

PREFACE

This volume constitutes the fourth revision and codification of the General Ordinances of the City of Muscatine, Iowa. It contains such Ordinances of a general and permanent nature to be enforced beginning July 1, 2015, as were found desirable for retention, except those especially saved from repeal by the adopting Ordinance.

The original Charter was approved on February 1, 1851. This, the fourth revision and codification was adopted by the City on June 4, 2015. The three previous recodified Codes are available in the Clerk's Office for historical purposes.

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

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Randy Hill.....	Public Works Director
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CITY OF MUSCATINE

CITY CODE

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ORDINANCE NO. 93081-0615

**AN ORDINANCE ADOPTING THE "CODE OF ORDINANCES
OF THE CITY CODE OF MUSCATINE, IOWA", AND
REPEALING THE CODE IN EFFECT PRIOR TO JULY 1, 2015**

WHEREAS, the City of Muscatine, Iowa proposes to adopt a revised code of ordinances containing existing ordinances of the City of Muscatine, Iowa of a general and permanent nature and certain ordinances, with amendments to certain of those ordinances—specifically, in Titles 1-10, 13-15, and Zoning Title 11-12—to correct typographical and technical errors, and to correct conflicts with state or local law found in those ordinances, said revised code of ordinances to be known as the Municipal Code of the City of Muscatine, Iowa, 2015.

Be It Ordained by the Council of the City of Muscatine, Iowa, that:

SECTION 1. ADOPTION. Pursuant to published notice in accordance with Iowa Code §362.3 and following public hearing held on May 7, 2015, hereon, the City Council does hereby adopt the Municipal Code of the City of Muscatine, Iowa, 2015, pursuant to Iowa Code §380.8(2)(b). The said Code and all supplements to the said Code hereafter adopted by resolution of the City Council pursuant to Iowa Code 380.8(1) shall collectively be known as the "Municipal Code of the City of Muscatine, Iowa, 2015", and also as the "Muscatine City Code, 2015", for the purpose of prosecution in the courts.

SECTION 2. OFFICIAL COPY. An official copy, bearing the signature of the Mayor and certificate of the City Clerk as to its adoption and publication, is on file in the office of the City Clerk, together with standard codes adopted by reference in this Code.

SECTION 3. PUBLIC COPIES. A copy of these titles of this Code shall be kept in the City Clerk's office available for public inspection and for sale at cost to the public. These titles of the City Code are also available on the city's website.

SECTION 4. TITLE AND SCOPE. The revised Municipal Code of the City of Muscatine, Iowa, 2015, shall be treated and considered as an update to the original ordinances which shall supersede all other general ordinances in those titles passed by the City Council prior to the first day of July 2015, except as are expressly saved from repeal herein.

SECTION 5. AMENDMENTS. All general ordinances of the City Council passed hereafter shall be in the form of an addition or amendment to the City Code of Muscatine, Iowa, and shall include proper references to title, chapter and section to maintain the orderly codification of ordinances.

SECTION 6. REPEALER AND SAVING CLAUSE. All ordinances or parts hereof adopted before the first day of July 2015 are hereby repealed. However, such repeal shall not affect any act done, any right accrued, accruing, or established, the tenure or emoluments of office of any person holding office at the time these ordinances take effect, or any forfeiture or penalty heretofore incurred under or by virtue of any prior existing ordinance, nor any prosecution, suit, or proceeding pending at the time of such repeal.

SECTION 7. EFFECTIVE DATE. This revised Municipal Code of the City of Muscatine, Iowa, 2015 shall be in full force and effect from and after the passage and approval and publication of this ordinance, as provided by law.

PASSED, APPROVED and ADOPTED this 4th day of June, 2015.




De Wayne Hopkins, Mayor

ATTEST:


Gregg Mandsager, City Clerk

First reading: May 7, 2015
Second reading: May 21, 2015
Third reading: June 4, 2015
Publication: June 30, 2015

ORIGINAL CITY CHARTER

1851

The Charter of the City of Muscatine, Iowa.

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

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

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

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

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

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

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

two west, thence south and along said township line, to a point in the center of the main channel of the Mississippi River, thence along the center of said channel, and with the course of the same, to the point of beginning.¹

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

ARTICLE II. ELECTIVE OFFICERS OF THE CITY.

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

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

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

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

Sec. 9. He is by virtue of his office, a justice of the peace, and is invested with exclusive original jurisdiction of

1. Amendment to Charter enlarging City limits, etc., approved July 14, 1856.

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

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

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

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

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

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

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

2. Amendment to Charter, approved January 22, 1853.

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

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

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

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

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

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

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

6th. To exercise exclusively the power to provide for the license, regulation, or prohibition of exhibitions, shows and theatrical performances, billiard tables, ball and ten-pin alleys, and places where any games of skill or chance are played. But this power extends to no exhibition of a properly literary, scientific, or artistical character - and when the law of the state permits license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may

at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the state at the time existing; and it may revoke or suspend any of the licenses above mentioned, when it considers that the good order and welfare of the City require it.

7th. To make all requisite ordinances in relation to the cleanliness and health of the City, and to require the owners of lots on which water becomes stagnant, to drain or fill up the same, and in default thereof, after a reasonable notice, to cause the same to be done at the expense of the City and assess the cost of the specific lots, and cause them to be sold by the City collector, as in the case of unpaid taxes; but the owner may redeem the same as in that case.

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

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

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

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

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

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

3. Amendments to Charter, approved January 24, 1855 and July 14, 1856.

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

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

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

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

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

ARTICLE V. ORDINANCES.

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

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

4. Amendment to Charter, approved January 22, 1853.

ARTICLE VI. RECORDER AND MARSHAL.

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

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

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

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

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

Sec. 24. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the City six months, and of the ward in which he offers to vote, ten days next preceding a City election, is declared a citizen of said City, and is entitled to vote at all elections thereof.

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

prescribed.

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

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

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

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

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

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

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

ARTICLE IX. ASSESSMENT, LEVY AND COLLECTION
OF TAXES.

Sec. 32. The council shall appoint⁶ an assessor for the City who shall be sworn to perform the duties of his office faithfully and impartially, and whose duty it shall be to make an assessment of all the property within the City which is subject to taxation, including improvements on real property, and upon whose assessment the council is authorized to levy and collect annually taxes not exceeding one percent on the value of all such property. The council may also levy a tax on dogs, or prohibit their being kept in the City.

