

**Title 1 – Administrative
Chapter 1 – City Charter**

SECTIONS:

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

1-1-1 Purpose. The purpose of this Ordinance is to provide for a Charter embodying the form of government existing in the City of Muscatine, Iowa, on August 17, 1972.

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

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

(Code of Iowa, Sec. 372.12)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

**Title 1 – Administrative
Chapter 2 – City Code**

SECTIONS:

- 1-2-1 Title
- 1-2-2 Definitions
- 1-2-3 Rules of Construction
- 1-2-4 Severability
- 1-2-5 City Powers
- 1-2-6 Indemnity
- 1-2-7 Personal Injuries
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- 1-2-10 Catchlines and Notes
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- 1-2-14 Standard Penalty
- 1-2-15 Appendix to this Code of Ordinances

1-2-1 Title. This Code of Ordinances shall be known and may be cited as the Code of Ordinances of the City of Muscatine, Iowa, 2014.

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

- A. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
- B. "City" shall mean the City of Muscatine, in the County of Muscatine, in the State of Iowa.
- C. "City Council" shall mean the City Council of the City of Muscatine.
- D. "Clerk" means the City Clerk of Muscatine, Iowa.
- E. "Code" shall mean the City Code of Muscatine, Iowa, and all amendments thereto.
- F. "Council" means the City Council of Muscatine, Iowa.
- G. "County" shall mean Muscatine County in the State of Iowa.
- H. "In the City" shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers and regulatory functions.
- I. "May" confers a power.
- J. "Measure" means an ordinance, amendment, resolution or motion.
- K. "Month" shall mean one calendar month.

- L. "Municipal Property" means all property owned, leased, or managed by the City of Muscatine, either inside or outside of city limits, shall be under the statutes of the Municipal Code and the City's jurisdiction.
- M. "Oath" shall be deemed to include an affirmation. "Sworn" shall be construed to include the word "Affirmed".
- N. "Occupant" or "Tenant", when applied to a building or land, shall mean any person who holds a written or oral lease of, or actually occupies the whole or part of said building or land, either alone or with others.
- O. "Ordinances" shall mean the ordinances of the City of Muscatine, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
- P. "Owner", when applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or part of such building, land, or any property, either alone or with others.
- Q. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
- R. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
- S. "Shall" imposes a duty or requirement.
- T. "Right-of-way" means the area on, below, or above any real property in which the City has an interest, including, without limitation, any street, road, highway, alley, sidewalk or any other place, area or real property owned by or under the control of the City, including other dedicated right-of-way for travel purposes and utility easements.
- U. "Sidewalk" means that surfaced portion of the public way (See R above) between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
- V. "State" means the State of Iowa.
- W. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
- X. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right.
- Y. "Urban Design Standards and Urban Standard Specifications (U.D.S. & U.S.S.)" means the latest edition of the Urban Design Standards Manual and the Urban Standard Specifications for Public Improvements Manual as compiled by the Urban Standards and Specifications Committee.

Words that are not defined in this Code of Ordinances or by the Code of Iowa have their ordinary meaning unless such construction would be inconsistent with the manifest intent of the Council, or repugnant to the context of the provision.

1-2-3 Rules of Construction. In the construction of this Code of Ordinances, the rules of statutory construction as set forth in **Chapter 4 of the Code of Iowa** shall be utilized to ascertain the intent of the Council with the understanding that the term "statute" as used therein will be deemed to be synonymous with the term "ordinance" when applied to this Code of Ordinances

1-2-4 Severability. If any section, subsection, sentence, clause, or phrase of this Code for any reason is held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Code as a whole or any section, provision or part thereof not held invalid or unconstitutional.

1-2-5 City Powers. The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City and of its residents, and preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

1-2-6 Indemnity. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this Section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1-2-7 Personal Injuries. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

1-2-8 Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1-2-9 Amendments. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1-2-10 Catchlines and Notes. The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, section and subsection), editor's notes, cross references and State law references, unless set out in the body of the section itself, contained in the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1-2-11 Altering Codes. It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

1-2-12 Warrants. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the county, pursuant to **Section 808.14 of the Code of Iowa**, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

1-2-13 General Standards for Action. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1-2-14 Standard Penalty. Unless another penalty is expressly provided for violation of any particular provision, section or chapter, any person failing to perform a duty or obtain a license required by this Code of Ordinances or violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least sixty-five dollars (\$65.00) but not to exceed six hundred twenty-five dollars (\$625.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.

(Code of Iowa, Sec. 364.3[2] and 903.1[1a])

1-2-15 Appendix to this Code of Ordinances. The City is hereby authorized to create and maintain an Appendix to this Code of Ordinances. The contents of the Appendix shall be approved by resolution of the City Council. The Appendix shall contain, but not be limited to the following contents:

- A. A schedule of minimum penalties for specific city offenses.
- B. A schedule of permit and licensing requirements, which shall include application fees and any and all bond and insurance requirements.
- C. A schedule of fees for use of city services, including but not limited to sewer and sanitation fees.
- D. A schedule of miscellaneous charges and fees related to platting subdivisions, building permits, inspection and zoning matters.

**Title 1 – Administrative
Chapter 3 – Municipal Infractions**

SECTIONS:

- 1-3-1 Municipal Infraction
- 1-3-2 Penalties
- 1-3-3 Civil Citations
- 1-3-4 Alternative Relief
- 1-3-5 Criminal Penalties

1-3-1 Municipal Infraction. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 364.22[2] and [3])

1-3-2 Penalties. Unless provided for elsewhere in this Code or another amount is provided for in the Schedule of Penalties in the Appendix to this Code of Ordinances, a violation of a City ordinance is punishable by the following civil penalties:

Standard Civil Penalties.

- A. First Offense – Not to exceed \$500.00
- B. Each Repeat Offense – Not to exceed \$750.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

Special Civil Penalties.

- A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.
- B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
 - 1. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
 - 2. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - 3. The violation does not continue in existence for more than eight (8) hours.

1-3-3 Civil Citations. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by

certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in **Rule of Civil Procedure 1.310** and subject to the conditions of **Rule of Civil Procedure 1.311**. A copy of the citation shall be served to the defendant, a copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22 [4])

- A. The name and address of the defendant.
- B. The name or description of the infraction attested to by the officer issuing the citation.
- C. The location and time of the infraction.
- D. The amount of civil penalty to be assessed or the alternative relief sought, or both.
- E. The manner, location, and time in which the penalty may be paid.
- F. The time and place of court appearance.
- G. The penalty for failure to appear in court.

1-3-4 Alternative Relief. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22 [9])

1-3-5 Criminal Penalties. This Chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[12])

Title 1 – Administrative
Chapter 4 – City Boundaries

SECTION:

1-4-1 Designation of Boundaries

1-4-2 Boundaries; Record of

1-4-1 Designation of Boundaries. The boundaries of the City of Muscatine shall be as they now appear on file at the office of the City Clerk and as from time to time updated in accordance with applicable law.

1-4-2 Boundaries; record of. A current map of the boundaries of the City of Muscatine shall be kept and made available during regular business hours at the office of the City Clerk.

**Title 1 – Administrative
Chapter 5 – Precincts and Wards**

SECTIONS:

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

1-5-1 Precincts Established. For the purpose of best serving the convenience of the City, the City is hereby divided into ten (10) precincts which shall consist of the real property as detailed on the map on file in the office of the City Clerk.

1-5-2 Wards Established. The City is hereby divided into five (5) wards as follows:

- A. The First Ward shall consist of the First and Second Precincts.
- B. The Second Ward shall consist of the Third and Fourth Precincts.
- C. The Third Ward shall consist of the Fifth and Sixth Precincts.
- D. The Fourth Ward shall consist of the Seventh and Eighth Precincts.
- E. The Fifth Ward shall consist of the Ninth, Tenth Precincts, and portions of the Sweetland precinct located within the City of Muscatine.

1-5-3 Polling Places Designated. The polling places shall be designated by the Commissioner of Elections as provided by the Iowa Code.

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

1-5-5 Publication of Changes. Changes to boundaries and polling places for precincts and wards shall be published in accordance with **Chapter 49 of the Code of Iowa**.

Title 1 – Administrative Chapter 6 – Elections

SECTIONS:

- 1-6-1 Municipal Elections
- 1-6-2 Offices to be Filled
- 1-6-3 Nominating Method to be Used
- 1-6-4 Nomination by Petition
- 1-6-5 Adding Name by Petition
- 1-6-6 Preparation of Petition and Affidavit
- 1-6-7 Filing, Presumption, Withdrawals, Objections
- 1-6-8 Persons Elected
- 1-6-9 Permanent Registration
- 1-6-10 Use of Public Resources for Political Purposes Prohibited

1-6-1 Municipal Elections. All municipal elections shall be conducted as provided by the Code of Iowa, and shall be held on the Tuesday following the first Monday in November of odd numbered years.

1-6-2 Offices to be Filled. The times at which officers of cities shall be elected and their terms of office shall be as provided by or established pursuant to **Sections 376.1 and 376.2 of the Iowa Code.**

(Code of Iowa, Sec. 39.20)

1-6-3 Nominating Method to be Used. All candidates for elective municipal offices shall be nominated under the provisions of **Chapter 45 of the Code of Iowa.**

(Code of Iowa, Sec. 376.3)

1-6-4 Nomination by Petition. Nominations for candidates for the office of Mayor and Council Members may be made by nomination papers signed by not less than 25 eligible electors, residents of the City or Ward.

(Code of Iowa, Sec. 45.1)

1-6-5 Adding Name by Petition. A candidate whose name appeared on the ballot by reason of having been nominated, cannot have his name appear a second time by petition.

(Code of Iowa, Sec. 45.2) (Op. Atty. Gen. 1898, p.174 Iowa)

1-6-6 Preparation of Petition and Affidavit. Nomination papers shall include a petition and an affidavit of candidacy. The petition and affidavit shall be in substantially the form prescribed by the State Commissioner of Elections, shall include information required by the Code of Iowa, and shall be signed in accordance with the Code of Iowa.

(Code of Iowa, Sec. 45.3, 45.5 & 45.6)

1-6-7 Filing, Presumption, Withdrawals, Objections. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of **Chapter 45 of the Code of Iowa.**

(Code of Iowa, Sec. 45.4)

1-6-8 Persons Elected. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.8)

1-6-9 Permanent Registration. There is hereby adopted the plan of permanent voter registration as provided by the Code of Iowa.

1-6-10 Use of Public Resources for a Political Purpose Prohibited. For purposes of this subsection, the following definitions apply:

- A. *"Ballot issue"* means a question that has been approved to be placed before the voters or is otherwise required by law to be placed before the voters. "Ballot issue" does not include the nomination or election of a candidate.
- B. *"Campaign"* means the organized effort to expressly advocate the nomination, election, or defeat of a candidate for state or local office in Iowa. "Campaign" also means the organized effort to expressly advocate the passage or defeat of a ballot issue.
- C. *"Candidate"* means any individual who has taken affirmative action to seek nomination or election to a state or local office in Iowa.
- D. *"Expressly advocate"* means "express advocacy" as defined in **Iowa Code Section 68A.102(14) and Iowa Admin. Code r. 351-4.53(1).** "Express advocacy" includes a communication that uses any word, term, phrase, or symbol that exhorts an individual to vote for or against a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.
- E. *"Political purpose"* means to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue.
- F. *"Public resources"* means the moneys, time, property, facilities, equipment, and supplies of the executive branch of state government, a county, city, public school, or other political subdivision.

(Iowa Admin. Code r. 351-5.3(68A))

General prohibition. Unless one of the exceptions in rule 351-5.5(68A) applies, the public officials and public employees of the City shall not permit public resources to be used to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue.

(Iowa Admin. Code r. 351-5.4(68A))

Specific Conduct Prohibited. The following specific conduct or actions are deemed to be the prohibited use of public resources for a political purpose:

- A. Using public resources to solicit or accept campaign contributions.
- B. Using public resources to solicit votes, engage in campaign work, or poll voters on their preferences for candidates or ballot issues. The prohibition on polling voters by using public resources does not apply to authorized research at a public university.
- C. Using a publicly owned motor vehicle to transport political materials, placing campaign signs on a publicly owned motor vehicle, or traveling to campaign-related events in a publicly owned motor vehicle.

Using public resources to produce and distribute communications that expressly advocate for or against candidates or that expressly advocate for or against ballot issues.

- D. Placing campaign materials on public property including the placement of campaign signs in the public right-of-way.

(Iowa Admin. Code r. 351-5.4[68A])

Construction. This Section shall not be construed to limit the freedom of speech of officials or employees of the City.

Title 1 – Administrative
Chapter 7 – Mayor

SECTIONS:

- 1-7-1 Term of Office
- 1-7-2 Powers and Duties of the Mayor
- 1-7-3 Compensation
- 1-7-4 Voting
- 1-7-5 Qualifications of the Mayor
- 1-7-6 Removal of the Mayor

1-7-1 Term of Office. The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 376.2)

1-7-2 Powers and Duties of the Mayor. The Mayor shall be the chief executive officer of the City; shall take care that the laws of the State of Iowa and the provisions of this City Code are duly respected, observed, and enforced within the City; shall preside at all council meetings, preserve order and decorum and shall decide all questions of order, subject to an appeal from the Council; shall from time to time give the Council information for its consideration on such measures as may be in the interest of the City; shall be the conservator of the peace and may call for the assistance of the police and, if necessary, any citizen of the City to aid in quelling or preventing any riot or unlawful assembly, or in preventing or restraining any breach of the peace and any such police officer or citizen, when so called upon, who shall refuse to obey the orders of the Mayor shall be deemed guilty of a misdemeanor; shall sign on behalf of the City all contracts between the City and any other party; and shall perform all duties required by the Charter, the provisions of this Code, resolutions of the City Council and all other acts which the good of the City may require.

