that the minor is permitted to be with the authorized adult, signed and dated by the minor's parent within twenty-four (24) hours of the beginning of the period for which the authorization is given which period shall not be longer than seventy-two (72) hours except for extenuating circumstances clearly stated, carried by the authorized adult and shall be presented to a peace officer upon request.

- C. When the minor exercises First Amendment rights, such as free exercise of religion, freedom of speech, right of assembly, or right to petition the government, and the use of City streets or other public places is a necessary incident thereto.
- D. When the minor is traveling, via direct route, to or from a place of employment, or such travel necessary in conjunction with employment duties.
- E. When the minor is traveling through the City from and to destinations outside the City, with no point of destination within the City, when such travel is by direct route.
- F. When the minor is returning home by a direct route from and within 30 minutes from the termination of a school or church activity, or government sponsored activity or event.
- G. When the minor is traveling to or from a City, school or church sponsored after prom event.

7-6-5 Responsibility of Parent or Guardian. It shall be unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys or other public places within the curfew hours set by subsection 7-6-3, except as otherwise provided in subsection 7-6-4.

7-6-6 Full Force and Effect. This ordinance shall be in full force and effect from the date of passage and publication as required by law.

7-6-7 Repealer. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith. Title 7, Chapter 6 in effect prior to the enactment of this ordinance is repealed, as well as any other ordinance which is inconsistent herewith.

7-6-8 Severability of Provisions. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

7-6-9 Enforcement. Any peace officer of this City while on duty is hereby empowered to arrest any minor who violates any of the provisions of this ordinance. Upon arrest, the minor shall be returned to the custody of the parent, legal guardian or other person charged with the care and custody of the minor.

7-6-10 Penalty. Any minor violating the provisions of this ordinance shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00). Any parent, legal guardian, or other adult person having the care and custody of a minor violating this ordinance shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or confined in jail for a period not exceeding thirty (30) days.

Title 7 - Police Regulations
Chapter 7 - Damage and Trespass to Property

SECTIONS:

7-7-1 Criminal Mischief

7-7-2 Multiple Acts

7-7-3 Trespass

7-7-4 Property Defined

7-7-5 Exception

7-7-6 Penalty

7-7-1 Criminal Mischief. It shall be unlawful for any person to intentionally damage, deface, alter, or destroy any tangible property when that person has no right to so act.

7-7-2 Multiple Acts. Whenever criminal mischief is committed upon more than one item of property at approximately the same location or time period, so that all of these acts of mischief can be attributed to a single scheme, plan, or conspiracy, such acts shall be considered as a single act of criminal mischief.

7-7-3 Trespass. It shall be unlawful for any person to do one or more of the following acts:

- A. To enter upon or in property without justification or without the implied or actual permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything inanimate or animate.
- B. To enter or remain upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
- C. To enter upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
- D. To be upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

7-7-4 Property Defined. For the purposes of Section 7-7-2, the term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.

7-7-5 Exception. Trespassing shall not include entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to retrieve the property as quickly as is possible, and does not unduly interfere with the lawful use of the property.

7-7-6 Penalty. Any person violating the provisions of this Chapter shall be subject to a fine not to exceed one hundred dollars (\$100.00), or imprisonment in the County Jail not to exceed thirty (30) days.

Title 7 – Police Regulations
Chapter 8 – Driving Rules

SECTIONS:

7-8-1 Driving Through Funeral; Other Processions.

7-8-2 Drivers in Procession

7-8-3 Driving on Sidewalks

7-8-4 Careless Driving

7-8-5 Driving on Private Property

7-8-1 Driving Through Funeral; Other Processions. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized processions while they are in motion and when such vehicles are conspicuously designated as required by this Code. This provision shall not apply at intersections where traffic is controlled by traffic control signals or Police Officers.

7-8-2 Drivers in Procession. Each driver in a funeral or other procession shall drive as near the right-hand edge of the roadway as practicable, shall follow the vehicle ahead as close as is practical and safe, and shall have the headlights turned on.

7-8-3 Driving on Sidewalks. The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

7-8-4 Careless Driving. No driver of a vehicle shall operate or halt the same negligently or needlessly in disregard to the rights or safety of persons or property.

7-8-5 Driving on Private Property. No driver of a vehicle shall operate or halt the same on private property without the consent of the owner thereof.

Title 7 – Police Regulations
Chapter 9 – General Offenses

SECTIONS:

7-9-1 Firecrackers; Explosives

7-9-2 False Information as to Bombs, etc.

7-9-3 Disturbing the Peace

7-9-4 Permitting Disturbing of Peace

7-9-5 Disturbing the Peace by Person, Association, Firm, or Corporation Legally Holding an Outdoor Commercial Entertainment Establishment Permit

7-9-6 Possession of Beer or Alcoholic Liquor

7-9-7 Walking, Jogging, or Running Along Roadways

7-9-8 Misdemeanor Assault

7-9-9 Misdemeanor Theft

7-9-1 Firecrackers; Explosives. Any person who shall have in his or her possession or explode any firecracker or other fireworks, or throw into any street or alley any squib or other article containing powder or other explosive material, shall be deemed guilty of a misdemeanor; provided that the Council may, by resolution, permit the operation of the preceding provisions of this section, in whole or in part, on the Fourth of July or any other day of public rejoicing.

7-9-2 False Information as to Bombs, etc. No person shall give or circulate false information as to the location of any bomb, explosive, or other hazardous device or dangerous instrument upon the premises of any school, church, theater, auditorium, or other place of lawful assembly, with the willful intent of disturbing or interrupting the usual, legal, and normal operations of said school, church, theater, auditorium, or other place of lawful assembly.

7-9-3 Disturbing the Peace. Every person who shall unlawfully disturb the public quiet of any street, alley, avenue, public square, or any religious or other public assembly or building, public or private, or any neighborhood, private family, person or law enforcement officer by giving loud false alarms of fire, by any loud noise, loud playing or loud rendition of music of any kind, loud singing, loud talking, loud amplification of sound, by loud ringing bells, loud blowing horns or other instruments, or by loud indecent, loud obscene, or loud profane language, loud conversation or conduct, or by loud quarreling, loud assaulting, loud fighting, loud honking horn, loud squealing tires, loud engine or loud muffler noise, or by any other loud device or loud means whatsoever including but not limited to the use of a mobile vehicle, which clearly can be heard by auditory senses (ears) by a reasonable person with reasonable hearing shall be deemed guilty of a misdemeanor.

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

7-9-4 Permitting Disturbing of Peace. Every person who shall suffer or permit any loud hollering, loud howling, loud screaming, loud bellowing, loud dog barking, loud profane or loud obscene language, loud fighting, loud playing or loud rendition of music of any kind, loud singing, loud talking, loud amplification of sound, or any loud noise in any house, mobile vehicle, or upon any premises owned, occupied or possessed by him, or of which he has control as agent or otherwise, in such manner as to disturb any neighborhood or

persons or law enforcement officer passing in the streets, which clearly can be heard by auditory senses (ears) by a reasonable person with reasonable hearing, shall be deemed guilty of a misdemeanor. The proof of such acts having been done in such place shall be prima facie evidence that the same was done with the permission of the owner, occupant, or possessor, but such presumption may be rebutted by proof. If the person holds a valid outdoor commercial entertainment establishment permit, or is granted permission to hold a special event, such as Great River Days, Holiday Stroll, parades, etc., this Section does not apply.

7-9-5 Disturbing the Peace by a Person, Association, Firm, or Corporation Legally Holding an Outdoor Commercial Entertainment Establishment Permit. Every person who has legally obtained an outdoor commercial entertainment establishment permit shall suffer or permit any loud hollering, loud howling, loud screaming, loud bellowing, loud profane or loud obscene language, loud fighting, loud playing or loud rendition of music of any kind, loud singing, loud talking, loud amplification of sound within or outside of a building, or any loud noise upon the premises for which the permit was issued or of which he has control as agent which clearly can be heard by auditory senses (ears) by a reasonable person of reasonable hearing and after two (2) separate complaints by persons in a residential district have been made to the police department, verified by the police department that this section is being violated and after two (2) personal notifications by the police department to the person responsible for the premises, upon a third complaint by persons in a residential district to and verified by the police department that this section is being violated, all within a period of twenty four (24) hours shall be deemed to have violated the terms of said permit, shall be charged with a municipal infraction and shall be subject to a civil penalty of \$500.00 for the first violation and a civil penalty of \$750.00 for each subsequent violation. In addition, upon the receipt and verification of such three separate complaints, the City Administrator or his/her designee shall be authorized to immediately suspend the permit for three (3) days. After three convictions of a municipal infraction, the City Administrator or his/her designee is authorized to revoke the permit. The permit holder shall have the right to appeal any suspension or revocation of the permit under this section to the City Council. All responsible persons shall be jointly and severally liable for civil penalties.