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

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

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

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

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

Sec. 38. Taxes on real property shall be a lien thereon, and it may be sold therefor, (if no personal property be found,) when the taxes remain unpaid for four months after the publication

6. Amendment to Charter approved January 22, 1853.

7. Amendment to Charter approved January 22, 1853.

8. By the original Charter the marshal was made collector of taxes, but by the vote of the people the Charter was amended and the office of city collector created. Since 1868 the City of Muscatine has had its taxes collected by the treasurer of Muscatine County.

of the notice of the tax; but demand of the tax must be made a reasonable time before sale, if the supposed (owner) be found in the City.

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

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

ARTICLE X. STREETS AND ALLEYS

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

Sec. 42. That the said city council, or persons interested, may, whenever they may deem it necessary, make application to the county judge of said county, who shall appoint three disinterested property holders, resident in said City, who are hereby constituted a board of commissioners for the assessment of damages, which board, or any member thereof may, for good cause shown, be removed

9. This section was taken from amendment to Charter, approved January 24, 1855.

and the vacancy occasioned thereby filled by said county judge.¹

Sec. 43. That in any case, where by reason of such alteration, any claim for damages may arise, and the thereof shall neglect to apply to said commissioners, the city council may make such application and the proceedings thereon shall in all respects be the same as specified in the second section of this act.²

Sec. 44. That all taxes hereafter levied and collected in the City of Muscatine for the purpose of improving the streets and alleys thereof, shall be expended in the different wards in proportion to³ the amount of tax levied and collected in such wards respectively.

Sec. 45. For the purpose of putting the above provision into execution, it shall be the duty of the city assessor to return to the city council, at the same time that he returns his assessment of property in said City, the total amount of the taxable property in each ward separately, which shall form the basis for making⁴ the apportionment of moneys to be expended in the respective wards.

Sec. 46. After paying all the current expenses and debts of said City due for the fiscal year, the excess of taxes collected in said City to be expended by the city authorities upon the streets and alleys, shall be divided and applied pro rata in the different wards thereof.⁵

ARTICLE XI. AUCTIONEERS.⁶

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

Sec. 48. That the said city council shall have the power to

1. This section was taken from amendment to Charter, approved January 24, 1855.

2. This section was taken from amendment to Charter, approved January 24, 1855.

3. This section was taken from amendment to Charter, approved January 24, 1855.

4. This section was taken from amendment to Charter, approved Janaury 24, 1855.

5. This section was taken from amendment to Charter, approved January 24, 1855.

6. Amendment to Charter, approved January 26, 1857.

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

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

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

Sec. 50. That said City of Muscatine, as above bounded, may hereafter form two road districts, the boundaries of which shall be determined by the city council, and until so determined by said city council, it shall constitute one road district, and the road taxes assessed by the county authorities upon the persons and property in said City shall hereafter only be payable to such persons as the city council may authorize to receive the same. And the county collector is hereby prohibited from paying said road taxes to any other person or officer than such as shall be authorized to receive and receipt for the same by the city council.

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

Sec. 52. That it shall and may be lawful for the city council of said City to make any changes in the shape and width of any streets or alleys of said City, either in the old or new limits; to shut up old and make new streets and alleys. Provided, that

7. The first section of this act enlarging the city limits simply describes the boundaries of the City. This has been given in section 4, ante, and hence is not repeated.

in all and every such case the said City shall be liable to make full compensation at the fair cash value to the owners of all property which shall be thus taken for public use, and for all damages which the owners may sustain by any change which said city council may at any time see proper to make.

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

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

ARTICLE XIII. MISCELLANEOUS.

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

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

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

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

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

TITLE 1
ADMINISTRATIVE

<u>SUBJECT</u>	<u>CHAPTER</u>
City Charter	1
City Code	2
Municipal Infractions	3
City Boundaries	4
Precincts and Wards	5
Elections	6
Mayor	7
Mayor Pro Tem	8
Council	9
City Officers and Employees	10
City Departments	11
Fiscal Management	12
Personnel Procedures	13

**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
- 1-2-8 Extension of Authority
- 1-2-9 Amendments
- 1-2-10 Catchlines and Notes
- 1-2-11 Altering Codes
- 1-2-12 Warrants
- 1-2-13 General Standards for Action
- 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

SECTIONS:

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 6 8 A , 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

SECTIONS:

- 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

<u>SUBJECT</u>	<u>CHAPTER</u>
Airport Advisory Commission	1
Civil Service Commission	2
Parks and Recreation Advisory Commission	3
Historic Preservation Commission	4
Library Board of Trustees	5
Art Center Board of Trustees	6
Planning and Zoning Commission	7
Board of Water, Electric, and Communications Trustees	8
Zoning Board of Adjustment	9
Ad Hoc Committees and Task Forces	10

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

- A. Meetings. The Commission shall conduct regular meetings to review land use proposals and formulate positions or policies related to the activities the Commission has under consideration.
- B. Chairman. The Commission shall choose annually at its first regular meeting one of its members to act as Chairman.
- C. Making of Plans, Surveys, Maps, and Other Appropriate Material. The City Planning and Zoning Commission shall have full power and authority to make, or cause to be made, such surveys, studies, maps, plans, or charts of the whole or any portion of the City or any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan, and shall bring the same to the attention of the Council. The Commission may publish its studies and recommendations.
- D. Approval of Designs and Locations of Proposed Structures. No statuary, memorial, or work of art in a public place, and no public building, bridge, viaduct, street fixture, or public structure or appurtenances shall be located or erected, or a site therefore obtained, nor shall any permit be issued by any department of the City government for the erection or location for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Planning and Zoning Commission and its recommendations thereon obtained.
- E. Recommendation Concerning Plans, Plats, etc. All plans, plats, or replats of subdivisions or resubdivisions of land embraced in the City, or within two (2) miles of the City corporate limits thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public shall first be submitted to the Planning and Zoning Commission and its recommendations obtained before approval by the Council.
- F. Approval of Plans. No plan for any street, park, parkway, boulevard, traffic way, riverfront, or other public improvement affecting the City shall be finally approved by the City, or the character or location thereof determined, unless such proposal shall first have been submitted to the Planning and Zoning Commission.
- G. Purpose of Comprehensive Plan. For the purpose of making a Comprehensive Plan for the physical development of the City, the Planning and Zoning Commission shall make careful and comprehensive studies of present conditions and future growth with due regard to its relations to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

- H. Procedure for Adoption of Comprehensive Plan. Before adopting a Comprehensive Plan, or any part of it or any substantial amendment thereof, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than ten (10) nor more than twenty (20) days before the date of the hearing.
- I. Adopt a Comprehensive Plan for the City of Muscatine by successive resolutions adopting successive elements of the Plan, said elements corresponding with, but not limited to land use, transportation, community facilities, parks, recreation and open space, neighborhoods, schools, economic development, central business district, utilities, and administrative procedures. Such Comprehensive Plan and each element thereof shall be a public record and aid the Planning and Zoning Commission in the performance of its duties. The adoption of the Comprehensive Plan and each element thereof shall be by resolution and be carried by the affirmative votes of not less than a majority of all the members of the Planning and Zoning Commission. An attested copy thereof shall be certified to the City Council, and the Council may approve the same, and when such Plan or any modification or amendment thereof shall receive the approval of the Council, the Plan shall constitute the official Comprehensive Plan of Muscatine.
- J. Amendment or Modification of Comprehensive Plan. When such Comprehensive Plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Planning and Zoning Commission for its recommendation. If the Commission disapproves the proposed change, it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

Title 2 – Boards and Commissions
Chapter 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

<u>SUBJECT</u>	<u>CHAPTER</u>
Streets and Sidewalks	1
Use of City Right of Way	2
Parades and Public Assemblies Regulated	3
Public Demonstrations	4
Public Parks	5
City Cemeteries	6
Railroads	7
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Trees and Shrubs	9

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.