1-7-3 Compensation. The Mayor shall receive, in full compensation for his or her services, a salary in the amount as set by ordinance.

(Code of Iowa, Sec. 372.13[8])

1-7-4 Voting. The Mayor is not a member of the Council and shall not vote as a member of the Council.

(Code of Iowa, Sec. 372.4)

1-7-5 Qualifications of the Mayor. The Mayor shall be a resident of the City at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

1-7-6 Removal of the Mayor. The Mayor may be removed from office by action of the City Council for any of the following reasons:

- A. For willful or habitual neglect or refusal to perform the duties of his or her office.
- B. For willful misconduct or maladministration in office.
- C. For corruption.
- D. For extortion.

- E. Upon conviction of a felony.
- F. For intoxication, or upon conviction of being intoxicated, or for possession of any illegal substances.
- G. Upon conviction of violating the provisions of Chapter 68A, Code of Iowa.

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

**Title 1 – Administrative
Chapter 8 – Mayor Pro Tem**

SECTIONS:

1-8-1 Vice President of Council

1-8-2 Powers and Duties

1-8-3 Voting Rights

1-8-4 Compensation

1-8-1 Vice President of Council. The Mayor Pro Tem is vice president of the Council.

(Code of Iowa, Sec. 372.14[3])

1-8-2 Powers and Duties. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties

(Code of Iowa, Sec. 372.14[3])

1-8-3 Voting Rights. The Mayor Pro Tem shall have the right to vote as a member of the Council.

(Code of Iowa, Sec. 372.14[3])

1-8-4 Compensation. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of thirty days or more, the Mayor Pro Tem *may* be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

(Code of Iowa, Sec. 372.13[8])

**Title 1 – Administrative
Chapter 9 - Council**

SECTIONS:

- 1-9-1 Number and Term of Years
- 1-9-2 Powers and Duties of the Council
- 1-9-3 Exercise of Powers
- 1-9-4 Salary of Council Members
- 1-9-5 Meetings of City Council
- 1-9-6 Qualifications of Council Members
- 1-9-7 Vacancies
- 1-9-8 Removal of Council Members

1-9-1 Number and Term of Years. The Council consists of 2 Council members elected at large for overlapping terms of 4 years and 5 elected by ward for staggered terms of 4 years.

(Code of Iowa, Sec. 372.4 & 376.2)

1-9-2 Powers and Duties of the Council. The powers and duties of the Council include, but are not limited to, the following:

- A. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

(Code of Iowa, Sec. 364.2[1])

- B. Wards. By ordinance, the Council shall divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.

(Code of Iowa, Sec. 372.13[7])

- C. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.

(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38 [1])

- D. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges or buildings.

(Code of Iowa, Sec. 364.2[1])

- E. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless adopted by resolution of the Council.

(Code of Iowa, Sec. 38.10)

- F. Employees. The Council shall authorize the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

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

- G. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

(Code of Iowa, Sec. 372.13[8])

1-9-3 Exercise of Power. The Council shall exercise a power only by the passage of a motion, a resolution, an amendment or an ordinance in the following manner *(Code of Iowa, Sec. 364.3[1])*:

- A. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

- B. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

(Code of Iowa, Sec. 380.6[2])

- C. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:

1. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[1a])

2. A resolution signed by the Mayor becomes effective immediately upon signing.

(Code of Iowa, Sec. 380.6[1b])

3. A motion becomes effective immediately upon passage of the motion by the Council.

(Code of Iowa, Sec. 380.6[1c])

4. If the Mayor vetoes an ordinance, amendment or resolution and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[2])

5. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[3])

"All of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

(Code of Iowa, Sec. 380.4)

1-9-4 Salary of Council Members. Each Council member shall receive, in full compensation for his or her services, a salary in the amount as set by ordinance.

(Code of Iowa, Sec. 372.13[8]).

1-9-5 Meetings of the City Council. The City Council shall hold regular meetings, as may be designated by the Council, and special meetings called by the Mayor, City Administrator, or a majority of the Council members. A quorum of the Council shall be a majority of the members and no action may be taken by the Council unless a quorum is present. The Council shall prescribe its own rules of procedure by resolution which shall be in conformance with the provisions of the laws of the State of Iowa.

1-9-6 Qualifications of the Council Members. The Council members shall be residents of the City of Muscatine and shall maintain his or her primary residence in the Ward they are elected to represent at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

1-9-7 Vacancies. A vacancy in the office of the Mayor and the Council shall be filled in accordance with the provisions of the laws of the State of Iowa and all officers appointed or elected to fill such vacancies shall qualify within three (3) days.

1-9-8 Removal of Council Member. Any Council Member may be removed in accordance with Iowa law from office by action of the City Council for any of the following reasons:

- A. For willful or habitual neglect or refusal to perform the duties of his or her office.
- B. For willful misconduct or maladministration in office.
- C. For corruption.
- D. For extortion.
- E. Upon conviction of a felony.
- F. For intoxication, or upon conviction of being intoxicated, or for possession of any illegal substances.
- G. Upon conviction of violating the provisions of **Chapter 68A, Code of Iowa**.

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

Title 1 – Administrative
Chapter 10 - City Officers and Employees

- 1-10-1 Bond Requirements and Amounts
- 1-10-2 City Administrator; Clerk
- 1-10-3 City Attorney
- 1-10-4 Succession requirements

1-10-1 Bond Requirements and Amounts. The following officers and employees shall have an official bond in the amount proscribed below and as required under **Section 64.2 of the Code of Iowa**. Costs to be paid by City.

- A. City Administrator: \$500,000
- B. Finance Director (Treasurer): \$500,000
- C. All other City Officers and Employees: \$500,000

1-10-2 City Administrator.

- A. Establishment, Appointment, and Removal. The office of the City Administrator is hereby created, which office shall be filled by a majority vote of the Council. The appointee shall hold office during the pleasure of the Council, and shall be subject to removal by a majority vote of the Council. He or she shall also be the City Clerk.
- B. Qualifications. The City Council shall appoint by majority vote a competent person on the basis of his or her qualifications as City Administrator.

(Code of Iowa, Section 372.13(4))

- C. Excepted Appointment: The City Administrator shall not be considered a department head.
- D. Deputy City Clerk. The City Administrator shall appoint a Deputy City Clerk to perform the duties of the City Clerk in the Administrator's absence and to perform other duties as assigned to him or her.
- E. Duties and Responsibilities: The City Administrator shall have the following duties:
 - 1. Powers and Duties as City Administrator.
 - a. The powers and duties of the City Administrator shall include:
 - i. Enforcement of all City laws and regulations as directed by the Council.
 - ii. Administration of Council policies and directives.
 - iii. Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
 - iv. Preparation and administration of the City's annual operating budget.

- v. Supervision of the City's administrative policies and procedures, including personnel.
 - vi. Keeping the Council informed on the progress of its programs and the status of its policies.
 - vii. Coordinating and directing all City services provided through the various departments.
 - viii. Appointment and removal of City employees in accordance with City policies regarding this activity.
 - ix. Study possible joint arrangements with City boards such as, but not limited to, the Board of Water, Electric, and Communications Trustees or any other independent board and make recommendations for such arrangements as are mutually acceptable.
 - x. Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.
 - xi. Review and revise imposition of penalties, costs, fees, bond, and insurance requirements as set out in the Appendices to this Code of Ordinances.
 - xii. Oversee daily operations of City and staff
- b. Any elected official shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator solely, through the City Administrator, and Council Members shall not give orders to any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator.

(Code of Iowa, Section 372.13(4))

2. Powers and Duties as Clerk.

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

(Code of Iowa, Section 372.13(4))

- ii. Publication of Minutes. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims as required by **Iowa Code, Section 372.13[6].**

(Code of Iowa, Section 372.13(6))

- iii. Recording Measures. The clerk shall promptly record a statement with the measure, where applicable, indicating whether the mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the mayor's veto.

(Code of Iowa, Section 380.7(2))

- iv. Publication of Ordinances. The clerk shall publish a summary of all ordinances or the complete text of ordinances and amendments in the manner provided in Section 362.3 of the Iowa Code.

(Code of Iowa, Section 380.7(3))

- v. Authentication of Measures. The Clerk shall authenticate all measures except motions with the clerk's signature and certification as to time and manner of publication, if any. The clerk's certification is presumptive evidence of the facts stated therein.

(Code of Iowa, Section 380.7(4))

- vi. Availability of Records. The Clerk shall maintain for public use copies of all effective ordinances and codes.

(Code of Iowa, Section 380.7(5))

- vii. Issuance of Licenses and Permits. Except as otherwise provided, any person desiring a license or permit for any purpose from the City shall pay the requisite license fee to the Clerk, who shall thereupon issue the proper license.

1-10-3 City Attorney.

- A. Establishment, Appointment, and Removal. There is hereby established the office of City Attorney, who shall be appointed by and hold office during the pleasure of the Council and shall be subject to removal of a majority vote of the Council. Notwithstanding this Subsection, the Council may use whatever additional legal counsel is available and appropriate as long as not in conflict with any provision of this Code of Ordinances.
- B. Qualifications. The City Attorney shall not be an employee of the City but shall be under the administrative direction of the City Administrator. The City Attorney shall be a graduate of a college of law and shall be a licensed Attorney authorized to practice in the State of Iowa upon employment.

- C. Powers and duties. The City Attorney performs legal services for and on behalf of the City, its officers, boards, commissions, and departments; attends meetings of various official bodies and gives oral advice and opinions in writing when requested; performs the preparation and review of ordinances, resolutions, contracts, and other legal documents as requested; tries cases and appears in other legal matters before courts, including district and appellate courts, boards, and commissions; confers with City officials on legal problems; performs research in connection with constitution, statutes, ordinances, decisions, rules, and regulations; prepares complaints, answers, and briefs for court cases; and performs additional administrative duties as assigned.

(Code of Iowa, Section 372.13(4))

- D. Compensation. The compensation of the City Attorney shall be such amount as may from time to time be fixed by the Council.

(Code of Iowa, Section 372.13(4))

1-10-4 Succession Requirements. Every City officer shall transfer to his or her successor in office all books, papers, records, documents and property, in his or her custody and relating to his or her office.

**Title 1 – Administrative
Chapter 11 – City Departments**

SECTIONS:

- 1-11-1 Departments Created
- 1-11-2 Department Heads; Appointment and Removal
- 1-11-3 Duties
- 1-11-4 Other Departments
- 1-11-5 Creation of New Departments

1-11-1 Departments Created. There is hereby established the following City Departments:

- A. Community Development (Community Development Director)
- B. Finance (Finance Director-Treasurer)
- C. Fire (Fire Chief)
- D. Parks and Recreation (Parks and Recreation Director)
- E. Police (Police Chief)
- F. Public Works (Public Works Director)
- G. Water Pollution Control (Water Pollution Control Director)

1-11-2 Department Heads; Appointment and Removal. The departments shall be headed by a Department Head appointed and removed by the City Administrator, except the appointment and removal of the Finance Director-Treasurer shall be subject to the approval of the City Council and the appointment and removal of the Fire Chief and Police Chief shall be by the Mayor, subject to the approval of the City Council.

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

1-11-3 Duties. Department Heads listed in Section 1-11-1 shall be subordinate and responsible to the City Administrator and shall have such duties and functions as from time to time are assigned by the City Administrator.

1-11-4 Other Departments. The following departments are established by the City Council through **Title 2, Chapters 5 and 6 of the City Code:**

- A. Library (Library Director)
- B. Museum and Art Center (Museum and Art Center Director)

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

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

1-11-5 Creation of New Departments. The City Council shall have the authority to create new or consolidate existing departments by resolution as shall be deemed appropriate and after full consideration and study by the City Administrator.

Title 1 – Administrative
Chapter 12 – Fiscal Management

SECTIONS:

- 1-12-1 Purpose
- 1-12-2 Fiscal Year
- 1-12-3 Finance Director
- 1-12-4 Cash Control
- 1-12-5 Fund Control
- 1-12-6 Operating Budget Preparation
- 1-12-7 Budget Amendments
- 1-12-8 Accounting
- 1-12-9 Financial Reports
- 1-12-10 Bidding and Requests for Proposals

1-12-1 Purpose. The purpose of this Chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

1-12-2 Fiscal Year. The fiscal year for the City shall commence on the first day of July and end on the 30th day of June of each year.

(Code of Iowa, Section 24.2(3))

1-12-3 Finance Director. The Finance Director is the finance and accounting officer of the City and is responsible for the administration of the provisions of this Chapter.

1-12-4 Cash Control. To assure the proper accounting and safe custody of moneys the following shall apply:

- A. Deposit of Funds. All moneys or fees collected for any purpose by any City employee or City representative shall be deposited through the office of the Finance Director.
- B. Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by **Section 384.21 of the Code of Iowa**.

(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)

- C. Petty Cash Fund. The Finance Director shall be custodian of a petty cash fund for the payment of small claims for minor purchases and small fees customarily paid at the time of rendering a service, for which payments the Finance Director shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the Finance Director shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

1-12-5 Fund Control. There shall be established and maintained separate and distinct funds in accordance with the following:

- A. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.
- B. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the Council.
- C. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

(IAC, 545-2.5 [384,388], Sec. 2.5[2])

- D. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[3])

- E. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

- F. Utility and Enterprise Funds. Utility and Enterprise funds shall be transferred in accordance with state law.
- G. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

1-12-6 Operating Budget Preparation. The annual operating budget of the City shall be prepared in accordance with the following:

- A. Proposal Prepared. The City Administrator is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
- B. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the Finance Director for inclusion in the proposed City budget at such time and in such form as required by the Council.
- C. Submission to Council. The City Administrator shall submit the completed budget proposal to the Council no later than the first Monday in February of each year.
- D. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
- E. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and

a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

(Code of Iowa, Sec. 384.16[3])

- F. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor, Administrator and Clerk and at the City library.