7-9-6 Possession of Beer or Alcoholic Liquor. No person or persons under the age of twenty one (21) years shall individually or jointly have in his or their possession or control beer or alcoholic liquor. The provisions of this section shall not apply to any person under the age of twenty (20) years of age and born on or before September 1, 1967, or to any person under the age of twenty one (21) years who:

- A. Is provided alcoholic liquor or beer as permitted by the Code of Iowa.
- B. Is a regular employee of a liquor control licensee or a beer permittee, while performing regular duties during the course of employment.

A person 19 or 20 years of age, other than a licensee or a permittee under Chapter 123, Code of Iowa, who violates this section shall, upon conviction, be subject to a fine of fifteen dollars (\$15.00).

7-9-7 Walking, Jogging, or Running Along Roadways.

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk, jog, or run along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking, jogging, or running along and upon a highway or roadway shall, when practicable, walk only on the left side of

the highway or roadway or its shoulder facing traffic which may approach from the opposite direction.

- C. No person shall stand in the roadway for the purpose of soliciting a ride from the driver of any vehicle.

7-9-8 Misdemeanor Assault. A person is guilty of misdemeanor assault when they commit an act as defined in Chapter 708.1, paragraph 1 or 2 of the Code of Iowa, when the act does not result in injury. Any person who violates this ordinance is guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) and/or confinement in jail for a period not exceeding thirty (30) days.

7-9-9 Misdemeanor Theft. A person is guilty of misdemeanor theft when they commit an act as defined in Chapter 714.1 of the Code of Iowa and the value of the property or service does not exceed Two Hundred Dollars (\$200.00). Any person who violates this ordinance is guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) and/or confinement in jail for a period not exceeding thirty (30) days.

Title 7 – Police Regulations
Chapter 10 – Intoxication

SECTIONS:

7-10-1 Public Intoxication

7-10-2 Public Consumption; Possession of Open Containers

7-10-1 Public Intoxication. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this section is guilty of a simple misdemeanor. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the state commissioner of public safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered to person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this section is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of the arrest.

7-10-2 Public Consumption; Possession of Open Containers. It shall be unlawful for any person to use or consume alcoholic liquors or beer upon the public streets, highways, or in any public place or private property without the owner's consent, or to possess any open container of beer or alcoholic beverages upon the public streets or highways, including the sidewalk within the public right-of-way, and in any public place, except premises covered by a beer or liquor control license, or to possess or consume alcoholic liquors or beer on any public school property.

Title 7 – Police Regulations
Chapter 11 – Loading and Unloading Zones

SECTIONS:

- 7-11-1 Curb Loading Zones
- 7-11-2 Curb Painted Yellow
- 7-11-3 Standing in Loading Zone
- 7-11-4 Public Carrier Stops and Stands
- 7-11-5 Parking of Buses and Taxicabs
- 7-11-6 Use of Bus and Taxicab Stands

7-11-1 Curb Loading Zones. The City Administrator and Chief of Police are hereby authorized to determine the location of loading zones and passenger loading zones and, upon approval of Council, shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this chapter are applicable. This authority includes but is not limited to, the designation of loading zones for the use of commercial vehicles only. Loading zones will be established with a maximum of one (1) per block in areas where convenient loading from the alley is not available.

7-11-2 Curb Painted Yellow. It shall be unlawful for any person to park any vehicle alongside of any curb painted yellow.

7-11-3 Standing in Loading Zone.

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

7-11-4 Public Carrier Stops and Stands. The City Administrator and Chief of Police are hereby authorized and required to establish bus stops and taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number as shall be on motion of the Council determined to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand, or other stand shall be designated by appropriate signs.

7-11-5 Parking of Buses and Taxicabs. The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the driver of such vehicles from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

7-11-6 Use of Bus and Taxicab Stands. No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually

engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Title 7 – Police Regulations
Chapter 12 – Noise Regulations

SECTIONS:

- 7-12-1 Definitions
- 7-12-2 Motor Vehicle Maximum Sound Levels
- 7-12-3 Motorized Vehicles Operating Off of Public Right-of-Way
- 7-12-4 Noise Measurement Procedures
- 7-12-5 Exceptions
- 7-12-6 Penalty

7-12-1 Definitions.

- A. "A weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level also read is designated dB(A) or dBA.
- B. "Decibel (dB)" means a unit for measuring the volume of a sound.
- C. "Emergencies" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- D. "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum load weight of a single vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum load weight of the combination vehicle, shall be used.
- E. "Measurement procedures" means the sound level measurement procedure for the enforcement of this noise control ordinance as adopted by the Chief of Police.
- F. "Motor carrier vehicle engaged in interstate commerce" means any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972, as amended, pertaining to motor carriers engaged in interstate commerce.
- G. "Motor vehicles" means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious crafts on land, dune buggies, or racing vehicles, but not including motorcycles.
- H. "Motorcycles" means an unenclosed vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.
- I. "Muffler or sound dissipative device" means a device for abating the sound of escaping gases of an internal combustion engine.
- J. "Persons" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of a state or a political subdivision of a state.
- K. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.
- L. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- M. "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters. (ANSI S1.4 - 1971, or the latest approved revision thereof.) If the frequency weighting employed is not indicated, the A-weighting shall apply.

- N. "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

7-12-2 Motor Vehicle Maximum Sound Levels.

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

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

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

B. Adequate Muffler or Sound Dissipative Devices.

1. No person shall operate or cause to be operated on a public right-of-way any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order, in constant operation, and that will sufficiently reduce sound to an acceptable level.
2. No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or on a motorcycle.

C. Motor Vehicle Horns and Signaling Devices. The following acts and the causing thereof are declared to be unlawful:

1. The sounding of any horn, bell, or other auditory device on or in any motor vehicle on any public right-of-way or public space for the period of more than one (1) minute in any hourly period, except as a warning of danger.
2. The sounding of any horn or other auditory signaling device which produces a sound level in excess of 85 dBA at fifty (50) feet except as a warning of danger.
3. No person shall operate or shall permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle for a period not longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred fifty (150) feet of a residential area or designated noise

sensitive area, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. the following day.

7-12-3 Motorized Vehicles Operating Off of Public Right-of-Way.

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

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

Vehicle Type	Sound Level, dBA
Snowmobile	78
Motorcycle	78
Any Other Motorized Vehicle	78

7-12-4 Noise Measurement Procedures. The Chief of Police shall promulgate the noise measurement procedures to be used for the enforcement of this Ordinance. These procedures shall be based on sound measurement methodology and instrumentation specified in the latest standards and recommended practices of the American National Standards Institute, Inc. (ANSI) and the Society of Automotive Engineers, Inc. (SAE). The procedure shall describe how to make sound measures at various distances from a sound source to obtain a valid result equivalent to a measurement of fifty feet (50').

7-12-5 Exceptions. The provisions of this chapter shall not apply to the following:

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

7-12-6 Penalty. Any person who violates any of the provisions of this chapter shall be deemed guilty of a simple misdemeanor and upon conviction shall be fined in an amount not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00), or imprisoned for a term not exceeding thirty (30) days. Each day said violation is permitted to continue shall constitute a separate and distinct offense and violation.

Title 7 – Police Regulations
Chapter 13 – Obstructing a Public Official

SECTIONS:

7-13-1 Interference With Official Acts

7-13-2 Refusing to Assist Officer

7-13-3 Harassment of Public Officers and Employees

7-13-4 False Reports to Law Enforcement Authorities

7-13-1 Interference With Official Acts. It shall be unlawful for any person to knowingly resist or obstruct any one known by the person to be a peace officer in the performance of any act which is in the scope of the officer's lawful duty or authority, or to knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any Court.

7-13-2 Refusing to Assist Officer. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting an arrest, or to prevent the commission of any criminal act, shall render assistance as required. It shall be unlawful for any person to unreasonably and without lawful cause to refuse or neglect to render assistance when so requested.

7-13-3 Harassment of Public Officers and Employees. It shall be unlawful for any person to willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

7-13-4 False Reports to Law Enforcement Authorities. It shall be unlawful for any person to report or cause to be reported false information to a fire department or to a law enforcement authority, knowing that the information is false, or to report the alleged occurrence of criminal acts knowing the same did not occur.

Title 7 – Police Regulations
Chapter 14 – Drug Paraphernalia

SECTIONS:

7-14-1 Definitions

7-14-2 Manufacture, Deliver, Sell or Possession

7-14-3 Advertisement of Drug Paraphernalia Prohibited

7-14-4 Penalty for Violation

7-14-1 Definitions. As used in this section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

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

7-14-2 Manufacture, Deliver, Sell or Possession. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

7-14-3 Advertisement of Drug Paraphernalia Prohibited. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication of any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

7-14-4 Penalty for Violation. Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor and, upon conviction, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) and/or imprisoned in the County jail for not more than (30) days.