- E. **Duty of Owner to Repair and Maintain.** 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. 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
- 3-2-23 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 1 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 9, 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

<u>SUBJECT</u>	<u>CHAPTER</u>
Hotel-Motel Tax	1
Value Added Exemption; Industrial Property	2
Urban Renewal Tax Increment Areas	3
Urban Revitalization Areas	4

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

TITLE 5

BUSINESS REGULATIONS

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

Title 5 - Business Regulations
Chapter 1- Business Licenses Generally

SECTIONS:

5-1-1 License Required

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

5-1-3 Application for License

5-1-4 Issuance of License

5-1-5 Record of Licenses

5-1-6 Transferability; Changes In Location

5-1-7 License Suspension or Revocation

5-1-8 Hearing

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

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

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

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

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

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

5-1-7 License Suspension or Revocation.

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

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

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

SECTIONS:

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

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

ARTICLE B: PROHIBITED ACTS GENERALLY

- 5-2-6 Amateur Fighting and Boxing
- 5-2-7 Consumption in Public Places; Possession of Open Containers; Intoxication
- 5-2-8 Persons Under Legal Age
- 5-2-9 Persons Under the Legal Age in Licensed or Permitted Establishments
- 5-2-10 Dancing Permitted; License
- 5-2-11 Removal from Licensed or Permitted Premises Prohibited

ARTICLE C: PENALTIES

- 5-2-12 Penalties

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

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

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

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

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

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

(Code of Iowa, Sec. 123.30)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE B: PROHIBITED ACTS GENERALLY.

5-2-6 AMATEUR FIGHTING AND BOXING.

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

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

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

5-2-8 Persons Under Legal Age.

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

(Code of Iowa, Section 123.47)

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

A. Prohibitions.

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

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

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

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

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

NOTICE TO PERSONS UNDER THE LEGAL AGE □□

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

D. Penalties.

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

5-2-10 Dancing Permitted; License.

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

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

ARTICLE C: PENALTIES

5-2-12 Penalties.

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

(Code of Iowa, Section 123.50)

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

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

SECTIONS:

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

5-3-1 Definitions.

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

5-3-2 Permit Required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

5-4-1 Definitions

5-4-2 License Required

5-4-3 Duration of License

5-4-4 Fire Inspections

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

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

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

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

Title 5 – Business Regulations

Chapter 5 – Billiards; Bowling

SECTIONS:

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

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

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

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

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

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

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

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

SECTIONS:

5-6-1 Outdoor Commercial Entertainment Establishment Permit

5-6-2 Hours Restriction

5-6-3 Duration of License

5-6-4 Renewal Application

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

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

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

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

Title 5 Business Regulations Chapter 7-Bill Posting

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

5-8-1 Definitions

5-8-2 License Required; Circus

5-8-3 Circus License; Fee

5-8-4 License Required; Carnival

5-8-5 Carnival License; Fee

5-8-6 Right of Entry for Inspection

5-8-7 Public Property

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

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

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

(Code of Iowa, Section 88A.1)

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

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

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

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

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

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

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

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

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

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

Title 5 – Business Regulations

Chapter 9 – Pawnbrokers

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

5-10-6 Insurance Required.

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

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

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

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

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

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

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

5-10-12 Suspension or Revocation of License.

A. Grounds; Notice:

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

5-11-1 Purpose

5-11-2 Definitions

5-11-3 Signs

5-11-4 Residential Sales Regulations

5-11-5 Enforcement

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

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

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

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

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

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

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

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

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

SECTIONS:

5-12-1 Selling on City Property

5-12-2 Selling of Merchandise

5-12-3 Soliciting for Worthy Cause

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

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

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

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

SECTIONS:

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

5-13-1 Definitions.

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

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

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

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

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

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

5-13-4 Licenses for Massage Business.

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

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

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

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

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

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

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

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

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

5-13-6 Massage Technician License.

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

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

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

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

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

5-13-8 Health Standards.

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

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

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

5-13-9 Unlawful Acts.

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

5-15-1 Purpose

5-15-2 Scope

5-15-3 License Required

5-15-4 Screening

5-15-5 Collection Vehicles License

5-15-6 Disposal

5-15-7 Violation

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

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

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

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

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

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

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

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

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

Title 5 – Business Regulations
Chapter 16 - Ambulance Service License

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE 6

POLICE AND PUBLIC SAFETY

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

SECTIONS:

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.4)

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

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

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

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

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

(Code of Iowa, Sec. 321.266)

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

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

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

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

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

(Code of Iowa, Sec. 804.18)

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

SECTIONS:

I. General Provision

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

II. Licensing Requirements and Procedures

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

III. Enforcement and Administration

- 6-2-24 Generally
- 6-2-25 Testing of Equipment
- 6-2-26 False Fire Alarms
- 6-2-27 False Police Alarms
- 6-2-28 Change of Location
- 6-2-29 Regulation of Charges
- 6-2-30 Liability of the City Limited
- 6-2-31 Conflict of Interest Prohibited
- 6-2-32 Violations and Penalties

I. GENERAL PROVISIONS

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

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

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

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

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

6-2-3 Automatic Protection Devices.

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

6-2-4 Alarm System Restrictions.

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

II. LICENSING REQUIREMENTS AND PROCEDURES

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

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

6-2-7 Alarm System - Permit Required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-2-15 Notice of Decision.

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

6-2-16 Appeal Notice.

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

6-2-17 Appeal Procedure.

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

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

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

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

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

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

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

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

III. ENFORCEMENT AND ADMINISTRATION

6-2-24 Generally.

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

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

6-2-26 False Fire Alarms.