(Code of Iowa, Sec. 384.16[2])

- G. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies shall be submitted in accordance with the Iowa Code.

(Code of Iowa, Sec. 384.16[5])

1-12-7 Budget Amendments. A City budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this Section.

(Code of Iowa, Sec. 384.18)

- A. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget.

(IAC, 545-2.2 [384, 388])

- B. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted and subject to protest in the same manner as the original budget.

(IAC, 545-2.3 [384, 388])

- C. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

(IAC, 545-2.4 [384, 388])

1-12-8 Accounting. The accounting records of the City shall consist of not less than the following:

- A. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
- B. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.

- C. Checks. Checks shall be signed by the City Clerk and Mayor following Council approval, except as provided by Subsection E hereof. Notwithstanding anything contained herein, no City employee or official shall sign any check which authorizes payment to the person signing the check.
- D. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
- E. Immediate Payment Authorized. The Council may authorize the Finance Director or Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment.

1-12-9 Financial Reports. The Finance Director shall prepare and file the following financial reports:

- A. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.
- B. Annual Report. Not later than December first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

1-12-10 Bidding; Public Improvements, Purchases, and Requests for Proposals.

- A. Public Improvements. All City Public Improvement Projects shall be awarded in accordance with **Iowa Code, Chapter 26**.
- B. Purchases and Requests for Proposals. Unless otherwise specified or required by law, all other purchases and requests for proposals shall be approved or awarded in accordance with guidelines established by Council.

Title 1 – Administrative
Chapter 13 – Personnel Procedures

SECTIONS:

- 1-13-1 Declaration of Policy
- 1-13-2 Applicability
- 1-13-3 Civil Service Provisions
- 1-13-4 Union Contracts
- 1-13-5 Prohibitive Activities
- 1-13-6 Permitted Activities
- 1-13-7 Personnel Records
- 1-13-8 Rules and Regulations - Employee Benefits
- 1-13-9 Department Regulations
- 1-13-10 Classification Plan
- 1-13-11 Pay Plan
- 1-13-12 Grievance Procedures

1-13-1 Declaration of Policy. It is hereby declared the policy of the City that:

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

1-13-2 Applicability. This Chapter shall apply to all employees in the service of the City except those offices which are elective.

1-13-3 Civil Service Provisions. The City of Muscatine shall operate its Personnel Program in accordance with the provisions of the State of Iowa Civil Service Code and the local Civil Service regulations, and the Civil Service requirements shall take precedence over this Ordinance.

1-13-4 Union Contracts. All City employees covered by Union Contracts shall perform in accordance with such contracts in respect to wages, hours, and such conditions of employment which are included in the contract. If this Ordinance is in conflict with the Union Contract, the Union Contract shall take precedence over this Ordinance. Where Union Contracts are in conflict with State or local Civil Service Laws, the Civil Service Law shall take precedence over the Union Contract.

1-13-5 Prohibitive Activities. All employees shall be hired without regard to political considerations. In accordance with this policy, City employees shall:

- A. Refrain from seeking or accepting to use any political endorsement or support in connection with appointment to a Civil Service or municipal position.
- B. Refrain from using their influence publicly in any way for or against any candidate for elective office in the municipal government.
- C. Not circulate petitions or publicly campaign on behalf of any local municipal elective official.
- D. Not engage in nor permit activity prohibited by **Section 68A and 68B of the Code of Iowa.**

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

1-13-6 Permitted Activities. Nothing in **Section 5 of this Chapter** shall prevent employees from belonging to any political party, club, or organization; from attending political meetings; from expressing their political views in private or outside of working hours and off City premises; or from voting with complete freedom in any election.

1-13-7 Personnel Records. The Human Resources Manager or his or her designee, shall maintain the official Civil Service - Personnel Records for each employee. Such records shall include, but not be limited to, dates of initial appointments, promotions, job titles, salaries, evaluations, disciplinary actions, merit increases, leaves of any type taken, longevity, and employee adjustments according to pay and classification plans.

1-13-8 Rules and Regulations - Employee Benefits. The City Administrator shall develop rules and regulations on employee benefits and on working conditions, when required, in order to uniformly, effectively, and efficiently operate the City.

1-13-9 Department Regulations. Nothing in this Ordinance shall prohibit the establishment and administration of departmental regulations not in conflict with this Ordinance.

1-13-10 Classification Plan. The City shall establish a classification plan which shall consist of a list of titles, descriptions of the nature and requirements of work in each class, and the official allocations of positions to appropriate classes. The titles in the classification plan are to be used as exclusive means of reference for all official records and personnel transactions.

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

1-13-11 Pay Plan. It shall be the responsibility of the City Administrator to develop a compensation plan which will reflect fairly the differences in duties and responsibilities of the classifications established and which will assure, to the extent practicable, equal pay for equal work; which will reflect salary and wage rates which compare favorably with those in the area for comparable positions; and which provides a means of rewarding employees for continued good or outstanding service. The Pay Plan of the City shall be adopted annually by resolution of the City Council and shall coincide with the City's fiscal year. Any changes in the Plan shall be by recommendation of the City Administrator with approval of Council by resolution.

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

1-13-12 Grievance Procedures. An employee of the City of Muscatine has the right to grieve matters in regard to the interpretation, application, or violation of the personnel system of the City. For all employees covered under Union Contracts, the grievance procedures set forth in such contract shall be adhered to. For all non-union employees, the following grievance procedures shall be followed:

- A. **Step 1.** The grievance shall be discussed informally between the employee involved and the employee's immediate supervisor within three (3) working days after knowledge of the event giving rise to the grievance. The supervisor shall either adjust the grievance or deliver a written answer to the grieving employee within three (3) working days after such discussion. Failure of the supervisor to reply within set three (3) day period shall be deemed a denial of the grievance and may be appealed to the next step.
- B. **Step 2.** If such grievance is not resolved by Step 1, the grieved employee may appeal. The employee shall within three (3) working days following completion of Step 1, present the grievance in writing to the Department Head, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The Department Head, or his or her designated representative, shall investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. Failure of the Department Head, or his or her designated representative, to issue a written statement within five (5) working days shall be deemed a denial of the grievance and may be appealed to the next Step.
- C. **Step 3.** If such grievance is not resolved in Step 2, the grieved employee may appeal. The employee shall within three (3) working days following completion of Step 2 present the grievance in writing to the City Administrator, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The City Administrator, or his or her designated representative, shall investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. The City Administrator's decision on these matters shall be final.

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

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

SECTIONS:

- 2-1-1 Creation
- 2-1-2 Number of Members
- 2-1-3 Appointment
- 2-1-4 Ex-officio Members
- 2-1-5 Officers
- 2-1-6 Term Duration and Limits
- 2-1-7 Removal - Vacancies
- 2-1-8 Residence Requirements
- 2-1-9 Responsibilities and Duties

2-1-1 Creation: The Airport Advisory Commission is hereby created.

2-1-2 Number of Members. The Airport Advisory Commission shall consist of five (5) gender balanced members.

2-1-3 Appointment. The members are to be appointed by the Mayor, with the consent of the Council.

2-1-4 Ex-officio Members. The City Administrator, or his or her designated representative, shall serve as an ex-officio member of this board.

2-1-5 Officers. Secretary. The City Administrator, or his or her designated representative, shall serve as Secretary.

2-1-6 Term Duration and Limits. Duration. The term of office of each member shall commence with their appointment. Board members are appointed for staggered terms of five (5) years beginning July first, except to fill vacancies, and shall remain on the Commission until his or her successors are appointed.

Limits. No individual shall serve more than two (2) full consecutive terms on the Commission.

2-1-7 Removal - Vacancies. The Council may, at any time, remove any member of the Airport Advisory Commission after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission by removal or otherwise.

2-1-8 Residence Requirements. Each member of the Airport Advisory Commission shall be a resident of the City of Muscatine, Iowa.

2-1-9 Responsibilities and Duties: The Airport Advisory Commission shall confer with and assist the City Administrator, or his or her designated representative, in preparation of the airport budget, recommend procedures and policies in connection with the administration of the airport, pursue matters and investigate means by which the airport can be improved, and make recommendations for the long range needs of the airport.

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

SECTIONS:

- 2-2-1 Creation
- 2-2-2 Applicability
- 2-2-3 Qualifications
- 2-2-4 Number of Members
- 2-2-5 Appointment
- 2-2-6 Term Duration and Limits
- 2-2-7 Officers
- 2-2-8 Ex-Officio Members
- 2-2-9 Vacancies
- 2-2-10 Responsibilities and Duties

2-2-1 Creation. The Civil Service Commission is hereby created in accordance with **Section 400.1 of the Code of Iowa.**

(Code of Iowa, Section 400.1)

2-2-2 Applicability. The provisions of this Chapter shall apply to full-time police officers, firefighters, and all appointive permanent full-time employees, unless otherwise excepted under **Iowa Code Section 400.6.**

(Code of Iowa, Section 400.6)

2-2-3 Qualifications. Each member of the Civil Service Commission shall be a resident of the City of Muscatine, a citizen of Iowa, and an eligible elector preceding appointment. Each member shall serve without compensation, shall not hold or be a candidate for any office of public trust, and shall not be a party to or have an interest in any contract prohibited by **Section 400.2(2) of the Iowa Code.**

(Code of Iowa, Section 400.2)

2-2-4 Number of Members. The Civil Service Commission shall consist of three (3) gender balanced members.

(Code of Iowa, Section 400.1)

2-2-5 Appointment. The Mayor, with the approval of the Council, shall appoint members to this commission one (1) year after the regular municipal election. The Mayor shall publish notice of the names of persons selected for appointment no less than 30 days prior to a vote by City Council.

(Code of Iowa, Section 400.1)

2-2-6 Term Duration. The term of office of such members shall commence with their appointment. Commissioners shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years.

(Code of Iowa, Section 400.1)

2-2-7 Officers.

A. **Chairman.** The Commission shall elect a chairperson from among its members.

(Code of Iowa, Section 400.4)

B. **Clerk.** The city clerk shall be clerk of the Commission.

(Code of Iowa, Section 400.4)

2-2-8 Ex-officio Members. The City Administrator, or his or her designated representative, shall serve as an ex-officio member of this commission.

2-2-9 Vacancies. The Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission for the unexpired term of the appointment.

2-2-10 Responsibilities and Duties. The Civil Service Commission shall exercise all the responsibilities and duties in accordance with the provisions of the Code of Iowa for Civil Service Commissions.

Title 2 – Boards and Commissions
Chapter 3 – Parks and Recreation Advisory Commission

SECTIONS:

- 2-3-1 Creation
- 2-3-2 Number of Members
- 2-3-3 Appointment
- 2-3-4 Term Duration and Limits
- 2-3-5 Removal - Vacancies
- 2-3-6 Residence Requirements
- 2-3-7 Responsibilities and Duties
- 2-3-8 Department Established

2-3-1 Creation. The Parks and Recreation Advisory Commission is hereby created.

2-3-2 Number of Members. The Parks and Recreation Advisory Commission shall consist of seven (7) gender balanced members.

2-3-3 Appointment. The Mayor, with approval of the City Council, shall appoint the commissioners.

2-3-4 Term Duration and Limits.

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

2-3-5 Removal - Vacancies. The Council may, at any time, remove any member of the Commission after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Commission by removal or otherwise.

2-3-6 Residence Requirements. Each member of the Parks and Recreation Advisory Commission shall be a resident of the City of Muscatine, Iowa.

2-3-7 Responsibilities and Duties. The Parks and Recreation Advisory Commission shall confer with and assist the City Administrator, or his/her designated representative, in preparation of the budgets, recommend rules, procedures and policies in connection with the administration, pursue matters and investigate means by which improvements can be made, and make recommendations for the long range needs of the cemetery, parks, riverfront, levee and all land owned by the City along the Mississippi River, municipal golf course and all other recreation facilities owned and/or operated by the City.

2-3-8 Department Established. The Parks and Recreation Department of the City is established to enforce all ordinances and regulations relating to all parks and recreational facilities under the City's jurisdiction.

Title 2 – Boards and Commissions
Chapter 4 – Historic Preservation Commission

SECTIONS:

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

2-4-1 Purpose. The purpose of this Ordinance is to promote the educational, cultural, economic, and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance; safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance; stabilize and improve property values; foster pride in the legacy of beauty and achievements of the past; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided; strengthen the economy of the City; and promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the City.

2-4-2 Definitions.

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

2-4-3 Muscatine Historic Preservation Commission. There is hereby created and organized the Muscatine Historic Preservation Commission to be appointed as hereinafter provided with duties and responsibilities as set forth in this Chapter.

2-4-4 Appointment and Terms. The Commission shall consist of five (5) gender balanced members to be appointed by the Mayor, with the approval of the Council. The term of office of such members shall commence with their appointment. Appointments will be staggered, with one member appointed on July 1 of each year over a five-year period. All terms shall be for five (5) years. All members of the Commission shall remain on the Commission until their successors are appointed. No one individual shall serve for more than two (2) full consecutive terms on the Commission.

2-4-5 Removal/Vacancies. The Council may, at any time, remove any member of the Commission after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Commission by removal or otherwise.

2-4-6 Qualifications. Members shall demonstrate a positive interest in historic preservation; should be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent that such professions are available; and may include other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. All members shall be residents of the City of Muscatine. Any member who establishes a permanent and primary residence outside of the City of Muscatine shall no longer be eligible to serve on the Commission.

2-4-7 Compensation. The members of the Commission shall serve without compensation.