Title 7 – Police Regulations
Chapter 15 – Parking Meters and Lots

SECTIONS:

- 7-15-1 Definitions
- 7-15-2 Individual Parking Spaces
- 7-15-3 Installation and Construction; Control and Maintenance of Meters
- 7-15-4 Zones Established
- 7-15-5 Coin Operation of Meters
- 7-15-6 On Street Meter Rates
- 7-15-7 Municipal Parking Facility Rates
- 7-15-8 Hours Meters and Lots to be Operated
- 7-15-9 Parking Meter Violations
- 7-15-10 Parking for the Physically Handicapped
- 7-15-11 Administration
- 7-15-12 Parking Meter Funds
- 7-15-13 Ticketing and Payment of Parking Violation
- 7-15-14 Notice of Violation
- 7-15-15 Impoundment
- 7-15-16 Compliance
- 7-15-17 Reservation of Powers

7-15-1 Definitions. For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this section:

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

area designated by lines painted or otherwise durably marked on the curb or on the surface of the street or parking lot.

- I. "Attendant Lot" is an off-street parking lot with an attendant who collects the parking fees for vehicles parked in the lot at the rate as established by the Council as provided in this Chapter 15.

7-15-2 Individual Parking Spaces. The City Administrator, or his or her designate, is hereby directed and authorized to mark off individual parking spaces in the parking zones described in Section 7-15-4 of this Code, and in such other zones as may hereafter be established, such parking spaces to be defined by lines painted or durably marked on the curbing or surface of the street.

7-15-3 Installation and Construction; Control and Maintenance of Meters. The City Administrator, or his or her designate, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces in the parking meter zones established by Section 7-15-4 of this Code, such installation to be placed not more than two feet (2') from the curb nor more than four feet (4') from the front line of the parking spaces as indicated, and the City Administrator, or his or her designate, shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by this Title. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by proper visible signal that the lawful parking period has expired, and in such cases, the right of such vehicle to occupy such space shall cease and the operator, owner, possessor, or manager thereof shall be subject to the penalties hereinafter provided.

7-15-4 Zones Established. The following named and described areas, streets, portions of streets, or off-street parking lots, and such other areas, streets, portions of streets, or off-street parking lots as may hereafter be established by resolution of the Council shall constitute parking meter zones:

- A. Second Street, both sides, from Mulberry Avenue to Pine Street.
- B. Third Street, both sides, from Chestnut Street to Mulberry Avenue.
- C. Fourth Street, both sides, from Walnut Street to Mulberry Avenue.
- D. Fourth Street, both sides, from Sycamore Street to Chestnut Street.
- E. Mulberry Avenue, both sides, from Second Street to Sixth Street.
- F. Walnut Street, both sides, from Mississippi Drive to Fourth Street.
- G. Cedar Street, both sides, from Mississippi Drive to Fourth Street.
- H. Sycamore Street, both sides, from Mississippi Drive to Fourth Street.
- I. Iowa Avenue, both sides, from Mississippi Drive to Fourth Street.
- J. Chestnut Street, both sides, from Mississippi Drive to Third Street.
- K. Mississippi Drive, from Sycamore Street to Pine Street, on the north side of the street.
- L. Pine Street, both sides, from Mississippi Drive to Alley #1 and from Alley #1 to Second Street on the east side.
- M. Parking Lot #1 in the 200 block of West Third Street.
- N. Parking Lot #2 in the 200 block of West Second Street.
- O. Parking Lot #7 in the 200 block of East Third Street.
- P. Parking Lot #4 in the 200 block of East Mississippi Drive off of Sycamore Street.
- Q. Parking Lot #8 in the 300 block of East Third Street.
- R. Parking Lot #6 in the 100 block of West Third Street.

S. Levee Parking.

7-15-5 Coin Operation of Meters. Except in a period of emergency determined by an officer of the Fire Department or Police Department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside of or next to which a parking meter is located, the operator of such vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in that meter such proper coin of the United States as is required for that parking meter and is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to deposit such proper coin and to set the timing mechanism in operation, when so required, shall constitute a violation of this chapter. Upon the deposit of such coin and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which such parking space is located; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the indicated unused parking time. If such vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time and such parking shall be deemed a violation of this Chapter.

7-15-6 On Street Meter Rates. Parking or standing a vehicle in a designated space in an on-street parking meter zone shall be lawful upon the deposit of coins of the United States of America as established by Resolution adopted from time to time by the City Council.

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

7-15-7 Municipal Parking Facility Rates.

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

7-15-8 Hours Meters and Lots to be Operated.

- A. Parking meters shall be operated in the parking zones established by Section 7-15-4 of this Code, every day, except Saturdays, Sundays and holidays, between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m.
- B. As used in this section, the term "holiday" shall mean the days which are declared to be legal holidays for City employees under Title 1, Chapter 11, Section 8, of the City Code of the City of Muscatine, Iowa. When the holiday falls on a Saturday, the holiday will be observed on Friday. If the holiday falls on Sunday, the holiday will be observed on Monday.
- C. The Council may, by resolution from time to time determine the length of time that parking is permissible at both an individual parking space for which a meter is installed upon the deposit of such coin or coins of United States money in the parking meter as herein provided; and the off-street lots.
- D. Vehicles shall not be parked in designated parking spaces in Lot #2 and Lot #4 which are not parking meter spaces beyond the length of time provided by resolution according to Section 7-15-8(C) and further shall not be parked in more than one such parking space in either Lot #2 or Lot #4 during any consecutive twenty four (24) hour period.
- E. The Council may, by resolution from time to time establish attendant lots, the parking rate and hours of operation for attendant lots and the rate and hours of operation for leased or reserved parking spaces.

7-15-9 Parking Meter Violations.

- A. Evidence. Parking is prohibited in any parking space on a street or in a municipal parking lot where a meter is installed and displays a signal showing that the parking is not permitted unless a deposit of such coin or coins of United States money is made as herein provided. Any vehicle parking in violation shall be deemed illegally parked. The fact that a vehicle is in an individual parking space when the time signal on the parking meter of the same shows no parking permitted unless a deposit of a proper coin is made as herein provided shall be deemed prima face evidence of the unlawful parking of such motor vehicle by its operator or owner.
- B. Overtime Parking, Extending Time. It shall be unlawful and a violation of the provisions of this Chapter for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime, or beyond the period of legal parking time established for any parking meter zone as described in this Chapter or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.
- C. Expired Meter. It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- D. Separate Offenses. Each consecutive hour during one calendar day that a vehicle remains illegally parked as above provided shall be a separate and distinct offense under this Chapter. The first offense shall terminate one hour after the time a ticket charging said offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each one hour period thereafter.
- E. To Park Within Marked Lines. It shall be unlawful for any person to park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- F. Deposit of Slugs. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins, except that a token bearing the imprint "Greater

Downtown Muscatine Association" purchased from the Office of the City Clerk which shall be considered lawful tender.

- G. Tampering with Meters. It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Chapter.
- H. Penalty. The penalty for offenses for meter or nonmeter parking violations shall be as prescribed in Section 7-15-14 of this Chapter.

7-15-10 Parking for the Physically Handicapped.

- A. The City Administrator, or his or her designate, is hereby authorized to establish special parking places for on-street parking areas or off-street parking facilities for motor vehicles displaying special identification devices as specified by the Code of Iowa. Such devices shall be those issued by the Department of Transportation of the State and shall be displayed in a motor vehicle being used by an individual, either as operator or passenger, who is confined to a wheelchair or is otherwise so physically handicapped that he/she has significant difficulty or insecurity in walking. Such designated parking place shall be no less than twelve feet (12') wide, except in the case of parallel parking spaces on public streets.
- B. Any parking space located in on-street parking areas or off-street parking facilities, either public or private, intended to be a handicapped parking space shall be so designated by a separate sign showing the international symbol of accessibility for each parking space erected in accordance with the Uniform Traffic Control Device Manual.
- C. The use of a space designated as a handicapped parking space by the display of the international symbol of accessibility located in on-street parking areas or off-street parking facilities, either public or private, by a motor vehicle not displaying a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person as operator or passenger is a misdemeanor for which a fine may be imposed upon the owner, operator, or lessee of the motor vehicle.

7-15-11 Administration.

- A. Supervision. It shall be the duty of the City Administrator, or his or her designate, to provide supervision for the daily operations of the Parking Enterprise fund.
- B. Enforcement. It shall be the duty of the City Administrator or his/her designate to establish the enforcement provisions for this Chapter.
- C. Collection; Deposit of Coins. It shall be the duty of the City Administrator or his/her designate to establish the rules and procedures for the collection of the money deposited in parking meters and to deposit such money as required by the City Council.
- D. A three (3) member administrative review panel will be established with a representative from the Police Department, the Finance Department and a citizen-at-large to be appointed by the City Council. The administrative review panel will meet once a month to adjudicate appeals made by motor vehicle operators. All appeals must be filed with the city's Parking Bureau within ten (10) days of receipt of ticket. The administrative review panel will render a decision on a ticket of dismissed or not dismissed and notify the motor vehicle operator accordingly. If the operator disagrees with the decision, he/she may have the matter brought before a judicial magistrate for a determination.