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

- B. Defective Equipment. If any false fire alarm occurs as a result of any defect of the fire alarm system or equipment, including the method of sounding or transmitting the alarm signal, or from any defect in the installation of the alarm equipment, including the method of sounding or transmitting the alarm signal, or the faults or neglect of the alarm system permittee or any of their employees, the report of the false fire alarm shall include a statement as to the action taken to remedy the false fire alarm cause.

- C. Interference with the Department. In addition to the foregoing remedy of suspension or revocation, when false fire alarms from any premises are so excessive as to interfere with the normal conduct of the business of the Fire Department, the Fire Chief may decline to respond to any alarms until the cause of such false fire alarms is corrected. The Fire Chief shall make reasonable effort to give prompt notice of such action to the owner or occupant of the protected premises.

6-2-27 False Police Alarms.

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

- B. Defective Equipment. If any false police alarm occurs as a result of any defect of the alarm equipment, including the method of sounding or transmitting the alarm signal, or from any defect in installation of the equipment, including the method of sounding or transmitting the alarm signal or the faults or neglect of the alarm system permittee or any of their employees, the report of the false alarm shall include a statement as to the action taken to remedy the false police alarm cause.

- C. Interference with the Department. In addition to the foregoing remedy of revocation or suspension, when false police alarms from any protected premises are interfering with the normal conduct of the business of the Police Department, the Chief may decline to respond to any alarms until the cause of such false alarms is corrected. The Chief shall make a reasonable effort to give prompt notice of such action to the owner or occupant of the protected premises.

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

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

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

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

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

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

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

SECTIONS:

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

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

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

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

(Code of Iowa, Sec. 727.2)

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

(Code of Iowa, Sec. 727.2)

- C. Bond/Insurance for Fireworks Display Required. The permittee shall furnish a bond or certificate of insurance in the amount set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.

- D. Exceptions. This Section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This Section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Section 727.2)

- E. Disposal of Unfired Fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

- F. Seizure of Fireworks. The Police or Fire Chief shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

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

(Code of Iowa, Section 712.7)

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

(Code of Iowa, Section 718.6)

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

(Code of Iowa, Section 712.8)

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

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

(Code of Iowa, Section 714.1)

6-3-8 Criminal Mischief.

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

(Code of Iowa, Section 716.1)

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

(Code of Iowa, Section 716.2)

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

(Code of Iowa, Section 716.1)

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

(Code of Iowa, Section 716.7 and 716.8)

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

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

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

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

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

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

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

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

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

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

6-3-11 Obstructing a Public Official.

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

(Code of Iowa, Section 719.1)

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

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

(Code of Iowa, Section 719.2)

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

(Code of Iowa, Section 718.4)

6-3-12 Drug Paraphernalia.

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

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

(Code of Iowa, Section 124.414[1])

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

(Code of Iowa, Section 124.414[2])

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

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

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

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

(Iowa Code, Section 723.4)

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

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

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

(Code of Iowa, Section 723.2)

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

(Code of Iowa, Section 723.3)

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

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

(Code of Iowa, Section 717B.9)

6-3-20 Weapons.

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

(Code of Iowa, Section 364.12[2])

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

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

Title 6 – Police and Public Safety
Chapter 4 – Graffiti

SECTIONS:

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

6-4-1 Definitions.

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

6-4-2 Graffiti Prohibited.

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

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

6-4-4 Implements of Graffiti – Restrictions.

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

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

Title 6 – Police and Public Safety
Chapter 5 – Minors

SECTIONS:

6-5-1 Curfew Definitions

6-5-2 Cigarettes and Tobacco

6-5-3 Contributing to Delinquency

6-5-1 CURFEW:

A. Definitions.

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

6-6-2. Definitions.

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

6-6-3. Parental Duties.

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

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

6-6-4. Parental Violation and Penalty.

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

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

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

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

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

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

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

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

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

SECTIONS

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

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

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

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

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

6-7-4. Procedure for Enforcement.

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

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

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

6-7-6. Service of Notice.

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

6-7-7. Administrative Appeal.

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

6-7-8. Conduct of Hearing.

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

6-7-9 Effect of Notice.

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

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

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

SECTIONS:

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

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

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

3. The following animals which shall be deemed to be dangerous animals per se:
 - a. Lions, tigers, jaguars, leopards, cougars, lynxes, cheetahs, and bobcats;
 - b. Wolves, coyotes, and foxes;
 - c. Badgers, wolverines, weasels, and skunks;
 - d. Raccoons;
 - e. Bears;
 - f. Monkeys and chimpanzees;
 - g. Alligators and crocodiles;
 - h. Scorpions;
 - i. Snakes that are venomous or constrictors;
 - j. Gila monsters; and
 - k. Any crossbreed of such animals which have similar characteristics to the animals specified above.

- G. "Altered" means a neutered male dog or cat which has been rendered sterile by a surgical procedure (orchietomy), or a spayed female dog or cat which has been rendered sterile by a surgical procedure (ovariohysterectomy).

- H. "Unaltered" means a dog or cat that has not been altered as defined in this Section.

- I. "Commercial Breeder" means an owner, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the owner. An owner who owns or harbors three or less breeding males or females is not a commercial breeder.

6-8-2 Vaccination and Identification Required.

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

- B. All licensed veterinarians shall monthly furnish to the City Department of Finance a list of those dogs and cats receiving rabies vaccinations or inoculations listing the name, address and telephone number of the owner securing the rabies vaccination or inoculation.

6-8-3 Registration and License.

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

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

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

6-8-5 Actions Constituting a Nuisance.

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

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

6-8-7 Impoundment, Notice, Disposition.

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

6-8-8 Animal Care.

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

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

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

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

(Code of Iowa, Sec. 351.38)

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

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

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

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

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

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

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

6-8-14 Penalties.

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

6-10-1 Purpose

6-10-2 Definitions

6-10-3 Prohibited Acts

6-10-4 Penalty

6-10-1 Purpose.

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

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

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

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

6-10-3 Prohibited Acts.

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

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

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

SECTIONS:

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

6-11-1 Definitions.

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

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

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

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

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

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

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

6-11-5 Motor Vehicle Maximum Sound Levels.