2-4-8 Chairperson and Secretary. The Commission shall elect a Chairperson who shall preside over all Commission meetings. The City Administrator or his/her designee shall serve as secretary who shall be responsible for maintaining written records of the Commission's proceedings.

2-4-9 Meetings and Quorum. The Commission shall meet at least three (3) times a year and a simple majority of the Commission shall constitute a quorum for the transaction of business.

2-4-10 Responsibilities and Duties. The Commission may do the following:

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

- E. Acquire, with approval of Council, by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
- F. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
- G. Contract, with the approval of the Council, with the state or the federal government or other organizations.
- H. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
- I. Provide information for the purpose of historic preservation to the Council.
- J. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
- K. Review and recommend properties for tax abatement programs as they may apply to preservation or restoration efforts.

Title 2 – Boards and Commissions Chapter 5 – Library Board of Trustees

SECTIONS:

- 2-5-1 Creation
- 2-5-2 Appointment
- 2-5-3 Terms
- 2-5-4 Removal - Vacancies
- 2-5-5 Residence Requirements
- 2-5-6 Powers and Duties
- 2-5-7 Power to Contract with Others for the Use of the Library
- 2-5-8 Termination of Contracts
- 2-5-9 Library Account
- 2-5-10 Report
- 2-5-11 Injury to Books or Property
- 2-5-12 Theft
- 2-5-13 Notice; Failure to Return and Detention
- 2-5-14 Violation

2-5-1 Creation. There is hereby created and organized a Library Board of Trustees, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter. Further, it is the purpose of this Chapter to retain all applicable Ordinances and to adopt as Ordinances all applicable State statutes to assure the continued functioning of the Board of Library Trustees in the Musser Public Library pursuant to **Section 196, Chapter 1088 of the Laws of the 64th G.A. Second Session.**

(Code of Iowa, Section 392.5)

2-5-2 Appointment. The Board of Library Trustees shall consist of nine (9) members to be appointed by the Mayor, with the approval of the Council.

2-5-3 Terms. The terms of office of such members shall be appointed for a term of six (6) years and appointments made every two (2) years of one-third (1/3) the total number, as near as possible, to stagger the terms. Each term shall commence on the first day of July. All members of the Board of Library Trustees shall remain on the Board until their successors are appointed. No individual is to serve more than two (2) full consecutive terms on the Board.

2-5-4 Removal - Vacancies. The Council may, at any time, remove any member of the Board of Library Trustees after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise. A trustee absent for three (3) consecutive regular meetings of the Board, except in a case of sickness or temporary absence from the City, shall render the office of such absent trustee vacant.

2-5-5 Residence Requirements. Eight (8) of the members of the Board shall be residents of the City of Muscatine and shall not be less than eighteen (18) years of age. The Board shall consist of one (1) County resident who is not a resident of the City of Muscatine, and who shall be appointed by the Mayor with the approval of the Muscatine County Board of Supervisors.

2-5-6 Powers and Duties.

The Board shall have and exercise the following powers:

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

2-5-7 Power to Contract With Others for the Use of the Library. Contracts may be made between the Board and other boards of trustees of free public libraries; any city, school corporation, township, or county; or with the trustees of any county library district for use of the Musser Public Library by their respective residents. Such use shall be accomplished by one or more of the following methods, in whole or in part:

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

(Code of Iowa, Section 392.5 & Chapter 28E)

2-5-8 Termination of Contracts. The contracts authorized in this Chapter may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the electors, represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of electors in a number not less than five percent (5%) of those who voted in the area for governor at the last general election.

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

2-5-9 Library Account. All money appropriated by the Council from the General Fund for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary, or their designated representatives. The warrant writing officer is the City Clerk.

(Code of Iowa, Section 384.20)

2-5-10 Report. The Board of Trustees shall, after the close of each Municipal fiscal year, make to the Council a report containing a statement of the condition of the Library, the number of books and other Library material added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as required by the Council.

2-5-11 Injury to Books or Property. It is unlawful for any person to intentionally damage, deface, alter, or destroy any property, belonging to the Library

(Code of Iowa, Section 716.1)

2-5-12 Theft. It is unlawful for any person to take possession or control of any library property with the intent to deprive the Library thereof.

(Code of Iowa, Section 714.1)

2-5-13 Notice; Failure to Return; Detention.

A. Notice. There shall be notices posted in clear public view stating the following:

1. Failure to Return. Failure to return library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including any mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa Section 714.5)

2. Detention and Search. Persons concealing library materials may be detained and searched by a peace officer or Library employee.

(Code of Iowa, Section 808.12)

2-5-14 Violation. All persons who violate this Chapter shall be deemed guilty of a misdemeanor and subject to a penalty as set out in **Section 1-2-14 of this Code of Ordinances.**

Title 2 – Boards and Commissions
Chapter 6 – Art Center Board of Trustees

SECTIONS:

- 2-6-1 Creation
- 2-6-2 Number of Members
- 2-6-3 Appointment
- 2-6-4 Ex-officio Member
- 2-6-5 Term Duration and Limits
- 2-6-6 Removal - Vacancies
- 2-6-7 Residence Requirements
- 2-6-8 Responsibilities and Duties
- 2-6-9 Establishment of Art Center

2-6-1 Creation. There is hereby created and organized an Art Center Board of Trustees, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter.

2-6-2 Number of Members. The Art Center Board of Trustees shall consist of nine (9) gender balanced members.

2-6-3 Appointment. The Trustees are to be appointed by the Mayor, with the approval of the Council.

2-6-4 Ex-officio Members. The City Administrator, or his or her designated representative, shall serve as an ex-officio member of this board.

2-6-5 Term Duration and Limits.

- A. **Duration.** The terms of office commence upon appointment. The duration of the appointments shall be 3 years, except to fill vacancies. One-third (1/3) of the members are to be appointed each year so as to stagger the terms. Each term shall commence on the first day of July. The trustees shall remain on the Board until their successors are appointed.
- B. **Limits.** No individual shall serve more than two (2) full consecutive terms on the Board.

2-6-6 Removal - Vacancies. The Council may, at any time, remove any member of the Art Center Board of Trustees after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring in the Commission by removal or otherwise. A trustee absent for three (3) consecutive regular meetings of the Board, except in a case of sickness or temporary absence from the City, shall render the office of such absent trustee vacant.

2-6-7 Residence Requirements. Each member of the Art Center Board of Trustees shall be a resident of the City of Muscatine, Iowa.

2-6-8 Responsibilities and Duties.

- A. To meet and organize by the election of one of their number as president of the Board, and by the election of a secretary and such other officers and committees as the Board may deem necessary.

- B. To have charge, control, and supervision of the art center, its work of art, appurtenances, fixtures, and buildings or rooms containing the same, directing and controlling all the affairs of such Art Center.
- C. To employ a Director for the management of said Art Center and fix his or her compensation; but, prior to such employment, the compensation of such director shall be fixed in accordance with the Pay Plan of the City.
- D. To remove such Director by a vote of two-thirds (2/3) of such board for misdemeanor, incompetency, or inattention to the duties of such employment.
- E. To accept, on behalf of the City, gifts or works of art; to select and make purchases of pictures, portraits, paintings, statuary, relics, and other objects of art, in the original and in replicas or copies, books, periodicals, papers, and journals on the subject of art, furniture, fixtures, stationery, and supplies for such Art Center.
- F. To receive, hold, and dispose of all gifts, donations, devises, and bequests that may be made to the City for the purpose of establishing, increasing, or improving such Art Center; but when any such gift, donation, devise, or bequest shall be conditioned upon any act of the City, the City Council must first determine whether such condition can or shall be complied with.
- G. To make, adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such Art Center and the business of said board, fixing and enforcing penalties for the violation thereof.
- H. To authorize the expenditures of all monies allocated by the Council for the purposes, as provided by law, and of the expenditure of all monies available by gift, or otherwise, for the erection of art buildings or for the promotion of such art centers and of all other money belonging to the art center fund, provided however all budget and accounting procedures, personnel policies, purchasing procedures, and public improvements procedures established by the City Council shall be adhered to by the Board.

2-6-9 Establishment of Art Center. The City of Muscatine, Iowa, hereby establishes the Muscatine Art Center and that the original dwelling and building located on the real estate of the Muscatine Art Center be named and maintained hereafter as the Laura Musser Museum and that the center erected upon the real estate donated by C. Maxwell Stanley and Elizabeth Stanley to the City of Muscatine, Iowa, be designated the Stanley Gallery, said Art Center, Museum, and Gallery to be maintained and operated in accordance with the provisions of this Chapter.

Title 2 – Boards and Commissions
Chapter 7 – Planning and Zoning Commission

SECTIONS:

- 2-7-1 Creation
- 2-7-2 Qualifications
- 2-7-3 Number of Members
- 2-7-4 Appointment
- 2-7-5 Term Duration and Limits
- 2-7-6 Removal and Vacancies
- 2-7-7 Compensation
- 2-7-8 Relation to Community Development Director
- 2-7-9 Responsibilities and Duties

2-7-1 Creation. Under and by virtue of the authority conferred by the Code of Iowa, a City Planning and Zoning Commission is hereby created and established.

(Code of Iowa, Sec. 414.6 & 392.1)

2-7-2 Qualifications. Members appointed to the Commission should be, by knowledge or experience, qualified to act reasonably in matters pertaining to the growth management policies of the City, development and refinement of the Comprehensive Plan, Zoning matters, and City real estate vacation requests. Members appointed to the Commission shall not hold any elective office in the municipal government and shall be residents of the City of Muscatine.

2-7-3 Number of Members. The Planning and Zoning Commission shall consist of seven (7) gender balanced members.

2-7-4 Appointment. The members are to be appointed by the Mayor, with the approval of the Council.

2-7-5 Term Duration and Limits.

- A. **Duration.** The term of office of the members of the Commission shall be five (5) years each, except to fill vacancies, and shall commence upon appointment. Any member who does not maintain a reasonable record of attendance may be recommended for removal. Each term shall commence on the first day of July. All members of the Planning and Zoning Commission shall remain on the Commission until their successors are appointed.
- B. **Term Limits.** No individual shall serve more than two (2) full consecutive terms on the Commission.

2-7-6 Removal - Vacancies. The Council may, at any time, remove any member of the Commission after showing due cause, and the Mayor, with the approval of the City Council, shall fill the vacancies occurring on the Commission by removal or otherwise.

2-7-7 Compensation of Members. All members of the Planning and Zoning Commission shall serve without compensation.

2-7-8 Relation to Community Development Director. The Community Development Director, appointed by the City Administrator, shall report to the Planning and Zoning Commission on activities of his or her office concerning land use planning, the formulation of growth management policy, and those other activities corresponding with the public health, safety, and welfare of the community. The Community Development Director shall also advise the Commission of his or her considered judgment concerning matters before the Commission, or on matters which he or she feels should come before the Commission.

2-7-9 Responsibilities and Duties. The Planning and Zoning Commission shall have such responsibilities and duties as are prescribed by the Iowa Code and by Title [x] and Title [x].

Title 2 – Boards and Commissions
Chapter 8 – Board of Water, Electric and Communications Trustees

SECTIONS:

- 2-8-1 Creation
- 2-8-2 Number of Members
- 2-8-3 Appointment
- 2-8-4 Term Duration and Limits
- 2-8-5 Compensation
- 2-8-6 Removal - Vacancies
- 2-8-7 Trustee Requirements
- 2-8-8 Responsibilities and Duties

2-8-1 Creation. The City of Muscatine, Iowa, is the owner of a City water utility, a City electric utility and a City communication utility. The management, control and operation of the three utilities, is vested in the Board of Trustees. The Board of Trustees is referred to as the Board of Water, Electric and Communications Trustees of the City of Muscatine, Iowa. The Board is vested with the powers and duties conferred in Chapter 388, Iowa Code.

2-8-2 Number of Members. The Board of Water, Electric and Communications Trustees shall consist of five (5) gender balanced members.

2-8-3 Appointment. The members are to be appointed by the Mayor, with the approval of the Council.

2-8-4 Term Duration and Limits.

- A. **Duration.** The terms of office of the members shall be for six (6) years and shall commence with their appointment. One (1) member shall be appointed each year to stagger the terms. Terms commence on the first day of July. All members of the Board shall remain on the Board until their successors are appointed.
- B. **Term Limits.** No individual shall serve more than two (2) full consecutive terms on the Board.

2-8-5 Compensation. The salary of each Trustee appointed to and serving on the Board of Water, Electric and Communications Trustees shall be one hundred fifty dollars (\$150.00) per month.

2-8-6 Removal - Vacancies. Members of the Board of Water, Electric and Communications Trustees may be removed in accordance with the [Chapter 372.15 of the Iowa Code](#). The Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

(Iowa Code, Section 372.15)

2-8-7 Trustee Requirements. A public officer or a salaried employee of the City may not serve on the Board. The Board may consist of one member who is not a resident of the City of Muscatine if that person is in the service area of the city utilities. All other members must be residents of the City of Muscatine.

2-8-8 Responsibilities and Duties. The Board of Water, Electric and Communications Trustees shall have such powers and responsibilities as are prescribed by the Code of Iowa.

Title 2 – Boards and Commissions
Chapter 9 – Zoning Board of Adjustment

SECTIONS:

- 2-9-1 Creation
- 2-9-2 Number of Members
- 2-9-3 Appointment
- 2-9-4 Composition
- 2-9-5 Term Duration and Limits
- 2-9-6 Removal - Vacancies
- 2-9-7 Residence Requirements
- 2-9-8 Responsibilities and Duties

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

2-9-2 Number of Members. The Zoning Board of Adjustment shall consist of five (5) gender balanced members.

2-9-3 Appointment. The members are to be appointed by the Mayor, with the approval of the Council.