7-15-12 Parking Meter Funds. The coins deposited in parking meters are required and shall be used to defray the expense of proper regulation of traffic upon the public streets; to provide for the cost of supervision, regulation, and control of the parking of vehicles in parking meter zones; and to cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control, and use of parking meters and other parking and traffic control devices. Any of such funds remaining thereafter may be used either to purchase, lease, or otherwise acquire parking lots or other off-street parking areas for the parking of vehicles; or such remaining funds may be used for the retirement of revenue bonds issued for the purpose of acquiring, improving, maintaining, or operating parking lots or other off-street parking areas for the parking of vehicles, in the event the revenue from such parking lots or other off-street parking areas for the parking of vehicles is insufficient to pay the cost of retiring such bonds and for any other lawful purpose permitted by the Code of Iowa. If the parking enterprise has a surplus in its fund, then this surplus may be transferred to any other city fund, by resolution of the City Council.

7-15-13 Ticketing and Payment of Parking Violation. In the event of a meter or non-meter parking violation, it shall be the duty of the police officers and/or meter attendants of this city to report:

- A. The parking violation involved.
- B. In the event of a parking meter violation, the number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of Sections 7-15-9 and 7-15-10.
- C. The state license number of such vehicle.
- D. The time during which such vehicle is or was parked in violation of any of the provisions of this Chapter, and the time the ticket was issued.
- E. Any other fact or facts, knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.

7-15-14 Notice of Violation. Members of the Police Department and/or meter attendants shall attach to any vehicle parked in violation of this Chapter a citation to the owner or operator thereof that such vehicle has been parked in violation of a provision of this Chapter and instructing such owner or operator to report to the Finance Office in City Hall in regard to such violation. The following regulations shall apply:

- A. If a citation issued for a vehicle parked in a parking space while the parking meter indicates that time has expired, but said vehicle has not been parked beyond the parking time limit set for such parking space, the penalty shall be ten dollars (\$10.00); except, the penalty shall be five dollars (\$5.00) if the violation is admitted and paid within seventy-two (72) hours of the time and date of issue. If the number of citations issued for a vehicle exceeds twenty (20) citations in the same calendar year, the penalty shall be twenty-five dollars (\$25.00) for each citation issued in excess of twenty (20) citations in the same calendar year.
- B. If a citation is issued for a vehicle parked in a parking space beyond the parking time limit set for such parking space, the penalty shall be ten dollars (\$10.00); except, the penalty shall be five dollars (\$5.00) if the violation is admitted and paid within seventytwo (72) hours of the time and date of issue. If the number of citations issued for a vehicle exceeds twenty (20) citations in the same calendar year, the penalty shall be twenty-five dollars (\$25.00) for each citation issued in excess of twenty (20) citations in the same calendar year.

- C. All fines for parking in a handicapped parking space by unauthorized vehicles shall be equal to the amount as specified in the Code of Iowa.
- D. Under subsections (A), (B), and (C) of this section, the money may be collected by designated individuals on duty who shall keep an accurate record and transfer the money so collected to the Finance Office.
- E. If payment is not made within a reasonable period of time, not to exceed ninety (90) days, the violator shall be made to appear before a Magistrate or the Associate District Court Judge.

7-15-15 Impoundment.

- A. No vehicle shall be impounded by the city unless such vehicle is on a public street or in a public lot.
- B. Whenever it is determined that any vehicle has accumulated ten (10) or more parking tickets or twenty-five dollars (\$25.00) or more worth of accumulated parking violations as defined in the provisions of this Code, such vehicle may be impounded subject to the following conditions:
 - 1. Impoundment shall occur only after notice and opportunity for an administrative hearing is offered to the last known registered owner of such motor vehicle.
 - 2. Notice shall constitute the following: Written notification by first class mail stating the license number of the vehicle at issue; the owner's name; a brief description of the parking tickets issued to such vehicle; that the owner has the right to request an administrative hearing before impoundment if such request is made within ten (10) days of the mailing date of the notice; that the hearing shall be as to the merits of whether to impound such motor vehicle for unpaid parking violations; that failure to request a hearing in a timely fashion or failure to appear at such hearing constitutes a waiver to an opportunity for hearing; and that the owner shall be responsible for all charges and costs incurred in impounding such vehicles.
 - 3. The hearing shall be conducted before the Administrative Parking Review Panel made up of a representative of the Finance Department, Police Department and a private citizen to be appointed by the City Council, and shall be limited as to whether such vehicle shall be impounded for unpaid parking tickets. The owner may at that time pay for any outstanding tickets.
 - 4. Should the City Administrator or his/her designate or the Administrative Parking Review Panel determine that the vehicle shall be impounded, he/she shall notify the owner, either orally at the conclusion of the hearing or by letter; however, no such notice need be given should the owner or designated representative fail to appear at such hearing.
 - 5. The city shall notify the last known registered owner of such impounded vehicles by certified mail if the name and address of such owner can be ascertained with reasonable diligence unless the owner or operator has appeared and has made claim to the seized vehicle.
- C. Entrance into impounded vehicles. If it is necessary to enter a locked or unlocked vehicle in order to impound such vehicle, such entrance must be made in the presence of a police officer. The police officer shall conduct a search of such vehicle as he/she deems necessary to protect the contents therein, however, such search need not be a complete inventory.
- D. Release of impounded vehicles. The registered owner or operator may reclaim any vehicle impounded pursuant to the provisions herein by appearing before the City Administrator, or his/her representative, within ten (10) days of written notification. At such time, the owner or the operator shall sign a certificate that he/she is the

registered owner or operator of the impounded vehicle, pay for all charges and costs incurred in impounding the vehicle and pay for all outstanding parking tickets. It shall be unlawful for any person to reclaim any vehicle impounded pursuant to the provisions herein, contrary to the procedure set forth in this section. All unclaimed vehicles are subject to public auction in accordance with the Code of Iowa.

7-15-16 Compliance. Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall counsel, aid, or abet any such violation or failure to comply, shall be deemed guilty of a misdemeanor.

7-15-17 Reservation of Powers. Nothing in this chapter shall be construed as prohibiting the city from providing for bus stops, taxicab stands, and other matters of similar nature, including the loading or unloading of trucks, vans, or other commercial vehicles. Nothing in this chapter shall prohibit emergency or utility vehicles from performing their duties or responding to emergency calls.

Title 7 – Police Regulations
Chapter 16 – Parental Responsibilities

SECTIONS:

- 7-16-1 Title and Purpose
- 7-16-2 Definitions
- 7-16-3 Parental Duties
- 7-16-4 Parental Violation and Penalty
- 7-16-5 Notification of Parents; Record of Notification
- 7-16-6 Liability of Parents; Record of Notification

7-16-1. Title and Purpose. This Ordinance is declared necessary to protect and preserve the rights, privileges, and property of the City of Muscatine, Iowa, or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, and is intended to address situations where parents have failed to act responsibly and reasonably in the supervision of their minor children to the detriment of the general public.

7-16-2. Definitions.

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

7-16-3. Parental Duties.

- A. It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.
- B. Included (without limitation) in this continuous duty of reasonable parental control are the following duties,
 - 1. To keep illegal drugs or illegal weapons out of the home and provide that legal weapons and/or ammunition are inaccessible to the minor except as provided in Iowa Code Section 724.22.
 - 2. To know the Curfew Ordinances (Title 7, Chapter 6, City Code) of the City of Muscatine, and to require the minor to observe the Curfew Ordinance.
 - 3. To require the minor, if sixteen (16) years of age or younger, to attend regular school sessions and to forbid the minor to be absent from class

without parental or school permission as provided in the Muscatine Community School District attendance policy unless the parent has filed the Affidavit as provided in Iowa Code Section 299.6.

4. To arrange proper supervision for the minor when the parent must be absent, in accordance with Iowa Department of Human Resources guidelines.
5. To not knowingly allow or permit the minor to maliciously or willfully destroy real, personal or mixed property which belongs to the City of Muscatine, or is located in the City of Muscatine.
6. To not knowingly allow or permit the minor to keep stolen property, illegally possess weapons or illegal drugs, or associate with known juvenile delinquents, or criminal street gang members and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

7-16-4. Parental Violation and Penalty.

- A. No parent of any minor under the age of eighteen (18) years shall fail to exercise reasonable parental control over such minor. An adjudication said minor has committed a felony, misdemeanor or violation of an ordinance except traffic violations may be considered as evidence that said parent failed to exercise reasonable parental control.
- B. Pursuant to the violation of this ordinance, the parent of minor shall be held civilly responsible for the damages caused by the commission of any delinquent act within the City of Muscatine.
- C. Upon the first adjudication of a minor of committing a felony, misdemeanor, or ordinance violation except traffic violations the notice sent to the parent as provided in this Chapter shall be considered as a warning.
- D. Upon subsequent adjudication of a minor within two (2) years of his or her first adjudication, as provided above, following the aforesaid notice to parent, a first violation of this ordinance will be deemed to have occurred and the parent shall be subject to a civil penalty of fifty dollars (\$50.00).
- E. Upon the second offense of a violation of this Ordinance, the parent shall be subject to a civil penalty of one hundred dollars (\$100.00), and in addition, shall be required to participate in, through completion, a City Approved, community based treatment program (such as parenting skills, family services, employment and training, etc.) or community service working in a tutorial or educational setting.
- F. Upon the third or subsequent offense of a violation of this ordinance, the parent shall be subject to a civil penalty of two hundred dollars (\$200.00).
- G. A violation of this Chapter is a municipal infraction as provided in Iowa Code Section 364.22.