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

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

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

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

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

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

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

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

Vehicle Type	Sound level in dBA
Snowmobile	78
Motorcycle	78
Any Other Motorized Vehicle	78

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

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

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

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

TITLE 7
VEHICLES AND TRAFFIC

<u>SUBJECT</u>	<u>CHAPTER</u>
Administration and Enforcement of Traffic Code	1
Traffic Regulations in General	2
Controlled Access Facility	3
Traffic Control Devices	4
Automated Traffic Enforcement	5
Speed Limits	6
Stopping, Standing, Parking	7
Loading and Unloading Zones	8
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Traffic: Junk, Obsolete, Stored Vehicles	12
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TITLE 7 - VEHICLES AND TRAFFIC
CHAPTER 1 – ADMINISTRATION AND ENFORCEMENT OF TRAFFIC CODE

SECTIONS:

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

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

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

(Iowa Code, Section 306.3)

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

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

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

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

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

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

(Code of Iowa, Sec. 321.229)

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

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

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

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

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

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

7-1-8 Parking Violations: Contested.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

- A. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.
- B. Each driver in a funeral or other procession shall drive as near the right-hand edge of the roadway as practicable, shall follow the vehicle ahead as close as is practical and safe, and shall have the headlights turned on.

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

(Code of Iowa, Section 321.255)

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

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

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

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

(Code of Iowa, Section 321.236[4])

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

SECTIONS

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

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

7-5-2 Definitions.

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

7-5-3 Offense.

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

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

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

7-5-5 Penalty and Appeal.

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

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

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

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

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

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

SECTIONS

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

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

(Code of Iowa, Sec. 321.285)

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

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

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

(Code of Iowa, Sec. 321.290)

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

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

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

(Code of Iowa, Sec. 321.294)

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

SECTIONS:

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

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

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

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

(Code of Iowa, Section 321.358[1])

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

(Code of Iowa, Section 321.358[2])

- E. Within an intersection.

(Code of Iowa, Section 321.358[3])

- F. Within five feet of a fire hydrant.

(Code of Iowa, Section 321.358[4])

- G. On a crosswalk.

(Code of Iowa, Section 321.358[5])

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

(Code of Iowa, Section 321.358[6])

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

(Code of Iowa, Section 321.358[7])

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

(Code of Iowa, Section 321.358[8])

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

(Code of Iowa, Section 321.358[9])

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

(Code of Iowa, Section 321.358[10])

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

(Code of Iowa, Section 321.358[11])

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

(Code of Iowa, Section 321.358[12])

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

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

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

(Code of Iowa, Section 321.358[14])

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

(Code of Iowa, Section 321.358[15])

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

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

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

1. Exception: The exception to this prohibition of parking within the previously described portion of the City street right-of-way shall conform to the following process provided the request for utilizing this is made for and within the residential (R3, R4, R5, R6) zoning districts and only for the required parking when physical hardships prevent off-street parking. The applicant shall request to lease this portion of the City street right-of-way and provide or agree to the following:

- a. Provide the written consent of the property owners on either side of the property owner requesting the lease.
- b. Furnish the names and mailing addresses of all property owners between the intersecting streets where the lease is proposed.
- c. The City Council shall hold a public hearing on the proposed lease; property owners between the intersecting streets of the proposed lease will be notified by mail at least four (4) days prior to the scheduled public hearing.
- d. A City staff report shall address the lease and relate potential traffic hazards, hazards to pedestrians, access problems for fire equipment or rescue squads, location of under or above ground utilities, and other pertinent information.
- e. The City Council shall determine the maximum duration and annual rate for the granting of a lease. The lessee shall make annual payment and failure to pay within thirty (30) days of the due date shall constitute automatic cancellation of the lease.
- f. Lessees shall be responsible for the maintenance and repair of the area leased and shall pave with concrete, asphalt, or brick the parking area leased in accordance with design criteria approved by the City. Vehicles parked pursuant

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

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

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

(Code of Iowa, Section 321.359)

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

(Code of Iowa, Section 321.362)

7-7-7 Parking in Alleys.

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

(Code of Iowa, Section 321.236[1])

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

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

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

(Code of Iowa, Section 321.236[2])

7-7-10 Hazardous or Congested Places.

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

(Code of Iowa, Section 321.236[1])

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

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

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

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

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

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

SECTIONS:

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

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

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

7-8-3 Standing in Loading Zone.

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

7-9-7 Municipal Parking Facility Rates.

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

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

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

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

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

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

7-9-10 Administration.

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

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

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

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

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

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

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

SECTIONS:

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

7-10-1 Definitions.

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

(Code of Iowa, Section 321.471)

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

(Code of Iowa, Section 321.472)

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

(Code of Iowa, Section 321.473 & 475)

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

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

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

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

7-11-6 Truck Routes:

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

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Section 321.473)

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

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

(Code of Iowa, Sec. 321.473)

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

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

SECTIONS:

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

7-12-1 Definitions.

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

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

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

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

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

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

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

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

SECTIONS:

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

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

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

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

(Iowa Code, Section 321.90)

- D. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Title 7 - Vehicles and Traffic
Chapter 14 – Bicycles

SECTIONS:

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

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

(Code of Iowa, Section 321.236[10])

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

(Code of Iowa, Section 321.236[10])

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

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

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

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

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

(Code of Iowa, Section 321.236[10])

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

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

(Code of Iowa, Section 321.236[10])

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

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

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

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

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

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

TITLE 8
BUILDING REGULATIONS

<u>SUBJECT</u>	<u>CHAPTER</u>
Building Code	1
Demolition of Buildings	2
Electrical Code	3
Fuel Gas Code	4
Housing Code	5
Addressing	6
Mechanical Code	7
Moving Buildings	8
Plumbing Code	9
Residential Code	10

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

SECTIONS:

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

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

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

8-1-3 Building Permits.

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

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

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

8-1-5 (Reserved).

8-1-6 (Reserved).

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

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

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

SECTIONS:

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

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

8-2-2 Permit Application. Application for said permit shall be made by such owner, his agent, or his contractor to the Building Official, who shall issue such permit in accordance with this Chapter upon application and the payment as set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances. Such application shall state the location and describe the building to be demolished, the method of demolition, and the estimated cost of the demolition. If no new building is to be erected on the site thereof, the statement shall include a description of the condition in which it is intended to leave the site thereof. In addition, the applicant shall provide information necessary to ensure compliance with asbestos investigation and abatement, and proof of notification to the State of Iowa, as required.

8-2-3 Supervision of Work. Upon the issuance of the required permit, each building may be demolished, provided that all the work done thereunder shall be subject to the supervision of the Building Official.

8-2-4 Condition of Site. The site where any building has been left demolished shall be left in a clean, presentable, and safe condition with the cellar, if any, of the old building properly filled in and graded so as not to permit accumulation of surface water or discharge to the detriment of adjoining property. The sanitary sewer shall be cut off and plugged with concrete at the property line and all utilities shall be properly shut off at the main or in accordance with rules and regulations of the particular utility.