2-9-4 Composition. One (1) member of the Board shall be a member of the Planning and Zoning Commission.

2-9-5 Term Duration and Limits.

- A. Duration: The terms of office of such members shall commence with their appointment and shall be for terms of five (5) years, except to fill vacancies. Each term shall commence on the first day of July. All members of the Board shall remain on the Board until their successors are appointed.
- B. Term Limits: No individual shall serve more than two (2) full consecutive terms on the Board.

2-9-6 Removal - Vacancies. The Council may, at any time, remove any member of the Zoning Board of Adjustment after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise.

2-9-7 Residence Requirements. Each member of the Zoning Board of Adjustment shall be a resident of the City of Muscatine, Iowa.

2-9-8 Responsibilities and Duties. The Zoning Board of Adjustment shall have such responsibilities and duties as are prescribed by the Iowa Code and by **Title 10, Chapter 22**.

Title 2 – Boards and Commissions
Chapter 10 – Ad Hoc Committees and Task Forces

SECTIONS:

2-10-1 Authority to Form Ad Hoc Committees and Task Forces

2-10-2 Appointment

2-10-3 Council to Establish Duties

2-10-4 Governing Rules and Procedures

2-10-5 Authority to Refer

2-10-6 Recommendations to Council

2-10-7 Authority of Council; Generally

2-10-1 Authority to Form Ad Hoc Committees and Task Forces. The Council shall have the authority to form, by resolution, ad hoc committees or task forces as needed.

2-10-2 Appointment. The Council shall appoint the membership of such committees or task forces. Members of regular Boards and Commissions may be appointed to ad hoc committees and task forces.

2-10-3 Council to Establish Duties. The Council shall set out the duties and, when necessary, the rules of procedure of the ad hoc committee or task force in the resolution establishing such ad hoc committee or task force.

2-10-4 Governing Rules and Procedures. Ad hoc committees or task forces shall abide by rules and procedures as prescribed by the resolution establishing such ad hoc committees or task forces. To the extent that a procedural matter is not covered by Iowa law or the resolution establishing such ad hoc committees or task forces, the most recent edition of Robert's Rules shall govern.

2-10-5 Authority to Refer. City Council may refer matters within the charge of an existing ad hoc committee or task force to that committee or task force charged with such matters.

2-10-6 Recommendations to Council. Ad hoc committees or task forces shall make recommendations by way of a formal report to the City Council.

2-10-7 Authority of Council; Generally. The Council has the authority to follow the recommendations, change the recommendations, take no action, remand the matter back to the ad hoc body or take any other action it sees fit. The Council by majority vote may remove a member of an ad-hoc committee or task force at any time, with or without cause. The City Council by majority vote may amend or dissolve an ad hoc committee or task force.

Title 3 – Public Ways and Property Chapter 1 – Streets and Sidewalks

SECTIONS:

- 3-1-1 Definitions
- 3-1-2 Sidewalk Installation and Repair; Right-of-Way Maintenance
- 3-1-3 Encroaching Steps
- 3-1-4 Sidewalk Snow and Ice Removal
- 3-1-5 Commercial Use of Sidewalk in Commercial Zones
- 3-1-6 Outdoor Restaurant Seating License
- 3-1-7 Street Obstructions
- 3-1-8 Location of Steps, Cellarways, and Spouts
- 3-1-9 Playing in Streets
- 3-1-10 Traveling on Barricaded Street or Alley
- 3-1-11 Removal of Barricades

3-1-1 Definition(s)

- A. "Property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title as listed on the property records maintained by the Muscatine County Recorder's Office.

(Code of Iowa, Sec. 364.12[1])

3-1-2 Sidewalk Installation and Repair; Right-of-Way Maintenance.

- A. **Permit Required.** No person or entity shall construct or repair any sidewalk upon the streets of the City, unless such person shall first have obtained a permit therefore in accordance with **the Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances.
- B. **Specifications.** All sidewalks must be installed and repaired according to all applicable specifications established by the City Engineer.
- C. **New Sidewalks.** In areas of the City where there are no sidewalks, they shall be installed as follows:
 - 1. **New Construction.** New sidewalks shall be installed in accordance with **Title 11 of this Code.**
 - 2. **Other Areas.** The City Council shall determine the necessity of installing sidewalks in the areas of the City where none exist after holding a public hearing in accordance with the special assessment provisions of the Code of Iowa.
 - 3. **Cost of Installation.** If, as provided elsewhere in this Code of Ordinances, it is determined that a sidewalk should be installed, the abutting property owners shall share the cost of installing new sidewalks with the City of Muscatine in accordance with the special assessment rules and regulations for sidewalks as adopted by the City Council. If no such determination is made, abutting property owners may install a sidewalk at their own expense, as long as the sidewalk conforms to the specifications set by the City Engineer and the permit required has been obtained.

- D. **Duty of Owner to Repair.** The abutting property owner shall maintain all public right-of-way located between the edge of the street or curb line and the property line, and shall keep such area in a safe condition free from defects, debris, nuisances, obstructions or any other hazard. The abutting property owner may be liable for damages caused by failure to maintain the public right-of-way located between the edge of the street or curb line and the property line. The abutting property owner shall maintain the sidewalk in a safe condition, in a state of good repair, and free from defects. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk. Notwithstanding the obligations imposed hereunder, the property owner shall in no event remove diseased trees or dead wood or plant, trim, remove or treat any tree or plant material on public right-of-way without first obtaining permission from the City.

(Code of Iowa, Sec. 364.12[2c])

- E. **Maintenance of Area Between Lot Line and Curb Line.** It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines or improved public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, among other things, timely mowing, trimming trees and shrubs and picking up litter.

(Code of Iowa, Sec. 364.12[2c])

- F. **Notice.** The City may serve notice on the abutting property owner, by certified mail to the property owner as shown by the records of the county auditor, requiring the abutting property owner to repair, replace, or reconstruct sidewalks.

(Code of Iowa, Sec. 364.12[2d])

- G. **Costs.** If the abutting property owner does not perform an action required within a reasonable time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2e])

3-1-3 Encroaching Steps. No steps from the sidewalk to the first floor above the ground of any building shall hereafter be erected upon any part of the sidewalk.

3-1-4 Snow and Ice Removal. The abutting property owner is responsible for the removal of the natural accumulations of snow and ice from the sidewalks within twenty-four (24) hours of the termination of the last snowfall and may be liable for damages caused by the failure to use reasonable care in the removal of the snow or ice. If a property owner fails to remove snow, ice, or accumulations within a reasonable time after snowfall, the City, after attempting to notify the adjoining property owner, may cause the snow to be removed and may assess the costs against the property owner for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2b & e])

3-1-5 Commercial Use of Sidewalk in Commercial Zone

A. **Permits for Commercial Use:**

1. Sidewalk sales. The City Administrator is authorized to issue permits to businesses or business organizations for the temporary use of sidewalks for commercial sales in

commercially zoned districts. Such permits shall be limited to the temporary use of sidewalks abutting said business or business organization, and shall be limited to no more than two days for any one permit. All other commercial use of public right-of-way shall be prohibited unless such use is authorized by the City Council, by resolution.

2. It shall be unlawful for any business or business organization to use the public sidewalks in commercially zoned districts for commercial sales promotions without first having obtained a permit from the City Administrator, as provided in this Chapter.

B. **Permit Procedure and Standards for Issuance.** The permit application and issuance procedures set forth in Chapter 3 of this Title, shall govern the permit requirements of **Section 3-1-5 of the City Code.**

C. **Permit Provisions Shall not Apply to Peddlers or Solicitors.** The permit provisions of this Chapter shall not apply to peddlers or solicitors, as defined in **Title 5 Chapter 10 of the City Code** of the City of Muscatine.

3-1-6 Outdoor Restaurant Seating License. No person or entity shall operate a restaurant which provides outdoor seating on public property for the purpose of serving food or beverages, without a valid outdoor restaurant seating license.

A. Sidewalk or Street Café Easement Agreements

1. Sidewalk or Street Café is defined as a permitted area within the public right-of-way consisting of tables and chairs where patrons may be served food and/or beverages from an adjacent café or restaurant.
2. No person shall operate a sidewalk or street café without an approved easement agreement.
3. The agreement shall be between the City and the café owner with the approval of the building owner, if different than the café owner.
4. The agreement shall provide that no property right is conferred and that it may be terminated if the City determines that the right-of-way is needed.
5. The agreement shall include provisions for insurance, indemnification, fencing, maintenance, including vegetation and the subsurface if applicable, and any other reasonable provision as determined by the City Administrator, or designee.
6. The agreement shall include a site plan that meets all the requirements of Section 3-1-6 (B)(5)
7. The easement agreement, at a minimum, shall require the café operator to provide a certificate of insurance satisfactory to the City as set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances, and shall agree to hold the City harmless against any and all liability arising from or relating to the operation of the sidewalk or street café or the location of the café on the public right-of-way including, but not limited to, all claims arising from occurrences or accidents within the sidewalk or street café including the walkway through a café.
8. Easement agreements shall expire on December 31st of the year in which they are issued.

9. Termination of easement agreements

- a. After execution of an easement agreement, the City Administrator, or designee, shall retain the right to terminate the easement agreement but only after written notice of violation has been given and the time to cure the violation has expired. Grounds for termination of the easement agreement shall include, but not be limited to:
 - i. Violations of state and liquor control laws,
 - ii. Violations of the easement agreement,
 - iii. Creating a safety hazard, health hazard, and/or public nuisance under state or local law.
- b. The City Administrator, or designee, retains the right to terminate the easement agreement and direct removal of sidewalk or street café operations if there is a substantial and reasonable need for use of the public right-of-way for a valid public purpose.
- c. The café owner has the right to appeal a decision to terminate the agreement to the City Council.

B. Approval of Easement Agreements

1. Easement Agreements shall be approved by a resolution of City Council.
2. The City is not obligated to approve an easement agreement, even if it meets all criteria contained within this Chapter, and approval will be based on City Council making a determination that the proposed easement agreement is beneficial to the community.
3. City Council may attach any conditions to the approval of an easement agreement that it deems necessary.
4. Application for an easement agreement shall be made upon a form approved and provided by the City of Muscatine, and shall be accompanied by an application fee, as set by resolution of City Council and as set out in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances.
5. Site Plan - A dimensioned site plan drawing showing the general layout of the sidewalk or street area and building frontage, including all of the following items if applicable:
 - a. The general layout of the sidewalk or street area and building frontage.
 - b. Street, curb, sidewalk, property lines and all existing/proposed improvements in the sidewalk or street area.
 - c. Boundaries of the sidewalk or street café.
 - d. The distance between the sidewalk or street café and the entrance to any adjacent commercial business.
 - e. The distance between the railing of the sidewalk or street café and the curb.
 - f. The distance between any obstruction (parking meters, lights, signs, mail boxes, trees, tree grates, etc.) in the sidewalk or street area to the railing of the sidewalk or street café.
 - g. Plans must reflect that the direction and extent of swing of gates or other objects placed within the sidewalk or street café area do not project beyond the delineated perimeter of the sidewalk or street café.

- h. Type of sidewalk or street café enclosure used, such as railings or planters.
 - i. Height of enclosure.
6. Prior to City Council rendering a decision on an easement agreement, the City of Muscatine shall mail all property owners and first floor occupants located on the same block a notice that an application for an easement agreement has been filed. The notice shall contain the Site Plan submitted by the applicant, state whether or not the business is licensed to serve alcoholic beverages that may be served and consumed at the sidewalk or street café if the permit is granted, and state that all comments concerning the proposed sidewalk or street café must be received by the City of Muscatine within 15 calendar days from the date of mailing the notice. The applicant shall also be required to post a copy of the public notice in a readily visible location on the frontage of the applying business establishment for 15 calendar days.

C. General Provisions

1. Sidewalk or street cafés are only allowed in the area bounded by Pine Street, 6th Street, Mulberry Avenue, and Mississippi Drive.
2. A sidewalk or street café must be arranged in a manner that leaves an unobstructed and continuous walkway of at least five feet (5') on the existing public sidewalk. For a distance of no more than two feet (2'), the width of the required walkway may be reduced to three feet (3'), if this reduction in width is caused by a permanent publicly owned installation such as a utility/light pole, sign pole, parking meter, fire hydrant, or street tree.
3. The outdoor café owner is responsible for trash removal and shall maintain the area and surrounding five feet (5') in a clean and litter free manner during all hours of operation.
4. The easement agreement holder shall be responsible for any damages to the public right-of-way caused by the placement of any anchored fencing.
5. Sidewalk or street cafés are subject to annual inspections and may be inspected at any other time at the City's discretion.
6. All kitchen equipment and refuse containers used to service the sidewalk or street cafés must be located inside the principal building.
7. No extension cords are allowed across sidewalks.
8. Any feature, measure, or structure deemed necessary by the City of Muscatine, as necessary for the safe operation of the sidewalk or street café.
9. Vertical Clear Zone. The clear zone is the area between a height of three feet (3') and seven feet (7'). The vertical clear zone is the area above the sidewalk in which obstructions shall be minimized to provide a clear view.
 - a. Obstruction Prohibited. The vertical clear zone shall be free of obstructions, including but not limited to fences, walls, landscaping, signs, structures, tree canopies or parked vehicles.
 - b. Exemption of Certain Point Obstructions. Certain objects are considered point obstructions and are permitted because a driver can move slightly and be able to see around them. The following objects are permitted within the vertical clear zone:

- i. Poles with a diameter of less than 1 foot (1').
 - ii. Tables and chairs.
 - iii. Fencing that is not more than 25% opaque.
 - iv. Official traffic control devices.
 - v. Utility equipment, such as but not limited to poles, transformers, distribution equipment, etc.
 - vi. Trees that are devoid of branches between three feet (3') and seven feet (7') from the ground and that are spaced in manner that minimizes visual obstruction.
 - vii. Any obstruction that was permitted by City Code on the date that it was installed.
10. Sidewalk cafés may be located on a platform on top of a public sidewalk if the City Administrator or designee determines there is excessive slope in the sidewalk and approves the design and if suitable access is provided for persons with disabilities.
11. Outdoor cafes located on public streets shall meet the following criteria:
- a. The portion of the café located on the street shall be on a platform. The design features of the platform shall be submitted with the application. The platform shall not impede drainage in the street gutter.
 - b. For safety reasons there shall be a minimum four foot (4') buffer on either end of the café and any on-street parking space.
 - c. The platform shall include a physical barrier of at least three feet (3') in height on all sides that are adjacent to the street.
 - d. The City of Muscatine may require any feature, measure, or structure deemed necessary by the City of Muscatine, as necessary for safe operations.
12. Cafés located on public streets cannot be set up before April 1 and shall be removed no later than October 15.