7-16-5. Notification of Parents; Record of Notification.

- A. When a minor is apprehended or detained for a delinquent or reckless act, the parent shall receive a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service with a certificate of personal service returned, from the police department of the City of Muscatine following said adjudication or nonjudicial sanction; and
- B. A record of such notification shall be maintained by the Records Division of the Muscatine Police Department.
- C. A copy of this notice shall be provided the minor's school attendance center.

7-16-6. Liability of Parents; Record of Notification.

- A. Injuring or destroying property or acts of vandalism. It shall be unlawful for any person to willfully or maliciously break, deface, injure or destroy any property within the City of Muscatine, whether such property is owned by the state, county, city or any other governmental body, or owned by any private person. It shall be a violation of this section for any person to commit an act of vandalism.
- B. Liable for actual damages. The parent of an unemancipated minor who resides with such parent is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or property,
- C. Recovery. No recovery under this section may exceed \$2,000.00 actual damages for any one act or \$5,000.00 to the same claimant for two or more acts of such willful or malicious acts by the minor causing injury, in addition to taxable court costs. In determining the damages to *be allowed in an action under this article for personal injury, only medical, dental and hospital expenses may be recovered.
- D. Other Liability. This article shall not effect the recovery of damages in any other cause of action where the liability of the parent is predicated on a common law or statutory basis.

Title 7 – Police Regulations
Chapter 17 – Public Disorder

SECTIONS:

- 7-17-1 Disorderly Conduct
- 7-17-2 Unlawful Assembly
- 7-17-3 Failure to Disburse
- 7-17-4 Permitting Disorderly Conduct
- 7-17-5 Disorderly Conduct in a Place of Business

7-17-1 Disorderly Conduct. It shall be unlawful for any person to do any of the following:

- A. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided, that participants in athletic contests may engage in such conduct which is reasonably related to the sport.
- B. Make any loud and raucous noise in the vicinity of any residence, public building, or hospital which:
 - 1. Endangers or injures the safety or health of humans or animals.
 - 2. Annoys or disturbs a reasonable person of normal sensitivities.
 - 3. Endangers or injures personal or real property.
- C. Direct abusive epithets or make any threatening gesture which the person knows or reasonably knows is likely to provoke a violent reaction by another.
- D. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.
- E. By words, or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.
- F. Without authority or justification, obstruct any street, sidewalk, highway, or other public way, or the entrance or the exit of any business house, dwelling house, theater, lecture room, or church with the intent to prevent or hinder its lawful use by others.
- G. Urinate or defecate on any public street, sidewalk, alley, or park.

7-17-2 Unlawful Assembly. It shall be unlawful for two (2) or more persons to assemble together, if any or all of them act in a violent manner, with the intent that any or all of them will commit a public offense. In addition, it shall be unlawful for any person to willingly join in or remain a part of an unlawful assembly knowing or having reasonable grounds to believe that it is such.

7-17-3 Failure to Disburse. A peace officer may order the participants in a riot or unlawful assembly, or persons in the immediate vicinity of a riot or unlawful assembly, to disburse. It shall be unlawful for any person within hearing distance of such a peace officer to refuse to obey said command.

7-17-4 Permitting Disorderly Conduct. It shall be unlawful for any person to allow or permit any disorderly conduct as defined in Section 7-17-1 in any house or upon any premises owned, occupied, or possessed by him.

7-17-5 Disorderly Conduct in a Place of Business. It shall be unlawful for any person to commit any of the following acts:

- A. Use of abusive or obscene language, profanity, insulting names or epithets which by their very utterance tends to incite another to an immediate breach of the peace; talking, calling, or yelling so loudly as to disrupt other persons in lawful pursuits of the immediate locality, quarreling, fighting, brawling, or striking or beating another person, in any store, hotel, tavern, grocery, inn, restaurant, or any other place of business within the City, or any parking lot in the immediate proximity of such place of business.
- B. Authorize or permit such conduct as described in the foregoing section upon any property which the person owns, leases, or has charge or control of, or any such place of business or parking lot during the hours such business is being conducted; PROVIDED, however, that the prompt notification of the Police Department of the occurrence of such conduct shall be sufficient to show lack of authorization or permission.

Title 7 – Police Regulations
Chapter 18 – Snow Emergency Regulations

SECTIONS:

- 7-18-1 Definitions
- 7-18-2 Snow Emergency Routes
- 7-18-3 Signs
- 7-18-4 Parking on Snow Emergency Routes
- 7-18-5 Duration of Snow Emergency
- 7-18-6 Conflict of Ordinances
- 7-18-7 Notice of Snow Emergency
- 7-18-8 Termination of Snow Emergency
- 7-18-9 Stalled Vehicles
- 7-18-10 Removal and Impounding of Vehicles
- 7-18-11 Citation of Vehicle
- 7-18-12 Evidentiary Presumption

7-18-1 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- A. "Director" means the Public Works Director or the Roadway Maintenance Supervisor.
- B. "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- C. "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- D. "Snow emergency routes" are those streets marked as such in accordance with the provisions of this Ordinance.
- E. "Secondary streets" are any streets which are not marked "snow emergency routes".

7-18-2 Snow Emergency Routes. The snow emergency routes shall consist of such streets or portions of streets as the City Council may from time to time designate by appropriate motion.

7-18-3 Signs. On those streets or parts thereof designated by the Council as snow emergency routes, special signs shall be posted at intervals not exceeding six hundred feet (600') with the wording: "Snow Emergency Route. No Parking During Snow Removal". These signs shall be distinctive and uniform in appearance, shall be plainly readable to persons traveling on the street or highway And shall comply with the Manual on Uniform Traffic Control Devices, as adopted by the City.

7-18-4 Parking on Snow Emergency Routes. Whenever the Director determines, on the basis of falling snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing and other purposes, he or she shall declare a snow emergency on all or a portion of the emergency routes. While a snow emergency is in effect, no person shall park, or allow to remain parked, any vehicle on any portion of a snow emergency route to which the snow emergency applies. Nothing in this section shall permit parking at any time or place otherwise forbidden by any other provision of law.

7-18-5 Duration of Snow Emergency. Once declared, a snow emergency shall remain in effect until terminated by announcement of the Director, in accord with this chapter.

7-18-6 Conflict of Ordinances. The provisions of this Chapter which become effective during a snow emergency shall take precedence over conflicting ordinances normally in effect, except those relating to traffic accidents, emergency travel of authorized vehicles, or emergency traffic directions by a police officer.

7-18-7 Notice of Snow Emergency. The Director shall cause each declaration of a snow emergency made by him or her under this Ordinance to be publicly announced by means of broadcasts or telecasts from stations with a normal operating range covering the City, and he or she may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Director, including the effective time and the streets or areas affected. A snow emergency declared by the Director shall not go into effect less than two (2) hours after it has been announced in the news media between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. The Director shall keep a record of the time and date when each snow emergency is first announced to the public.

7-18-8 Termination of Snow Emergency. Whenever the Director determines the need for a snow emergency no longer exists, he or she may declare it terminated, in whole or in part, effective immediately upon announcement through appropriate news media.

7-18-9 Stalled Vehicles. Whenever a vehicle becomes stalled or immobilized, for any reason, on any part of a snow emergency route during a snow emergency, the person operating that vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of the snow emergency route, either onto the first cross street which is not a snow emergency route, or onto the public space portion of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of such snow emergency route except for a reasonable time necessary to receive assistance.

7-18-10 Removal and Impounding of Vehicles. Members of the Police Department are authorized to remove or have removed a vehicle from a street to a garage or other place of safety when:

- A. The vehicle is parked on a part of a snow emergency route on which a snow emergency is in effect.
- B. The vehicle is stalled or immobilized on a part of a snow emergency route on which there is a snow emergency in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Chapter.
- C. The vehicle is parked in violation of any parking Ordinance or provision of law and is interfering or about to interfere with snow removal operation. When an officer removes or has removed a vehicle from a street as authorized herein and the Police Department knows, or is able to ascertain from the registration records in the vehicle, the name and address of the owner thereof, the Police Department shall, within twenty-four (24) hours, give written notice to such owner of the fact of removal, the reasons therefore, and the place to which the vehicle has been removed. If the owner does not appear within three (3) days to identify and claim the vehicle and pay the removal and storage costs, such vehicle shall be considered to be an abandoned vehicle and the Police Department shall proceed to sell or dispose of the same in accord with the provisions of the Code of Iowa.