8-2-5 Requirements. Before any permit is issued granting authority to demolish a building or structure, the person engaged in the same or the owner of said building or structure shall file with the Community Development Department proof of public liability insurance naming the City as an additional insured and covering any personal injury or property damage which may arise out of said demolition work, with limits of liability limits as established in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances. The person engaged in the work of demolishing said building or structure and the owner of said building or structure shall also execute an indemnification agreement whereby they agree to indemnify and hold harmless the City against any loss, cost, damage, expense, judgment, or liability of any kind whatsoever which the City may suffer or which may occur against, be charged to, or recovered from the City or any of its employees by reason of or arising out of any such demolition operation.

8-2-6 Drawings for Certain Buildings. When requested by the Building Official, the owner or his agent shall submit a drawing indicating fences, barricades, aprons, canopies, lighting, and other safeguards to be used in connection with the wrecking program. These safeguards shall be approved by the Building Official before a permit is issued and the safeguards shall be erected in strict compliance therewith.

8-2-7 Aprons, Canopies, Streets, and Sidewalks. The wrecker owner, his agent or contractor, shall construct aprons, canopies, fences, barricades, and other safeguards in conformance with all Federal, State, and local standards, rules, and regulations. Streets and sidewalks shall not be blocked without the approval of the Building Official. All damage to public property as a result of the demolition must be repaired, including damage to sidewalks, curbs, streets, etc.

8-2-8 Time. Each and every requirement mentioned or described in this Chapter shall be performed by the owner, his agent or his contractor, within the time set by the Building Official, unless otherwise prescribed herein.

8-2-9 Adjacent Frontage Consents. If the written consent of and a waiver of claims for damage against the City by the owners of properties adjoining the site of the proposed demolition of any building is first obtained and filed with the Building Official, the permission to occupy the roadway and the sidewalk may be extended beyond the limits of such building front of the property for which the consent of the owner thereof has been secured upon the same terms and conditions as those fixed for the occupation of sidewalks and roadways in front of the building site.

8-2-10 Party Walls. Before a permit is issued for the wrecking of a structure that has one or more party walls in common with one or more buildings, there shall be delivered to the Building Official a certificate by a licensed architect or a licensed structural engineer to the effect that the adjoining premises do not require anchorage, or, if such certificate indicates that anchorage is necessary, the certificate shall be accompanied by a drawing signed and sealed by such architect or engineer and subject to the approval of the Building Official indicating adequate anchorage of floor and roof joists at not greater than ten foot (10') intervals for each and every floor and roof resting on such party wall, and the adjoining premises shall be anchored in compliance with such drawing. Owners of adjoining premises shall be notified of said anchorage, as shown on such drawing.

8-2-11 Night Work. It shall be unlawful for any person to conduct the demolition of any building between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., unless otherwise approved in writing by the City of Muscatine

8-2-12 Exemption. The provisions of this Ordinance shall not apply to the demolition of garages, out-buildings, or other accessory structures of a similar nature.

8-2-13 Burning. It is unlawful to demolish by burning without approval of the Fire chief and in accordance with all applicable State and Local rules and policies.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 3 – ELECTRICAL CODE**

SECTIONS:

- 8-3-1 Adoption of Code
- 8-3-2 Supplemental Electrical Regulations
- 8-3-3 Plans and Specifications
- 8-3-4 Permits
- 8-3-5 Inspections
- 8-3-6 Turning Off Electric Current
- 8-3-7 Connection to Power Source

8-3-1 Adoption of Code. The most recent edition of the National Electric Code, as amended and published by the National Fire Protection Association, is hereby adopted as the Electrical Code for the City of Muscatine, Iowa, insofar as they do not conflict with the regulations set out in this Chapter, which shall supersede. The current edition of the National Electrical Code is made a part hereof as if fully set out in this Ordinance.

8-3-2 Supplemental Electrical Regulations. The purpose of this Section is to provide for additional electrical rules and regulations which are intended to supplement the provisions of the current edition of the National Electrical Code adopted by the City Council. The supplemental rules and regulations take precedence over any provisions of the National Electrical Code which may be in conflict therewith as provided in Section 8-3-1.

- A. Distribution Centers - Divisions of Load. In laying out an electrical installation, except for a constant current system, every reasonable effort shall be made to secure distribution centers located in easily accessible places at which points, cutouts, and switches controlling various branch circuits shall be grouped for convenience and safety of operations. The electrical load shall be divided as evenly as possible between branch circuits and all complicated and unnecessary wiring shall be avoided.
- B. Transformers-Meters. Transformers and meters shall comply with the following regulations:
 - 1. All power or heavy lighting services over two hundred amperes, single-phase and two hundred amperes, three-phase, shall be metered by a potential and current transformer or current transformers.
 - 2. Metering transformers shall be enclosed in an approved metal box enclosure or cabinet with a door locked or sealed by the utility company or mounted in the mast drip loop at the utility's discretion.
 - 3. Meter loops shall not be opened or closed by anyone without the permission of an authorized representative of the utility company.
 - 4. A meter board and/or distribution panel board of the size and type approved by the Code Inspector shall be installed in a proper and convenient place designated by the utility company to receive the various types of meters used by the utility company and distribution panels used by the customer.

5. Where two or more meters are to be placed on one building for different electric customers, they shall be grouped at a common place on the exterior portion of the building. All multiple metering points shall be marked on the cover's exterior as well as the interior meter base which identifies the building address and respective apartment identifier with a permanent, wide tip, non-soluble black ink.
 6. Meters shall be placed on solid walls free from vibration and in a convenient and accessible place for reading as specified by the utility company. They shall be placed not over six foot six inches or less than four feet from the finish grade with a minimum of three feet clear space in all directions of the meter.
- C. Service Entrance Wiring and Requirements. All service entrance wiring and requirements shall comply with the following regulations unless elsewhere allowed in the adopted National Electrical Code and utility company, or a variation thereof is approved by the Code Inspector due to the type of building occupancy or electrical service requirements:
1. Only one service shall be permitted for any one building or structure, except as elsewhere allowed in the adopted National Electrical Code.
 2. A minimum of a three-wire, 100 ampere electric service shall be required for any existing building or structure requiring electrical service, except as allowed by the utility company. The service locations shall be designated by the utility company.
 3. Newly constructed and existing single residential dwellings receiving new electric service following the passage of this Chapter shall conform to the following requirements:
 - a. They shall be provided with a minimum of a 200 ampere service.
Exception: Each newly constructed multifamily and existing multifamily residential unit(s) containing less than 1,000 square feet of habitable area shall be provided with a minimum of a 100 ampere service per the National Electric Code.
 - b. Mast type services shall be installed utilizing not less than 2" (inch) galvanized rigid conduit and shall require a guy brace if the mast extends more than four 4' (feet) above the adjacent roof.
 - c. Service from an underground system shall enter the structure above grade on the exterior portion of the building and shall be sealed with a proper compound to prevent the entrance of water.
 - d. Service panel switches shall not be installed over sinks, stationary tubs, stoves, or near any plumbing appliances where the person operating same could come in contact with a grounding device.
 - e. In no case shall more than twelve feet (12') of service wires be allowed on the inside of any building, or structure without a disconnect being present.
 - f. Service of 200 amperes or less shall have a sequence of meter, main fused disconnect switch or breaker, circuit fuses or breakers when the number of disconnects is six (6) or less. Emergency systems may be connected to line side of the main switch or breaker as provided by the National Electrical Code. If the number of disconnects is greater than six (6) the main must be ahead of the meters.