Easement holders may request authorization to operate before April 1 or after October 15 subject to approval by the City Administrator or his or her designee. Approval of the requested alternate dates are subject to the determination that operation of the sidewalk or street café will not endanger the public or interfere with city operations.

3-1-7 Street Obstructions.

- A. **Unlawful Obstructions.** It is unlawful for any person or entity to in any way obstruct or cause to be obstructed, any street or alley by placing therein or thereon any stone, lumber, brick, wood or other thing or by making or causing to be made any excavation therein or thereon without having first secured written permission from the City to do so.
- B. **Unlawful Deposits.** It is unlawful for any person to throw or deposit on any street or alley any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris or substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

C. It is unlawful for any person to deface, alter, or destroy any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

D. **Dumping of Snow.** It shall be unlawful for any person to throw, push or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks or driveways onto the traveled way of streets so as to obstruct gutters or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district, if it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed within forty-eight (48) hours by the property owner or his agent, and only after first making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonable short time, but no later than 48 hours following the event.

3-1-8 Location of Steps, Cellarways, Spouts. If any person shall erect or cause to be erected in any street or public alley, any step, cellar door, or cellarway more than four feet (4') from the line of the street into the sidewalk or street, or more than three feet (3') from the line in any alley into the same, and if any person shall erect any porch, bulk, jut window, or other encumbrance, or shall so place or cause to be placed any spouts or gutters whereby the passage of any street or alley shall be obstructed, he shall be deemed guilty of a misdemeanor or subject to civil penalty and shall immediately cause such step, cellar door, cellarway, porch, bulk, jut window, or other encumbrances, spouts, and gutters to be removed. Nothing in this Section shall be construed to authorize the use of any part of any street, sidewalk, or alley for the erection of stairs, steps, or other modes of access to the second stories to buildings, or to authorize the enclosure by rail or otherwise of any portion of any sidewalk, street, or alley, or the erection of any railing upon any sidewalk, street, or alley as a means of obtaining access or a passageway to the cellar or basement by occupying part of the sidewalk for that purpose. Such railings already existing, while not hereby legalized, shall not be abated, unless upon the special direction of the Council.

3-1-9 Playing in Streets. It is unlawful for any person to sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

(Code of Iowa, Sec. 364.12[2])

3-1-10 Traveling on Barricaded Street or Alley. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department without having first obtained prior approval from the City.

3-1-11 Removal of Barricades and Warning Lights. It is unlawful for a person to willfully move, remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

Title 3 – Public Ways and Property
Chapter 2 – Use of City Right of Way

SECTIONS:

- 3-2-1 Excavation Compliance
- 3-2-2 Permit Required
- 3-2-3 Public Convenience
- 3-2-4 Barricades, Fencing and Lighting
- 3-2-5 Bond Required
- 3-2-6 Insurance
- 3-2-7 Pre-Construction Conference
- 3-2-8 Commencement Period
- 3-2-9 Steel Tracks; Cleated Equipment
- 3-2-10 Tunneling Under Street
- 3-2-11 Compliance
- 3-2-12 Excavation Material
- 3-2-13 Protect Adjoining Property
- 3-2-14 Restoration of Public Property
- 3-2-15 Inspection
- 3-2-16 Backfill
- 3-2-17 Supervision of Connections and Repairs to Sewers
- 3-2-18 Completion by the City
- 3-2-19 Responsibility for Costs
- 3-2-20 Notification
- 3-2-21 Permit Fee
- 3-2-22 Permit Issued
- 3-3-23 Permits May be Examined
- 3-2-24 Save Harmless
- 3-2-25 Payment Failure after Excavation Repair
- 3-2-26 Emergency Excavations
- 3-2-27 Emergency Detours or Closings
- 3-2-28 Curb Cuts
- 3-2-29 Penalty

3-2-1 Excavation Compliance. No person or entity shall dig, excavate, or in any manner disturb any street, parking or alley except in accordance with the following provisions of this Chapter.

3-2-2 Permit Required. No excavation, including curb cuts, shall be commenced without first obtaining a permit therefor in accordance with the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances. A written application for such permit shall be filed with the Community Development Department and shall contain the following:

- A. The name and residence of the applicant.
- B. The purpose for which the excavation is to be made.
- C. The name and address of the person for whom the excavation is to be made.
- D. The location of the proposed excavation.
- E. When traffic control devices are used as part of the excavation, the name and telephone number of a person who can be reached twenty-four (24) hours a day, seven (7) days a week.

Exempt. City of Muscatine Public Works employees excavating in the course of employment for the City of Muscatine, or its contractors working under the direct supervision of the City, are exempt from the permit requirements set out in this Section.

3-2-3 Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3-2-4 Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

3-2-5 Bond Required. The bond required by this Section shall be set by resolution of Council and is listed in the **Schedule of Permit and Licensing Requirements** contained in Appendix B to this Code of Ordinances. The bond shall be issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this Section.

3-2-6 Insurance. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the City as additional insured and applicant and all its agents and employees for the amounts set by resolution of Council and specified in the **Schedule of Permit and Licensing Requirements** contained in Appendix B to this Code of Ordinances.

3-2-7 Pre-Construction Conference. The City may require a pre-construction conference before the issuance of a permit. The conference may involve representatives of the Public Works Department, Police and Fire Departments, City Engineer, utility companies, and the construction agency representative.

3-2-8 Commencement Period. The applicant shall begin the excavation within twenty-four (24) hours of the granting of the permit. Failure to begin excavating within twenty-four (24) hours will cause the permit to become null and void.

3-2-9 Steel Tracks; Cleated Equipment. Under no circumstances shall steel tracked or steel cleated equipment or machinery be permitted on any street, alley, sidewalk, or way unless authorized in writing by the City.

3-2-10 Tunneling Under Street. No person shall tunnel under any street, alley, sidewalk, road, pavement, or way or public place unless authorized in writing by the City Engineer.

3-2-11 Compliance. The applicant shall comply with all excavation and backfill requirements as shall be set forth by the Director of Public Works.

3-2-12 Excavation Material. The person making the excavation shall haul away all excess excavated material. The City may require material to be imported for backfill of any excavation whenever it is evident that backfill is of such nature that it is unsuitable for use. Backfill may be deemed unsuitable by the City if, among other reasons, it is frozen or contains excess moisture or excess debris. Failure of a person making an excavation to backfill the excavation as directed by the City shall be a violation of this Chapter.

3-2-13 Protect Adjoining Property. Any person making an excavation shall at all times and at his own expense preserve and protect from damage or injury all adjoining property of any nature by providing proper foundations, sheeting, bracing, shoring, and drainage, as well as

such other protective measures as may be required. The person making the excavation shall be responsible for all damages to public or private property resulting from or occasioned by the excavation.

3-2-14 Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

3-2-15 Inspection. All work shall be subject to inspection by the City.

3-2-16 Backfill. Upon completion of the work performed under the excavation permit, the applicant shall cause the excavation to be back-filled within twenty-four (24) hours. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

3-2-17 Supervision of Connections and Repairs to Sewers.

- A. All excavations entailing connections, extensions, replacement, or repairs to public sewers in any public place, as well as the connections, extensions, replacement, or repairs themselves, shall be made according to the standards as established by the Director of Public Works, or his or her designee.
- B. All excavations for installation of new sewers shall be made only in conformity with a set of plans which shall have been approved by the Director of Public Works.
- C. Plans are to be submitted to the Director of Public Works by the person, or his agent, who shall desire to have the new sewer constructed, whenever such sewer shall then or thereafter be located in, under, within, or upon any public place.
- D. No person shall hereafter install, lay, bury, place, or replace in or upon any ditch, trench, drainage ditch, driveway, field entrance, or public place any pipe, sewer, drain, water main, culvert, or conduit unless it shall be approved. All sewer pipe materials, fittings, and connections, including sewer service laterals and connections on public property shall be according to standards established by the Director of Public Works or otherwise approved by the Director of Public Works.

3-2-18 Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

3-2-19 Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the property owner/permit holder. The property owner/permit holder shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

3-2-20 Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under **Section 480.4 of the Code of Iowa.**

3-2-21 Permit Fee. The permit fee required by this Section shall be set by resolution of the City Council, and is listed in the **Schedule of Permit and Licensing Requirements** contained in Appendix B to this Code of Ordinances.

3-2-22 Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

3-3-23 Permits May be Examined. All permits and written authorizations issued by the City shall at all times be kept by an individual at the excavation site and shall be surrendered for examination upon the demand of any officer of the City.

3-2-24 Save Harmless. The applicant shall agree to hold and save harmless the City, its Agents, Officers, and Employees from any liability or responsibility for damage to any person or property injured by the performance of any excavation work performed by an applicant or by the negligence of the applicant, his employees, or agents in carrying out the excavation permitted under this Chapter.

3-2-25 Pavement Failure after Excavation Repair. If the repaired street surface cracks or subsides more than 1 inch across the excavation within 4 years of the surface replacements, the applicant shall remove the pavement, compact or replace the backfill as required and replace the pavement at no cost to the City.

3-2-26 Emergency Excavations. Emergency excavations are excavations for the repair of such vital utilities as gas, water, sewer, and electricity, which by their nature necessitate immediate action.

3-2-27 Emergency Detours and Closings.

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

3-2-28 Curb Cuts. No person shall make or cause to be made any curb cut for driveways or any other purpose without first obtaining a curb cut permit from the City and pay a fee in the amount set by resolution of Council and specified in the **Schedule of Permit and Licensing Requirements** contained in Appendix B to this Code of Ordinances.

- A. Curb cuts shall be made in conformance with the specifications as established by the City.
- B. Curb cut locations shall be established with the assistance of the Director of Public Works to maximize traffic safety.

- C. Curb cuts in the Central Business District (C-2 zoning districts) shall require the approval of the City Council after review and recommendations by the City staff.
- D. Curb cut permits along designated State highways shall be processed through the Iowa Department of Transportation.

3-2-29 Penalty. Any person violating any provision of this Chapter, or failing or neglecting to comply with any requirement, shall be deemed guilty of a separate misdemeanor or civil penalty for each and every day during any part of which such violation or noncompliance occurs. Any person who violates any provision of this Chapter may further be refused any permits until he shall have complied with the provisions of this Chapter. Any incidence of violation of this Chapter shall be cause for the City to immediately revoke or suspend an excavation permit without prejudice to other action on the violation.

Title 3 – Public Ways and Property
Chapter 3 – Parades and Public Assemblies Regulated

SECTIONS:

- 3-3-1 Parades and Public Assemblies Regulated
- 3-3-2 Definitions
- 3-3-3 Permit Required
- 3-3-4 Permit Application
- 3-3-5 Standards for Issuance
- 3-3-6 Hours
- 3-3-7 Permit Fees and Insurance Requirements
- 3-3-8 Parade/ Public Assembly Not a Street Obstruction
- 3-3-9 Control by Police and Firemen
- 3-3-10 Notice and Appeals
- 3-3-11 Alternative Permit
- 3-3-12 Revocation

3-3-1 Parades and Public Assemblies Regulated. No person shall conduct or cause any parade or public assembly as defined herein on any street or public way except as provided below.

3-3-2 Definitions.

- A. "Parade" means any march or procession of twenty-five (25) persons, animals, vehicles or things, or a combination thereof, organized for marching or moving on the streets, sidewalks or other public ways in an organized fashion, or any march or procession of persons, animals, vehicles or things, or a combination thereof, represented or advertised to the public as a parade.
- B. "Public Assembly" means any meeting, demonstration, picket line, rally or gathering of more than twenty five (25) persons on the public right-of-way or one hundred (100) persons in a park for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic on the public right-of-way or in a park or occupies any area in the public right-of-way or in a park.

3-3-3 Permit Required. No parade or public assembly shall be conducted without first obtaining a written permit from the City Administrator.

3-3-4 Permit Application.

- A. A person seeking a parade or assembly permit shall file an application under oath with the City Clerk's office on a form provided by the City Clerk.
- B. **Single, Non-Recurring Parades:** For single, nonrecurring parades or assemblies, an application for a permit shall be filed at least three days and not more than one year before the parade or assembly is proposed to commence. For good cause shown, the City Administrator may waive the three days limit. Good cause shall be shown when the application can be processed in compliance with the provisions of this Chapter in sufficient time to allow the parade or assembly to proceed as scheduled and without hazard to the public safety given due consideration of the date, time, place, anticipated number of participants, and the city services required in connection with the parade or assembly.