7-18-11 Citation on Vehicle. Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this chapter, and is not removed and impounded, the officer finding such vehicle may take its registration number and any other information displayed on the vehicle which identifies its user, and conspicuously affix to such vehicle a traffic citation for the driver to answer the charge against him on the date, time, and place specified in the citation. Nothing herein shall be construed as prohibiting both removal of a vehicle and prosecution of the driver for violation of this chapter.

7-18-12 Evidentiary Presumption. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of this chapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Chapter, together with proof that the defendant named in the complaint was at the time the registered owner of that vehicle is presumptive evidence that the defendant was the person who parked or left the vehicle in violation of this Ordinance.

Title 7 – Police Regulations
Chapter 19 – Traffic: Control Devices

SECTIONS:

7-19-1 Authority to Install

7-19-2 Adoption of Manual

7-19-3 Crosswalks; Safety Zones; Traffic Lanes

7-19-4 Authority to Sign One-Way Streets and Alleys

7-19-1 Authority to Install. The City Administrator, or his or her designate, shall, on motion of the Council, place and maintain traffic control signs, signals, and devices when and as required under this Code or when ordered to do so by motion of the City Council.

7-19-2 Adoption of Manual. The Manual on Uniform Traffic Control Devices, as adopted by the Federal Highway Administrator and as adopted by the Iowa State Highway Commission and subject to such changes and amendments as may be imposed thereon by the Iowa State Highway Commission, be and the same is hereby adopted and incorporated by reference into the City Code of the City of Muscatine, Iowa, as if fully set out herein, as authorized by the Code of Iowa.

7-19-3 Crosswalks; Safety Zones; Traffic Lanes. The City Administrator, or his or her designate, is hereby authorized:

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

7-19-4 Authority to Sign One-Way Streets and Alleys. Whenever the Council shall, by motion or otherwise, designate any one-way street or alley, the City Administrator, or his or her designate, shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited, including the entrance to alleys.

TITLE 7 - POLICE REGULATIONS
CHAPTER 20 - TRAFFIC: IN GENERAL

SECTIONS:

- 7-20-1 Definitions
- 7-20-2 Parades; Processions
- 7-20-3 Clinging to Vehicles
- 7-20-4 Riding on Parts of Vehicles Not for Passengers
- 7-20-5 State Law; Law of the Road
- 7-20-6 Operation of Golf Carts
- 7-20-7 Avoidance of Traffic Control Devices
- 7-20-8 Speed Limits
- 7-20-9 All-Terrain Vehicles
- 7-20-10 Automated Traffic Enforcement

7-20-1 Definitions. Unless otherwise expressly stated or the context clearly indicates a different intention, the following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this section:

- A. “Bicycle” shall mean every device propelled by human power upon which any person may ride, having two (2) tandem wheels, and including any device generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels.
- B. “Central business or traffic district” shall mean:
 - 1. The central business or traffic district shall consist of such streets and areas as shall from time to time be designated by motion of the Council.
 - 2. The following streets and alleys, and areas intersecting and adjacent thereto, are hereby designated as the central business or traffic district: Mississippi Drive from Oak Street to the theoretical intersection of Spruce Street; Second Street from Poplar Street to Pine Street; Third Street from Oak Street to Chestnut Street; Fourth Street from Poplar Street to Chestnut Street; Oak Street from Mississippi Drive to Fourth Street; Orange Street from Mississippi Drive to Fourth Street; Mulberry Avenue from Mississippi Drive to Seventh Street; Walnut Street from Mississippi Drive to Fourth Street; Cedar Street from Mississippi Drive to Fourth Street; Sycamore Street from Mississippi Drive to Fifth Street; Iowa Avenue from Mississippi Drive to Fourth Street; Chestnut Street from Mississippi Drive to Third Street; Pine Street from Mississippi Drive to Third Street.
- C. “Curb loading zone” shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during loading or unloading of passengers or materials.
- D. “Roadway” shall mean that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the term “roadway” as used in this chapter shall refer to any such roadway separately but not to all such roadways collectively.
- E. “Stop” shall mean complete cessation of movement when required.

F. “Stop, stopping, or standing” shall mean, when prohibited, any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

G. “Traffic” shall mean pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

7-20-2 Parades; Processions. No procession or parade, except forces of the United States Army, Navy, or Marine Corps, the military forces of this state, and the forces of the Police and Fire Departments, shall occupy, march, or proceed along any street except in accordance with a permit issued pursuant to Title 5, Chapter 12 of the City Code.

7-20-3 Clinging to Vehicles. Any person riding upon any bicycle, moped, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

7-20-4 Riding on Parts of Vehicles Not for Passengers.

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

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

7-20-5 State Law; Law of the Road. The provisions of Chapter 321 of the Code of Iowa are hereby adopted by reference and it shall be unlawful for any person to violate any provision or amendments thereto, where the violation of such statute or statutes is declared, directly or indirectly, to be a misdemeanor, except such provisions as are by their nature inapplicable and not within the powers granted to cities of the class and size of this city to adopt.

7-20-6 Operation of Golf Carts. A person possessing a valid operator’s license may operate a golf cart on city streets provided, however, that a golf cart shall not be operated upon a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city. The golf carts shall be equipped with adequate brakes, a slow moving vehicle sign, and bicycle safety flag and operate on the streets only from sunrise to sunset.

7-20-7 Avoidance of Traffic Control Devices. It is unlawful for any person operating a motor vehicle to leave the roadway and travel across public or private property to avoid an official traffic control device.

7-20-8 Speed Limits.

A. The lawful speed for the operation of a motor vehicle on Industrial Connector Road between Grandview Avenue and Stewart Road shall be 35 miles per hour and any speed in excess thereof shall be unlawful.

- B. The lawful speed for the operation of a motor vehicle on Cedar Street between the West Corporate Line and Parham Street shall be 35 miles per hour except for the school district 200 feet either direction from Muscatine High School and Hayes Elementary School, where the speed shall be 25 miles per hour while children are present and any speed in excess thereof shall be unlawful.
- C. The lawful speed for the operation of a motor vehicle on Imperial Oaks, Long Meadow, Forest Parkway, and West Grove shall be 20 miles per hour.
- D. The lawful speed for the operation of a motor vehicle on Houser Street between Mulberry and Lucas Street shall be 30 miles per hour except for the school district 200 feet either direction from L.L. Pickett School at 1420 Houser Street, where the speed shall be 25 miles per hour while children are present and any speed in excess thereof shall be unlawful.

7-20-9 All-Terrain Vehicles. As provided in Iowa Code Section 321G.9(4)(a) and any amendments thereto, the registered all-terrain vehicle owned by the City of Muscatine may be operated by Muscatine police officers on all highways and streets in the City of Muscatine, Iowa, and other public places when required in carrying out their duties as directed by the Chief of Police.

7-20-10 Automated Traffic Enforcement.

- A. General – The City of Muscatine, in accordance with the police powers authorized it by the State of Iowa for governing safe traffic flow, may deploy, erect or cause to be erected an automated traffic enforcement system for making photographic, video or digital images of vehicles that fail to obey red light traffic signals at intersections designated by the city administrator or their designee or fail to obey speed regulations at the designated intersections. The system may be managed by a private contractor that owns and operates the requisite equipment with supervisory control vested in the Muscatine Police Department. Photographs, video or digital images shall be provided by the contractor to the Muscatine Police Department for review. The Muscatine Police Department will determine which vehicle owners are in violation of the city's traffic control ordinance and are to receive a notice of violation for the offense.
- B. Definitions
 - 1. Automated Traffic Enforcement System – An electronic system consisting of photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video or digital images of each vehicle that violates a standard traffic control device or speed restriction.
 - 2. Vehicle Owner – The person or entity identified by the Iowa Department of Transportation, or registered with any other state vehicle registration office, as the registered owner of a vehicle.
- C. Offense

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

D. Exceptions to Owner Liability

There shall be no liability pursuant to this section if:

1. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to section 321 of the Code of Iowa or Muscatine municipal ordinance 7-20-5; or
2. The violation occurred at any time after the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen, provided that the vehicle or its plates had not been recovered by the Vehicle Owner at the time of the alleged violation; or
3. The vehicle in question was lawfully participating in a funeral procession; or
4. The officer inspecting the recorded image determines that the vehicle in question entered the intersection in order to yield the right-of-way to an emergency vehicle.

E. Penalty and Appeal

1. Any violation of subsection C 1 above shall be considered a notice of violation for which a civil fine of seventy-five dollars shall be imposed, payable to the City of Muscatine.
2. Any violation of subsection C, 2 above shall be considered a notice of violation for which a civil fine as listed in the table below shall be imposed, payable to the City of Muscatine.