- g. Where the electrical service entrance or electric panel is relocated more than three feet on existing work, the provision of this Section shall apply as if said relocation was new work. Extensions shall not be allowed on work where wiring is not in conformance with the adopted National Electrical Code. Old work shall be brought up to the standards set by the National Electrical Code and by this Chapter.

D. Armored Construction. Armored construction shall include iron conduit, metallic tubing and metal molding work, and shall comply with the following requirements:

1. Riser or switch legs may be run to cellars or basements in romex with full size ground or conduit.
2. Metal moldings, when run in cellars or basements, shall be securely fastened to walls so as to prevent any movement.
3. Receptacles installed on first floors of buildings or structures that are connected from basements or cellars below, where said basements or cellars have armored construction, shall be run in complete armored material. This provision shall not apply to existing buildings or structures where cellars or basements contain unarmored construction.
4. The use of BX cable is prohibited.
5. All conduits exposed to moisture shall be made moisture proof in conformance with accepted methods and safe workmanlike practices.

E. Unarmored Construction. Romex wiring shall be considered unarmored construction, and may be used in places where armored construction is not required. All romex where used shall be of the full grounded type.

F. Conduit Wiring. All buildings or structures within C-2 Downtown Commercial Zoning District and all hotels, motels, public, semipublic and private schools, churches, hospitals, sanitariums, institutions for the care of children or elderly persons, semipublic and private clubs, theatres, dance and amusement halls, gasoline service stations, commercial garages, storage garages where three or more vehicles are stored, and all public buildings and places of assembly shall be wired in approved metal conduit. This provision shall not apply to such buildings or structures that contain existing wiring unless said wiring is found to be in a hazardous or dangerous condition to life or property, and shall be ordered removed, changed or condemned by the Code Inspector.

Exception. New multi-family dwellings of no more than two floors with City and State approved construction, and with City and State U.L. approved smoke and fire alarm systems, may be wired in nonmetallic cable. All wiring installed in basements, garages, and storage areas, shall be in metal raceways. Breaker panels shall be located in each apartment. Main service and service to each apartment containing less than one thousand (1,000) square feet shall be in conduit and sized no less than 100 amperes to each unit. Disconnecting means shall be located at the main service location with meter.

- G. Workmanship. In all electrical wiring work and installation of electrical apparatus and equipment, special care and attention shall be given to the mechanical execution of the work. Care shall be given to assure the neat and orderly running, connecting, and taping of conductors, securing and attaching related fittings.

8-3-3 Plans and Specifications. Whenever it shall be deemed necessary by the Inspector, plans and specifications shall be required and shall show, in sufficient detail, that all electrical work to be done which requires an Electrical Permit conforms to the adopted Code of the City. Plans and specifications may not have to be submitted where minor work is proposed and/or the contractor agrees to comply with all the provisions of this Chapter.

8-3-4 Permits. Before an Electrical Permit is issued as required, the Inspector shall charge the owner of the property or his contractor the required fee which shall be established by resolution of the City Council and is set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances. No electrical work will commence without the party performing the electrical work first insuring that the required permit has been issued by the City. Failure to comply with this provision shall result in the fee being doubled and subjects the violator to the issuance of a municipal infraction, at the discretion of the Building Official.

Exception. Minor repair work and installations may not require issuance of an Electrical Permit when, in the opinion of the Inspector and with the approval of the Building Official, such work or installation does not require significant changes, alteration and/or repair.

8-3-5 Inspections. The Inspector must be notified when work is ready to be inspected by the licensed electrician or homeowner (when wiring his/her own home) doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved by the City. No request shall be made for an inspection until the work is entirely ready for inspection or unless the Inspector makes arrangements to the contrary. In case of violation of any of the provisions contained herein, the permit may be revoked by the City and upon notice of revocation, all work under the permit shall cease. The Inspector shall examine all work required to be inspected within eight (8) working hours of notice that the work is ready for inspection. Any materials found to be defective, improperly installed or not meeting the minimum requirements of the Code shall be removed, replaced and/or altered to fully comply with all the provisions of this Chapter. When all work is completed under the Electrical Permit and is found to be in compliance with the Code, the Inspector shall give his or her approval.

- A. Emergency Repair. Emergency repair may be performed by an electrical license holder, but must be reported to the City Community Development Department within eight (8) working hours of the repair.
- B. Heating and Air Conditioning Installations. Electrical installation of all heating, air conditioning equipment and electric water heaters shall be performed by an electrical license holder or the homeowner and comply with this Code.

8-3-6 Turning Off Electric Current.

- A. The Code Inspector shall have full power and authority to cut off or cause to have cut off the electric current from any new installation, alteration or extension of existing systems, existing installation found to be hazardous, or any equipment, in or on any building, structure or premises which:
1. Does not comply with applicable city codes pertaining to electrical work for which a permit has been issued, or

2. In the opinion of the Inspector an unsafe or hazardous condition exists, or that danger to persons or property is possible; or
 3. The electrical current would interfere with or hinder the necessary work of the fire or law enforcement officials.
- B. Where the current is cut off or ordered cut off under the provisions of this Section, such current shall not be turned on again without the authorization of the Code Inspector. Any person engaged in furnishing electricity, shall cut off the current from any consumer, building, structure, or premises when so ordered by the Code Inspector for reasons indicated in this Section.

8-3-7 Connection to Power Source. No electrical connection to the power source shall be made, or any electric meter set until the same has been approved by the Code Inspector or representative of the utility company.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 4 – FUEL GAS CODE**

SECTIONS:

8-4-1 Fuel Gas Code

8-4-2 Enforcement

8-4-1 Fuel Gas Code. Except as hereinafter added to, deleted, modified or amended, the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA), is hereby adopted by reference as the Fuel Gas Code for the City of Muscatine and is made a part hereof as if fully set out in this Ordinance. An official copy of said code is in the office of the City Clerk.