- C. **Recurring Parades:** For parades or assemblies held on a regular or recurring basis on a substantially similar route or location, an application for a permit shall be filed at least 60 days and not more than one year before the parade is proposed to commence. For good cause shown, the City Administrator may waive the 60 days limit. Good cause shall be shown when the application can be processed in compliance with the provisions of this Chapter in sufficient time to allow the parade or assembly to proceed as scheduled and without hazard to the public safety given due consideration of the date, time, place, anticipated number of participants, and the city services required in connection with the parade or assembly.
- D. Application Contents:
1. The date and time for the parade or assembly;
 2. The time at which units of the parade will begin to assemble;
 3. The name, address and telephone number of applicant;
 4. The route of the parade or location of assembly; and
 5. The approximate number of persons, animals, and vehicles in the parade or assembly.

3-3-5 Standards for Issuance. The City shall issue the applicant a permit unless:

- A. The City Administrator determines that the time, route or size of the parade or assembly will disrupt the use of any street or sidewalk which is ordinarily subject to significant congestion or traffic;
- B. Another parade or assembly permit has already been issued for that day;
- C. Another parade or assembly permit application for the same time but not location is already granted or has been received and will be granted, and the police resources required for that prior parade or assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;
- D. The concentration of persons, animals and/or vehicles caused by the parade or assembly will interfere unduly with proper fire and police protection of or ambulance service to areas contiguous to the parade or assembly or other areas of the city;
- E. The proposed parade or assembly will interfere with previously scheduled maintenance or repair work to be carried out on the streets or public ways to be used;
- F. Another event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed parade or assembly would have an immediate and adverse effect upon the welfare and safety of persons and property;
- G. The proposed parade or assembly violates any other governing law or ordinance.

3-3-6 Hours. No permit shall be granted for a parade through a residential district, except during the hours of eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M.

3-3-7 Permit Fees and Insurance Requirements. Fees and insurance requirements for the parade or assembly permit shall be in the amount established by Council and set out in the **Schedule of Permit and Licensing Requirements** in Appendix B to this Code of Ordinances. The fees under this Section shall not apply to parades or assemblies conducted for the primary purpose of public issue speech protected by the First Amendment of the U.S. Constitution.

3-3-8 Parade/Public Assembly Not A Street Obstruction. Any parade or public assembly for which a permit shall have been issued as herein required and the persons lawfully participating therein shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

3-3-9 Control by Police and Firemen. Persons participating in any parade or public assembly shall at all times be subject to the lawful orders and directions in the performance of their duties of the members of the police and fire departments.

3-3-10 Notice and Appeals.

- A. The City Administrator will either issue the parade or assembly permit or deny it within 30 days after the application is filed. In the case of applications filed less than 30 days prior to the proposed parade or assembly the City Administrator will act on the application as soon as reasonably practicable but not less than 48 hours prior to the proposed start time of the parade or assembly unless extenuating circumstances prevent notice to be made in that time frame. If denied the notice shall state the reasons for denial. The notice of issuance or denial shall be served by personal delivery, regular or certified mail or in any other fashion reasonably calculated to provide notice to the applicants.
- B. The decision of the City Administrator may be appealed to the City Council by making a request to the City Clerk in writing that the issue of the parade permit's issuance or denial be placed upon the next council meeting agenda. If the Council is not scheduled to meet prior to the proposed parade, then a special council meeting may be called to hear the appeal.
- C. The decision of the City Council shall be based upon the standards contained in **Section 3-3-5** and shall be a final determination subject to review in District Court of Muscatine County as may be provided by law. Any party aggrieved by the decision may seek review thereof but in no event later than 30 days after the date of the final determination.

3-3-11 Alternative Permit. The City Administrator, in denying an application for a parade permit, may authorize the conduct of the parade at a date, time, location, or route different from that named by the applicant in consideration of the standards in **Section 3-3-5**. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the City Administrator, file a written notice of acceptance with the City Administrator.

An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit issued under this Chapter.

3-3-12 Revocation.

- A. The City Administrator or designee, or the City Council, if issued following an appeal, may revoke a parade/public assembly permit if:
1. It is determined that the permittee has misstated any material fact in the application;
 2. There is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred;
 3. When it is determined by the chief of police or the fire chief that, by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation;
 4. The permittee's insurance, if any was required, has been canceled; or
 5. The permittee is operating in violation of the terms and conditions of the permit or local, state, or federal law.

A permit holder may appeal the revocation in the same manner as appealing the issuance or denial of a permit.

Title 3 – Public Ways and Property
Chapter 4 – Public Demonstrations

SECTIONS:

3-4-1 Definitions

3-4-2 Use of Sidewalks for Picketing

3-4-3 Interference with Business or Public Facility

3-4-4 Focused Residential Picketing Prohibited

3-4-6 Duty to Disperse as Directed by Police

3-4-7 Criminal Trespass for Obstruction of Public Ways, Buildings or Property

3-4-1 Definitions. As used in this Chapter, the following definitions shall apply:

- A. Picketeer: A person who engages in picketing with or without signs or placards.
- B. Picketing: The practice of standing, marching, congregating, protesting, demonstrating, or patrolling by one or more persons for the purpose of persuading, discussing, educating, advocating, or informing another person or persons or for the purpose of protesting some action, attitude, policy, or belief. It does not include social, random, or other everyday communication.
- C. Private Residence: A single-family, duplex, or multi-family dwelling.
- D. Public Way: Any public street, alley, roadway, walkway, right-of-way, or any other public way or property designed for vehicular, bicycle or pedestrian travel or congregation, and dedicated to public use.

3-4-2 Picketing on Streets Prohibited Except by Permit. No picketing shall be conducted on that portion of the streets used primarily for vehicular traffic, except as authorized by a permit issued under [Chapter 3 of this Title](#).

3-4-3 Interference with Business or Public Facility. Picketers shall not block or obstruct free passage of any pedestrian or vehicular traffic, or interfere with ingress or egress to any business or public facility.

3-4-4 Focused Residential Picketing Prohibited.

- A. No person or persons shall engage in picketing before or about a residence or dwelling where the picket focuses solely on the residence or dwelling of a particular, identifiable individual.
- B. Nothing herein shall prohibit: 1) the residential picketing of a residence which is used as the occupant's sole place of business; 2) the residential picketing of a private residence used as a public meeting place; 3) a person or group of persons from marching without stopping at a particular private residence; or 4) a person or group of persons from marching on a defined route without stopping at any particular private residence.
- C. Before a person may be cited for violation of this provision, the person must have been ordered to move, disperse, or otherwise remedy the violation by either a police officer or a person with authority to control the use of the private residence which is the focus or target of the residential picketing.

3-4-5 Duty to Disperse as Directed by Police.

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

3-4-6 Criminal Trespass for Obstruction of Public Ways, Buildings or Property.

Whenever the free passage of any street, sidewalk, public way, public building or property in the City of Muscatine is obstructed by picketers and such obstruction continues after a police officer has requested dispersal and removal, such obstruction shall constitute the public offense of criminal trespass.

(Code of Iowa, Section 716.7)

Title 3 – Public Ways and Property Chapter 5 – Public Parks

SECTIONS:

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

3-5-1 Scope. This Chapter applies to all City parks, greenbelts, and recreational facilities for efficient regulation of conduct in City parks. For the purpose of this Chapter, "Park" includes, but is not limited to, all public parks, trails, greenbelts, and recreational facilities owned by the City of Muscatine, except that the riverfront from Mad Creek to Orange Street extended and from Cedar Street extended to Linn Street extended between Mississippi Drive and the Mississippi River and the roadway known and identified as O'Brien Parkway between Orange and Cedar Streets extended is hereby designated as Riverfront Recreation and Tourism Area. The riverfront from Orange Street extended to Cedar Street extended between the southeasterly edge of the roadway known and identified as O'Brien Parkway and the Mississippi River is designated as Riverside Park.

3-5-2 Enforcement. The Police Department shall assist the Parks and Recreation Department in enforcing all ordinances and regulations relating to all parks and recreational facilities under the City's jurisdiction.

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

3-5-4 Regulate Activities. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all.

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

3-5-6 Assemblies. No person shall engage in, participate in, aid, form, or organize any assembly or group of people or make any speeches, or conduct any musical program or festival, in any park unless a permit has been obtained in accordance with City policy.

3-5-7 Permits. Applications for park permits shall be filed with the Parks and Recreation Department on the form provided. The City of Muscatine may require the posting of a bond by the permittee in such amount as is necessary to protect the City of Muscatine against loss of and damage to public property and to indemnify against public liability. The permit fee and bond amounts, if any, required by this Section shall be set by resolution of the City Council and listed in the [Schedule of Permit and Licensing Requirements](#) contained in Appendix B to this Code of Ordinances.

3-5-8 Traffic. No person in a park shall:

- A. Ride or drive an automobile, motorcycle, moped, mini-bike, go-cart, snowmobile, or other vehicle, except upon the established roads and ways.
- B. Exceed a speed limit of fifteen (15) miles per hour at any time or such lower speed limits as posted in designated areas of the parks.

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

- C. Fail to obey all posted traffic signs.
- D. Leave a motor vehicle unattended in any park after closing. Any motor vehicle left unattended in any park after closing shall be deemed abandoned and the City of Muscatine shall cause the same to be towed from the Park and the same shall not be redeemed by the owner or the person responsible therefore until reasonable towing and storage charges are paid.
- E. Parking of trucks that are wider than eighty inches (80"), self-propelled motor homes, buses, mobile homes, or any motor vehicle with trailer attached are prohibited in Weed Park from nine o'clock (9:00) A.M. on Friday to eleven o'clock (11:00) P.M. on Sunday.
- F. Operate or park semi-tractors and/or semi-trailers at any time, except when engaged in delivery, pick-up, loading, or unloading equipment and goods as approved by the Department of Parks and Recreation.

3-5-9 Animals. It shall be unlawful to:

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

3-5-10 Other Regulations. It shall be unlawful to:

- A. Operate radio controlled equipment in the Parks, except as authorized by the Parks and Recreation Department.
- B. Move benches, seats, and tables from their places, except on picnic grounds within designated areas.
- C. Loiter in any Park workshop or interfere with any Park employee performing his or her duties.
- D. Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline or other public utility or part thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post, or other boundary marker, or other structure or equipment, facility, park property, or appurtenance whatsoever, either real or personal.
- E. Throw discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park, any substance, matter of thing, liquid, or solid which will or may result in the pollution of said waters.
- F. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be left anywhere on the grounds, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- G. Pick or cut, break, or in any way injure or deface any tree, shrub, or plant; remove any wildflower, flower, tree, shrub, plant, or any soil or material of any kind; dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any park area.
- H. Light or make use of any fire in the parks, except such portions thereof as may be designated by the Parks and Recreation Department for such purpose.
- I. Post, paste, fasten, paint, or affix any placard, bill, notice, or sign upon any structure, tree, stone, fence, or enclosure, unless approved by the Parks and Recreation Department and provided such is not in violation of the City's sign ordinance.
- J. Distribute, cast, throw, or place any handbill, pamphlet, circular, advertisement, or notice of any kind for commercial purposes without approval.
- K. Sell or offer for sale any article or service without a permit as required by the City of Muscatine.
- L. Beg or solicit alms.
- M. Carry any firearms, air or pellet guns, bows and arrows, rockets, weapons, firecrackers, fireworks, or other explosives, except as permitted by the City of Muscatine.

- N. Carry, possess, drink alcoholic beverages, including beer, except at the Municipal Golf Course and special events at the riverfront from Mad Creek to Linn Street extended between Mississippi Drive and the Mississippi River, when a permit has been issued by the City Council pursuant to Title 5, Chapter 3 of the City Code.
- O. Possess, use, or transfer any controlled substance.
- P. Disturb the peace.
- Q. Endanger the safety of any person by any conduct or act.
- R. Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore and in compliance with such regulations as are permitted by the City of Muscatine.
- S. Fish in the lagoon, unless such person is age fourteen (14) or under.

Title 3 - Public Ways and Property
Chapter 6 - City Cemeteries

SECTIONS:

- 3-6-1 Scope
- 3-6-2 Trusteeship
- 3-6-3 Records
- 3-6-4 Sale of Interment Rights
- 3-6-5 Rules and Regulations
- 3-6-6 Perpetual Care

3-6-1 Scope. This Chapter applies to all City owned Cemeteries to provide for the efficient regulations and operations of the City Cemeteries.

3-6-2 Trusteeship. Pursuant to **Section 523I.502 of the Code of Iowa**, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.502)

3-6-3 Records. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

- A. Sales or Transfers of Interment Rights.
 - 1. The name and last known address of each owner or previous owner of interment rights.
 - 2. The date of each purchase or transfer of interment rights.
 - 3. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
- B. Interments.
 - 1. The date the remains are interred.
 - 2. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.
 - 3. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

3-6-4 Sale of Interment Rights. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the Code of Iowa. The payment of all fees and charges shall be made at the City Cemetery's office where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

(Code of Iowa, Sec. 523I.310)

3-6-5 Rules and Regulations. The rules and regulations for the cemetery shall be adopted, and may be amended from time to time, by resolution of the Council and shall cover the hours of opening and closing, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers and the cost of lots or payments for perpetual care as deemed necessary. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism.

(Code of Iowa, Sec. 523I.304)

3-6-6 Perpetual Care. The Council shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Council shall provide for the payment of interest annually to the appropriate fund to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the Code of Iowa.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

Title 3- Public Ways and Property
Chapter 7- Railroads

SECTIONS:

3-7-1 Definitions

3-7-2 Warning Signals

3-7-3 Obstructing Streets

3-7-4 Crossing Maintenance

3-7-1 Definitions. For use in this Chapter, the following terms are defined:

- A. "Operator" means any individual, partnership, corporation or other association which owns, operates, drives, or controls a railroad train.
- B. "Railroad train" means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

3-7-2 Warning Signals. Operators shall sound a horn at least 1,000 feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

(Code of Iowa, Sec. 327G.13)

3-7-3 Obstructing Streets. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of ten (10) minutes except:

(Code of Iowa, Sec. 327G.32)

- A. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
- B. Avoid Striking. When necessary to avoid striking any object or person on the track.
- C. Disabled. When the train is disabled.
- D. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
- E. In Motion. When the train is in motion except while engaged in switching operations.
- F. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this Section if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

3-7-4 Crossing Maintenance. Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])
(Code of Iowa, Sec. 364.11)

Title 3 - Public Ways and Property Chapter 8 - Levees

SECTIONS:

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

3-8-1 Permit Required. No person shall build upon, alter, deface, destroy, move, injure, or obstruct by fastening vessels thereto or otherwise or in any manner whatsoever use or occupy the Mississippi or Mad Creek levees lying within the city limits, without having first received a permit from the City in accordance with the [Schedule of Permit and Licensing Requirements](#) contained in Appendix B to this Code of Ordinances.