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

3. A recipient of an automated traffic citation may contact the issuing officer and ask for an in-person review of the citation, the facts surrounding the issuance of the citation and to present any extenuating circumstances that pertain to that violation. Based on this review the issuing officer may sustain or void the citation.
4. A recipient of an automated traffic citation may dispute the citation by requesting the issuance of a municipal infraction citation by the police department within the first 30 days after the violation notice was mailed. Such request will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Muscatine County Courthouse. The issuance of a municipal infraction citation will cause the imposition of state mandated court costs to be added to the amount of the violation in the event of a guilty finding by the court.
5. If a recipient of an automated traffic enforcement citation does not pay the fine by the stated due date or request a trial before a judge or magistrate within the 30 days following the mailing of the notice, a second violation notice shall be mailed with a \$35.00 late fee added to the civil fine. If at the end of the 30 day period the recipient of the automated traffic enforcement citation does not pay the fine or request a trial before a judge or magistrate the recipient shall be deemed guilty of violation and held liable for the fine plus the late fee.
6. If the recipient of an automated traffic enforcement citations does not pay the fine and late fee by the stated due date on the second violation notice the civil penalties imposed under the provisions of this ordinance shall be collectible, together with any interest and penalties thereon, by either a private agency on behalf of the City or by civil suit.

Title 7 – Police Regulations
Chapter 21 – Traffic: Junk, Obsolete, Stored Vehicles

SECTIONS:

- 7-21-1 Definitions
- 7-21-2 Storing on Streets Illegal
- 7-21-3 Violation
- 7-21-4 Removal
- 7-21-5 Junked Vehicles
- 7-21-6 Owner Subject to Fine
- 7-21-7 Junked Vehicles; Removal

7-21-1 Definitions.

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

7-21-2 Storing on Streets Illegal. No motor vehicle, trailer, boat, or other personal property shall be stored on the streets of the city

7-21-3 Violation. Any motor vehicle, trailer, boat, or other personal property which is found to be in violation of Section 7-21-2 hereof shall be ticketed for violation of such section by the police. The penalty for such violation shall be ten dollars (\$10.00) for each twenty-four (24) hours that the vehicle is in violation of said section.

7-21-4 Removal. In the event that a motor vehicle is in violation of Section 7-21-2 for a period of longer than forty-eight (48) hours, then in addition to the penalty imposed by Section 7-21-3, said vehicle may be removed or caused to be removed by the city. Said city may move or cause said motor vehicle to be moved to some convenient place. The cost of such removal and storage charges, if any, are to be borne by the owner or operator.

7-21-5 Junked Vehicles. No junked or obsolete motor vehicles or portions thereof shall be parked or located on the streets of the city at any time.

7-21-6 Owner Subject to Fine. The owner or operator of any such junked or obsolete motor vehicle which is parked on the streets of the city in violation of Section 7-21-5 shall be subject to a fine of twenty dollars (\$20.00) for each twenty-four (24) hours or part thereof in which said junked vehicle is parked on the street in violation of said section.

7-21-7 Junked Vehicles: Removal. In addition to the penalty provided by Section 7-21-6, junked or obsolete motor vehicles may be removed by the city to some convenient place. The cost of such removal and storage charges, if any, shall be borne by the owner or operator of said junked or obsolete motor vehicle.

Title 7 – Police Regulations
Chapter 22 – Traffic: Stopping, Standing, Parking

SECTIONS:

- 7-22-1 Standing, Parking Close to Curb
- 7-22-2 Markings Indicating Angle Parking
- 7-22-3 Angle Parking Signs, Markings
- 7-22-4 Parking Restrictions
- 7-22-5 Moving Other Vehicles into Prohibited Area
- 7-22-6 Unattended Motor Vehicle
- 7-22-7 Parking in Alleys
- 7-22-8 All-night Parking Prohibited
- 7-22-9 Parking for Certain Purposes Prohibited
- 7-22-10 Hazardous or Congested Places
- 7-22-11 Parking on Private Property
- 7-22-12 Notice of Violation
- 7-22-13 Form of Notice of Violation

7-22-1 Standing; Parking Close to Curb. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches (18") of the curb or edge of the roadway, except as otherwise provided in this chapter.

7-22-2 Markings Indicating Angle Parking. The Council shall designate the streets upon which angle parking shall be permitted and the City Administrator, or his or her designate, shall mark such streets by painting the curb and street in such a manner as to clearly indicate the angle at which vehicles may be parked.

7-22-3 Angle Parking Signs, Markings. Upon those streets which have been signed or marked by the City Administrator, or his or her designate, upon motion of the Council, for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

7-22-4 Parking Restrictions. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device in any of the following places:

- A. On the normal traffic lane of any roadway, whether or not a vehicle is parked between such normal traffic lane and the curb or edge of the roadway.
- B. At any place where official signs or markings prohibit stopping, standing, or parking. The City Administrator, or his or her designate, on motion of the Council, shall place and maintain such signs and markings when so required by the provisions of this Code.
- C. Any vehicle having a gross weight of six thousand (6,000) pounds or more for a longer period than thirty (30) minute between the hours of seven o'clock (7:00) P.M. and six o'clock (6:00) A.M. on any street or alley within the residential district of the City.
- D. Any truck hauling gasoline or ammunition or other hazardous material between the hours of seven o'clock (7:00) P.M. and six o'clock (6:00) A.M. on any street or alley within the residential district of the City.

- E. On the City Street right-of-way between the curb and the adjoining private property line. The exception to this prohibition of parking within the previously described portion of the City street right-of-way shall conform to the following process provided the request for utilizing this is made for and within the residential (R3, R4, R5, R6) zoning districts and only for the required parking when physical hardships prevent off-street parking. The applicant shall request to lease this portion of the City street right-of-way and provide or agree to the following:
1. Provide the written consent of the property owners on either side of the property owner requesting the lease.
 2. Furnish the names and mailing addresses of all property owners between the intersecting streets where the lease is proposed.
 3. The City Council shall hold a public hearing on the proposed lease; property owners between the intersecting streets of the proposed lease will be notified by mail at least four (4) days prior to the scheduled public hearing.
 4. A City staff report shall address the lease and relate potential traffic hazards, hazards to pedestrians, access problems for fire equipment or rescue squads, location of under or above ground utilities, and other pertinent information.
 5. The City Council shall determine the maximum duration and annual rate for the granting of a lease. The lessee shall make annual payment and failure to pay within thirty (30) days of the due date shall constitute automatic cancellation of the lease.
 6. Lessees shall be responsible for the maintenance and repair of the area leased and shall pave with concrete, asphalt, or brick the parking area leased in accordance with design criteria approved by the City. Vehicles parked pursuant to this subsection shall be parallel with the curb, headed in the direction of lawful traffic movement.
 7. Applicants for a lease to use a City owned street right-of-way for the purpose of parking a vehicle shall pay, in addition to the leased rate, an initial fee of twenty-five dollars (\$25.00) to cover the administrative cost of processing the review and mailings, this fee shall not be refundable.

7-22-5 Moving Other Vehicles into Prohibited Area. No person shall move a vehicle not owned by such person nor lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

7-22-6 Unattended Motor Vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine and removing the key from the ignition switch. When standing upon any perceptible grade, will effectively set the brake thereon and turn the front wheels to the curb or side of the highway.

7-22-7 Parking in Alleys.

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

7-22-8 All-Night Parking Prohibited. No person shall park a vehicle on any street between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. where official signs have been placed indicating prohibition of such parking. This provision shall not apply to physicians, operators of official police cars, ambulances, or other vehicles engaging in making emergency calls.

7-22-9 Parking for Certain Purposes Prohibited. No person shall park a vehicle upon any roadway for the principal purpose of:

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

7-22-10 Hazardous or Congested Places.

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

7-22-11 Parking on Private Property. It shall be a misdemeanor to park a motor vehicle upon real property without the consent of the owner or person in possession of such property, or the agents of either. Any motor vehicle parked in violation of this section may be ticketed and/or removed pursuant to the following procedure: The owner of such motor vehicle may reclaim such vehicle pursuant to state law.

7-22-12 Notice of Violation.

- A. If a citation for a vehicle parked in violation of this chapter is returned to the police station within twenty-four (24) hours, the penalty shall be ten dollars (\$10.00).
- B. If the citation is returned to the police station more than twenty-four (24) hours after having been issued, or the citation is contested by the violator, the violator shall be made to appear before a Magistrate or the Associate District Court Judge.
- C. The money may be collected by the police officer or clerk on duty who shall keep an accurate record and transfer the money so collected to the Finance Office.

7-22-13 Form of Notice of Violation. The citation or notice of violation referred to in Section 12 of this chapter shall be in substantially the following form:

CITY OF MUSCATINE
POLICE DEPARTMENT

Date: _____ Time: _____
Location: _____
License No: _____ Make: _____
Model: _____ Color: _____
Name: _____

Address: _____

You are in violation of the City Ordinance checked below:

- _____ 1. Parking, 2:00 a.m. to 6:00 a.m.
- _____ 2. Parking in Alley
- _____ 3. Parking within 5 ft. Fire Hydrant
- _____ 4. Double Parking
- _____ 5. No Parking Zone
- _____ 6. Wrong Side of Street
- _____ 7. Over 24 hours
- _____ 8. Over 48 hours
- _____ 9. Loading Zone
- _____ 10. Bus Zone
- _____ 11. Other _____

The fine for this violation is \$5.00 if paid within 24 hours of time of violation. If not paid within 24 hours, a warrant will be issued for your arrest.

This citation may be paid in person or by mail to the Muscatine Police Department, 312 E. 5th Street, Muscatine, Iowa 52761.

Office Number _____

Title 7 – Police Regulations
Chapter 23 – Traffic: Weight Embargos

SECTIONS:

- 7-23-1 Weight Embargo
- 7-23-2 Exceptions
- 7-23-3 Truck Route
- 7-23-4 Violation
- 7-23-5 Length and Weight Exception

7-23-1 Weight Embargo. The City Council may by motion place weight embargoes upon streets in the City of Muscatine, Iowa. The motion shall specifically designate the street upon which the embargo is imposed and direct the City Administrator, or his or her designate, to place and maintain signs indicating such embargo.

7-23-2 Exceptions. The following vehicles shall be exempt from the weight embargo:

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

7-23-3 Truck Route. As used in this section, truck shall mean motor truck, truck tractor, trailer, semi-trailer, as defined in the Code of Iowa, Chapter 321, 1989 and as subsequently amended. The operation of any truck exceeding thirty (30) feet in length or weighing ten (10) tons or more, when loaded or empty, is prohibited upon every street in the City except designated streets which are hereby established as the City's Designated Truck Route System. Further, trucks placarded as required by the Code of Federal Regulations (49 CFR 172.504) for the transport of hazardous material and requiring an endorsed commercial drivers license for such transport are required to use the City's Designated Truck Route System.

- A. Designated Truck Route System:
 - All U.S. and State Highways (#22, 38, 61 Business, and 61 Bypass, 92).
 - Cypress Street from East Fifth Street to Isett Avenue.
 - Isett Avenue from Cypress Street to the U.S. Highway 61 Bypass. East Fifth Street from
 - Cypress Street to Cedar Street.
 - Cedar Street from East Fifth Street to Mississippi Drive (Business Route Highway 61 and 92).
 - Industrial Connector Road from Highway(s) 61 and 92 to Maple Grove Road.
 - Stewart Road from the Industrial Connector Road to Oregon Street and along Oregon Street to Business Route Highway 61 and 92.
 - Lucas Street from the Highway 61 Bypass to Houser Street
 - Hershey Avenue from the Highway 61 Bypass to Houser Street.
 - Houser Street from Lucas to Grandview Avenue.
 - University Drive from Highway 22 to Highway 61.
 - Oak Street from East Second Street to East Fifth streets
- B. Departure from Designated Truck Route System. All trucks having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or

unloading shall proceed over and upon the Designated Truck Route System as set out above to the nearest point of its scheduled or definite stop. From that point, the truck shall proceed to its destination and return to the truck route by the most direct method. It is the responsibility of the operator of the truck to have in possession for inspection a log book, delivery slip or other evidence of the truck's destination and point of origin to justify the presence of the truck on a street other than the Designated Truck Route System.

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

7-23-4 Violation. Any person who operates a truck or vehicle in violation of this Chapter shall be deemed guilty of a simple misdemeanor and fined fifty dollars (\$50.00) for the first offense, seventy five dollars (\$75.00) for the second offense and one hundred dollars (\$100.00) for the third and all subsequent offenses.

7-23-5 Length and Weight of Motor Vehicles Exception. The total length and weight of any motor vehicle or any combination of vehicles shall not exceed that allowed by the statutes of the State of Iowa, except as hereinafter provided: A motor vehicle or combination of vehicles being operated on a particular interstate trip may be operated upon the streets or highways within the City of Muscatine, irrespective of the length and weight limitations imposed by the laws of the State of Iowa, if the length and weight of the motor vehicle or combination of vehicles is in conformity with the laws relating to such length and weight of the State of Illinois on July 1, 1974, provided, however, that such motor vehicles or combination of vehicles are limited to those streets or highways which are of the same type on which the motor vehicles or combination of vehicles are permitted to operate within the State of Illinois, and provided further that the operation of such motor vehicles or combination of vehicles within the City of Muscatine is limited to commercial zones as described in Federal Regulations, paragraphs 1048.10, 1048.38 and 1048.101 as they exist on July 1, 1974.

Title 7 – Police Regulations
Chapter 24 – Weapons

SECTIONS:

7-24-1 Discharging Firearms

7-24-2 Missiles

7-24-3 Carrying of Weapons

7-24-4 Peace Officers – Exception

7-24-5 Bow Hunting Deer – Exception

7-24-1 Discharging Firearms. It shall be unlawful for any person to discharge any firearm, B.B. gun, pellet gun, bow and arrow, sling shot, or any other device which discharges a projectile, within the Corporate Limits of the City of Muscatine, except on a recognized target range.

7-24-2 Missiles. It shall be unlawful for any person to throw any missile upon any street, alley, or public place, or to shoot any bow and arrow, B.B. gun, pellet gun, sling shot, or any other device which discharges a projectile so that said projectile crosses a public street, alley, public place, or real property boundary.

7-24-3 Carrying of Weapons. It shall be unlawful for any person to carry or display any weapon, loaded or unloaded, in a threatening manner, real or implied, on any street, alley, public place, or private property.

7-24-4 Peace Officers – Exception. Nothing in this Chapter shall be construed to prevent peace officers from using their weapons in the performance of their duties.

7-24-5 Bow Hunting Deer – Exception. It shall not be deemed a violation of this chapter to use a bow and arrow to hunt deer on parcels of two (2) acres or more with the following conditions:

- A. The person is the owner of the property or has permission from the owner to allow for bow hunting.
- B. The person bow hunting must successfully complete a proficiency test as approved by action of the Muscatine City Council.
- C. The person has a license or permit required by the State of Iowa to hunt deer with a bow.
- D. The person has a permit issued by the Muscatine City Clerk.
- E. The hunt shall be authorized by action of the Muscatine City Council prior to October 1 of each year, during the time when such hunting is allowed by the law and regulations of the State of Iowa.
- F. Hunting shall not occur within one hundred fifty (150) feet of any residence, church, or occupied structure.
- G. The hunt shall be limited to the sex of the deer allowed by the laws or regulations of the State of Iowa and as allowed by action of the Muscatine City Council.
- H. The person hunting must demonstrate compliance with these requirements to any law enforcement officer upon request.
- I. Persons wishing to participate in this program are required to attend an informational meeting held by the City of Muscatine in advance of the designated season.
- J. With the permission of City Council, designated public property may be used during the designated hunting season.

- K. Property owners with adjoining lot lines will be permitted to combine properties to reach the minimum two (2) acres required for hunting and there will be no zoning restriction on this acreage.

Title 7 – Police Regulations
Chapter 25 – Police Dogs

SECTIONS:

7-25-1 Police Dogs, Willful Mistreatment — Interference

7-25-2 Penalties

7-25-1 Police Dogs, Willful Mistreatment — Interference. It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the police department in the functions or duties of such department, or to interfere with or tamper with any such dog while being used by the police department.

7-25-2 Penalties. Any person convicted of violating the provisions of the preceding Section 7-25-1 shall be fined not more than \$100.00 or imprisoned not to exceed 30 days in jail.

TITLE 7 - POLICE REGULATIONS
CHAPTER 26 - GRAFFITI

SECTIONS:

- 7-26-1 Definitions
- 7-26-2 Graffiti Prohibited
- 7-26-3 Graffiti Declared a Nuisance
- 7-26-4 Implements of Graffiti – Restrictions
- 7-26-5 Penalties

7-26-1 Definitions.

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

7-26-2 Graffiti Prohibited.

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

7-26-3 Graffiti Declared a Nuisance.

Graffiti, visible from public property or right-of-way, is hereby declared a nuisance and must be removed by the property owner within a reasonable time period not to exceed ten days after notification by the city. Said notice shall be delivered personally or telephonically to the property owner followed by written notice through the regular U. S. mail. The property owner shall be informed in said notice as to the deadline by which he must act. If the property owner wishes to appeal the notice, he may do so by filing a written notice of appeal with the office of the city clerk and paying an appeal fee of twenty-five dollars. Said appeal shall be heard by the hearing officer. Upon hearing, the hearing officer shall make a determination if graffiti is

present. If graffiti is found to be present, said hearing officer shall specify a time by which the graffiti shall be removed. If the graffiti remains after the deadline provided by the initial notice, or in the case of an appeal the deadline specified by the hearing officer, the city may remove the graffiti and assess the cost of abatement against the property.

7-26-4 Implements of Graffiti – Restrictions.

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

7-26-5 Penalties.

A violation of Section 7-26-2(A) or Section 7-26-4(A-E) may constitute either a simple misdemeanor or a municipal infraction. A violation of Sections 7-26-2(B), 7-26-3, 7-26-4(F) is a municipal infraction. Any simple misdemeanor violation under this chapter shall be punished by a fine not to exceed five hundred dollars and/or up to thirty days in jail. A municipal infraction violation under this chapter shall be punished by a fine up to the maximum amount allowed under Iowa law and/or any other equitable relief deemed just by the court.