3-8-2 Application. Application for a permit to use or occupy the Mississippi or Mad Creek levees shall be in writing and shall describe in detail the use to which the levee is to be put, type of structure to be placed thereon, and the time the applicant intends to occupy or use such levee.

3-8-3 Fees. A permit to use or otherwise occupy the Mississippi or Mad Creek levees and the riverfront may be granted by the City Council to any person upon the payment of such sum as set by resolution of Council and is listed in the [Schedule of Permit and Licensing Requirements](#) contained in Appendix B to this Code of Ordinances.

3-8-4 Approval of Use. A permit to use or occupy the Mississippi or Mad Creek levees shall only be issued after the City Council has been satisfied that the use of such levee by the applicant will not in any way impair the levee and will not interfere with the general public use of the levee.

3-8-5 New Permit. No person who has secured a permit to use or occupy the Mississippi or Mad Creek levees shall change or alter his occupancy or use of the levee without having first secured a new permit showing the alteration intended by him, which permit shall be granted by the City Council after it is satisfied that the use or occupancy of the levee will not be impaired, upon the payment of such sum as may be deemed proper.

3-8-6 Injuring or Diverting - Damages. Any person who shall willfully break down or through or injure any levee or bank of a settling basin, or who shall dam up, divert, obstruct, or willfully injure any ditch, drain, or other drainage improvement authorized by law shall be liable to the person or persons owning or possessing the lands for which such improvements were constructed in double the amount of damages sustained by such owner or person in possession; and in case of a subsequent offense by the same person, he shall be liable in treble the amount of such damages.

3-8-7 Anchoring, Mooring or Tying-up Along Riverbank. No person shall anchor, moor or tie-up along the right bank of the Mississippi River between Mad Creek and Pine Street, both extended to the right edge of the channel of the river, any towboat, barge, excursion boat, commercial boat, or any other boat or vessel without the permission of the City acting through the City Administrator or designee of the City Administrator.

3-8-8 Penalty. Any person who violates any Section of this Chapter shall be deemed guilty of a municipal infraction and subject to a civil penalty as provided in **Title 1 Chapter 3** of this Code of Ordinances.

Title 3 – Public Ways and Property
Chapter 9 – Trees and Shrubs

SECTIONS:

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

3-9-1 Removal and Trimming of Dangerous Tree; Compliance.

- A. If the City deems any shade, ornamental, or other tree situated on private property in the City to be diseased or dead, it shall cause to be served a notice upon the owner, in accordance with the most recently enacted Code of Iowa, if known within the City, or if not, then upon the occupant of the lot, to cut down such tree and remove the same and all debris therefrom. Said tree and debris shall be hauled to an area designated or approved by the City and/or the Iowa Department of Water, Air, and Waste Management.

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

- B. If such notice is not complied with within ten (10) days, the City shall cause such tree to be cut down or removed and the cost of cutting down and removing it shall be certified to the County Treasurer and be assessed against the real estate in the same manner as a property tax.

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

- C. All diseased trees shall be sprayed, if required by the City, at the site of their cutting down or removal before being hauled or transported through the City to an approved disposal site.

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

- D. The General Manager of any utility shall have the authority to trim any tree which interferes with utility property and equipment, after notification and approval by the City.

- E. The City shall have authority to trim any tree, located on private property, which interferes with the proper distribution of light from street lights or signs following notification to the property owner in accordance with **Sections 3-9-3 and 3-9-4** of this Chapter.

3-9-2 Abutting Property Owners. Any person owning any real estate within the City with trees located upon said real estate or located in the street right-of-way (including parking) adjacent to said real estate, shall trim such trees in such manner that no overhanging branches thereof shall in any way obstruct any such street or sidewalk below the height of ten feet (10') above the surface of the sidewalk and fourteen feet (14') from the surface of the street.

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

3-9-3 Notice to Trim; Failure to Comply. Any person or owner of property as described in this Chapter who shall have been served by the City with a notice by Certified Mail, and shall not comply with the notice within ten (10) days of the receipt of the notice, shall be guilty of a misdemeanor and subject to penalty as provided in the Schedule of Penalties in Appendix A to this Code of Ordinances.

3-9-4 Trimming by City; Recovery of Cost. When the owner or occupant of real property in the City having trees upon or in front of the same, the branches of which overhang the street or any part thereof, and having had notice to trim the same and fails or refuses to comply therewith for more than ten (10) days after service of notice, then it shall be lawful for the City to trim such trees to the height provided in **Section 3-9-2** of this Chapter and certify the cost of the same to the County Treasurer to be assessed against the real estate in the same manner as a property tax.

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

3-9-5 Liability Insurance; Tree Removal. All persons and/or corporations engaged in removal of trees within the City right-of-way shall obtain a license therefor. The licensee must pay the fee and present a copy of an insurance policy for liability insurance in the amounts set by resolution of the City Council and listed in the **Schedule of Permit and Licensing Requirements** contained in Appendix B to this Code of Ordinances.

3-9-6 Obstructing Streets; Barricades.

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

3-9-7 Removal of Debris. Removal of debris, stumps, logs, etc. shall be made upon or in trucks and no hauling shall be allowed hanging from outside by booms or dragging from such vehicle.

3-9-8 Street Trees (Existing).

- A. All existing trees located within the public right-of-way as of the effective date of this Section shall be the responsibility of the adjacent property owner.
 - a. Exception. Any street tree which is diseased, dead, or otherwise poses an immediate threat to the public health and welfare shall be the responsibility of the City.

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

- B. It shall be the duty and right of the adjacent property owner to trim, remove, treat, or otherwise maintain all existing street trees in a manner that promotes the public health, safety, and welfare and in accordance with the provisions of this Chapter.

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

- C. Any person or corporation removing any existing street tree shall obtain a permit to do so from the City in accordance with the **Schedule of Permit and Licensing Requirements** contained in Appendix B to this Code of Ordinances for the purpose of maintaining a citywide inventory. The Tree Removal Permit shall be provided at no charge to the applicant.
- D. Nothing contained in this Chapter shall be construed so as to prevent the immediate removal and/or trimming by officers of the City of any tree from the streets, when in the judgment of the City, such removal or trimming is necessary for the purpose of making street improvements or to eliminate obstructions of public signs which, by design, promote safety of persons or property.

3-9-9 Street Trees (New).

- A. As of the effective date of this Section, all proposals to plant trees in the public right-of-way shall require a permit from the City in accordance the **Schedule of Permit and Licensing Requirements** contained in Appendix B to this Code of Ordinances.
- B. The permit application provided by the City shall state the applicant's name, address, type of tree to be planted, exact location, and any additional information that may be needed by the City to determine whether the application should or should not be approved.
- C. The application shall be recommended for approval or disapproval by the City prior to issuance. Failure to secure a positive recommendation by the City shall constitute a denial of the application.
- D. Permit Requirements:
 - 1. The permit shall state that the applicant agrees to plant the street tree(s) in accordance with the requirements of this Chapter.
 - 2. The permit shall state that the applicant will plant a specific type of tree which shall be an approved species for street trees; a list of which shall be provided to the applicant upon request.

3. The permit shall state that once the street tree is planted, it becomes the property of the City of Muscatine and the applicant agrees to relinquish all interest in said tree. The permit shall state that the owner agrees to donate the tree to the City, at the applicant's expense, and that the applicant agrees to adhere to the provisions of **Title 3, Chapter 11, Section 8** of this Code.
4. The permit shall include a provision which indemnifies the City from any and all claims for damage to private and public property as a result of the permit to plant a street tree.

3-9-10 New Street Trees (City Program).

- A. The City may, at its discretion and with the approval of the City Council, initiate a program for the purpose of planting, maintaining, trimming, and removal of new street trees.
- B. It shall be the policy of the City to notify abutting property owners before planting any street tree in front of any residential structure in the City.
- C. The owner of the abutting property shall be required to sign a permit in accordance with **Chapter 9**, except the tree will be planted by the City at no expense to the abutting residential property owner.

3-9-11 Injuring; Defacing; Removing. Any person who shall willfully, maliciously, or negligently, in any manner, injure, deface, remove, or destroy any street tree or boxing placed around the same, or any shrub upon any public grounds and right of ways shall be deemed guilty of a misdemeanor, and shall reimburse the City for any costs incurred by such action if directed to do so by the Iowa District Court for Muscatine County.

Title 4-Revenue and Taxation
Chapter 1 – Hotel-Motel Tax

SECTIONS:

4-1-1 Definitions

4-1-2 Imposition of Tax

4-1-3 Exemptions

4-1-1 Definitions. For the purposes of this Chapter, unless the context otherwise requires:

- A. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations.
- B. "Renting" or "rent" means a transfer of possession or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge for such lodging or its use.
- C. "Sales price" means the consideration for renting of lodging.

(Code of Iowa, Section 423A.2)

4-1-2 Imposition of Tax. There is hereby imposed a hotel and motel tax of seven percent (7%) upon sales price from the renting of lodging.

(Code of Iowa, Section 423A.4)

4-1-3 Exemptions. There are exempted from the provisions of this Chapter and from the computation of any amount of tax imposed by **Section 4-1-2** the following:

- A. The sales price from the renting of lodging which is rented by the same person for a period of more than thirty-one (31) consecutive days.
- B. The sales price of lodging furnished to the guests of a religious institution if the property is exempt under **Section 427.1, Subsection 8**, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.

(Code of Iowa, Section 423A.5)

Title 4- Revenue and Taxation
Chapter 2- Value Added Exemption; Industrial Property

SECTIONS:

- 4-2-1 Partial Exemption
- 4-2-2 Definitions
- 4-2-3 Amount Eligible for Partial Exemption
- 4-2-4 Duration of Partial Exemption
- 4-2-5 Assessment Restriction
- 4-2-6 Application
- 4-2-7 Repeal
- 4-2-8 Dual Exemptions Prohibited

4-2-1 Partial Exemption. This article does hereby provide for a partial exemption pursuant to **Chapter 427B of the Code of Iowa** from property taxation of the actual value added to the industrial real estate.

(Code of Iowa, Section 427B.1[1])

4-2-2 Definitions:

- A. New Construction. New construction as referred to herein means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures.

(Code of Iowa, Section 427B.1[1])

- B. Reconstruction. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Development Commission.

(Code of Iowa, Section 427B.1[1])

- C. Actual Value Added. Actual Value Added, as used in this Chapter, means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the assessor as of January 1 of each year for which the exemption is received.

(Code of Iowa, Section 427B.3[1])

4-2-3 Amount Eligible for Partial Exemption. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

- A. For the first year, seventy-five percent.
- B. For the second year, sixty percent.
- C. For the third year, forty-five percent.
- D. For the fourth year, thirty percent.
- E. For the fifth year, fifteen percent.

(Code of Iowa, Section 427B.3[3a])

4-2-4 Duration of Partial Exemption. The actual value added to industrial real estate for the reasons specified in **Section 427B.1** is eligible to receive a partial exemption from taxation for a period of five years. However, if property ceases to be classified as industrial real estate or ceases to be used as a warehouse or distribution center, the partial exemption for the value added shall not be allowed for subsequent assessment years.

(Code of Iowa, Section 427B.3[2])

4-2-5 Assessment Restriction: The granting of the exemption under this Section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

(Code of Iowa, Section 427B.3[4])

4-2-6 Application. An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the director of revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the director of revenue.

A person may submit a proposal to the City Council of the City to receive prior approval for eligibility for a tax exemption on new construction. The City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the City. The prior approval shall also be subject to the hearing requirements of **Section 427B.1**.

Prior approval does not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject.

(Code of Iowa, Section 427B.4)

4-2-7 Repeal. When in the opinion of the City Council continuation of the exemption granted in this Article ceases to be of benefit to the City, the City Council may repeal this Ordinance, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Section 427B.5)

4-2-8 Dual Exemptions Prohibited. A property tax exemption under this Chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Section 427B.6)

Title 4 – REVENUE AND TAXATION
Chapter 3 – Urban Renewal Tax Increment Areas

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Tax Increment Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
Ord. 85596	August 29, 1994	Downtown and Industrial Connector Urban Renewal Area
Ord. 86359-1196 as amended by Ord. 94493-0111 and Ord. 92035-0512	November 7, 1996; January 6, 2011; May 17, 2012	Highway 38 Northeast Urban Renewal Area
Ord. 88960-0104	January 15, 2004	Northeast Urban Renewal Area (Cedar Development)
Ord. 88962-1206	December 7, 2006	Muscatine Mall Urban Renewal Area
Ord. 91144-0310	March 4, 2010	2010 Industrial Urban Renewal Area
Ord. 91998-0412	April 19, 2012	2012 Addition to Urban Renewal Area (Fridley's)

Title 4 – Revenue and Taxation
Chapter 4 – Urban Revitalization Areas

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
Ord. 97473-0100	January 6, 2000	Progress Park
Ord. 88554-1102	November 21, 2002	Downtown Area
Ord. 92403-0513	May 16, 2013	2013 Muscatine Housing Urban Revitalization Area