8-4-2 Enforcement. The duly franchised agency (the Gas Division of the Interstate Power and Light Company) shall work together with the City, and the City in turn will cooperate with the person, firm, or corporation to disconnect or to order disconnection and plug or cap any gas piping, appliance, or accessory which does not conform to the requirements of the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA) and the American Gas Association, or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory, or gas piping which shall state that it has been disconnected and the reason therefore, and such notice shall not be removed nor shall the appliance, accessory, or gas piping be reconnected until it shall have been made to conform with the requirements of the Code of Standards.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 5 – HOUSING CODE**

SECTIONS:

- 8-5-1 Title, Scope, and Enforcement
- 8-5-2 Definitions
- 8-5-3 Permits and Inspection
- 8-5-4 Registration and Inspections of Rental Properties
- 8-5-5 Minimum Structural Standards for All Dwellings
- 8-5-6 Minimum Structural Standards for All Rental Housing
- 8-5-7 Owners Responsibilities
- 8-5-8 Occupants Responsibilities
- 8-5-9 Substandard Buildings
- 8-5-10 Notices and Orders of Building Official
- 8-5-11 Appeals
- 8-5-12 Procedures for Conduct of Hearing Appeals
- 8-5-13 Enforcement of Orders from Building Official or Board of Appeals
- 8-5-14 Performance of Demolition and Cost Recovery

8-5-1 Title Scope and Enforcement.

- A. Title. These regulations shall be known as the "Muscatine Housing Code", hereinafter referred to as "The Housing Code".
- B. Housing Code Adopted. There is hereby adopted by the City of Muscatine, Iowa, for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction, the "Housing Quality Standards" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), the latest version being dated April 1, 1993, save and except such portions as are hereinafter deleted, modified or amended. The "*Housing Quality Standards*" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), is incorporated herein as though fully set out at length herein.

(Code of Iowa, Section 364.17[1][e] & 364.17[7])

- C. Scope. The provisions of this Housing Code shall apply to all buildings or portions thereof which are used or intended to be used for human occupancy. Additionally, all accessory buildings or structures are hereby subject to all applicable sections regarding health, safety, and maintenance thereof.
- D. Enforcement.
 - 1. Authority. The Building Official, or his or her designated representative, is hereby authorized and directed to enforce all of the provisions of this Code. For such purposes, he or she shall have the powers of a law enforcement officer.
 - 2. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official, or his or her authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official, or his or her

authorized representative, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises be occupied, he or she shall first present proper credentials and request entry; and if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official, or his or her authorized representative, shall have recourse to every remedy provided by law to secure entry.

When the Building Official, or his or her authorized representative, shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official, or his or her authorized representative, for the purpose of inspection and examination pursuant to this Code.

8-5-2 Definitions. For the purpose of this Housing Code, certain terms, phrases, words, and their derivatives shall be construed as specified in this Chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Whenever the words "dwelling", "dwelling unit", "rooming house", or "premises" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

- A. "Acceptable" or "approved" shall mean in substantial compliance with the provisions of the Housing Code, or the intent of the Code as approved by the Building Official or his/her designated representative.
- B. "Accessory structure" shall mean a structure which is not used, nor intended to be used, for living or sleeping by human occupants.
- C. "Appurtenance" shall mean that which is directly or indirectly connected or an accessory to some other structure.
- D. "Basement" shall mean a story having at least 1/2 of its height below grade.
- E. "Bath" shall mean a bathtub or shower stall connected with both hot and cold water lines.
- F. "Cellar" shall mean a space having its principal height below the first or main floor which is used, or intended to be used, for storage, location for heating equipment, etc., and shall not be considered habitable space.
- G. "Certificate of Structural Compliance" shall mean a document showing that the structure for which it is issued was in compliance with the City of Muscatine Housing Code at the time of issuance.
- H. "Communal" shall mean used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.

- I. "Condominium" shall mean a dwelling unit which is in compliance with the requirements of 499B of the Code of Iowa, as amended.
- J. "Cooperative" shall mean a dwelling unit which is in compliance with the requirements of 499A of the Code of Iowa, as amended.
- K. "Court" shall mean an open unoccupied space which is more than 50% enclosed by buildings.
- L. "Dining room" shall mean a habitable room used, or intended to be used, for the purpose of eating, but not for cooking or the preparation of meals.
- M. "Dwelling" shall mean any building or structure which is wholly or partly used, or intended to be used, for living or sleeping by human occupants and includes any appurtenances attached thereto.
- N. "Dwelling unit" shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used, for living, sleeping, cooking, and eating of meals.
- O. "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Inspector.
- P. "Filth" shall mean excrement, either animal or human, or any material connected therewith.
- Q. "Garbage" shall mean animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food and shall also mean combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, and other combustible materials.
- R. "Habitable room" shall mean a room, or enclosed space, having a minimum of seventy (70) square feet of total floor area within a dwelling unit or rooming unit used, or intended to be used, for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, corridors, closets, storage spaces, and stairways.
- S. "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests in such quantities as would be considered unsanitary.
- T. "Inspector" shall mean the official or officials of the City of Muscatine delegated the responsibility to administer the provisions of the Housing Code, together with his or her duly authorized representative(s) and/or agent(s).
- U. "Kitchen" shall mean a habitable room used, or intended to be used, for cooking or the preparation of meals.
- V. "Kitchenette" shall mean a food preparation area of not less than forty (40) square feet.

- W. "Lavatory" shall mean a hand washing basin which is connected to both hot and cold water lines and which is separate and distinct from a kitchen sink.
- X. "Multiple dwelling" shall mean any dwelling containing three (3) or more dwelling units.
- Y. "Nuisance" shall mean any item or items as defined in Title 9, Chapter 3, of the City Code.
- Z. "Occupant" shall mean any person, including the owner or operator, living in, sleeping in, and/or cooking in, or having actual physical possession of a dwelling unit or a rooming unit.
- AA. "Operator" shall mean any person who rents to another or who has custody or control of a building, or parts thereof, in which dwelling units or rooming units are let and who has custody and control of the premises.
- BB. "Owner" shall mean any person who has control of any dwelling, dwelling unit, or rooming unit by virtue of a contractual interest in or legal or equitable title to said dwelling, dwelling unit, or rooming unit. An owner who has sold the premises on a legally recorded contract but retains legal title shall not be deemed an owner hereunder.
- CC. "Person" shall mean any individual, firm, corporation, association, partnership, trust, or estate.
- DD. "Plumbing" shall mean and include any or all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, showers, water heating devices, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas services.
- EE. "Premises" shall mean a lot, plot, or parcel of land including all building(s) thereon.
- FF. "Refuse" shall mean waste materials (except human waste) including garbage, rubbish, ashes, and dead animals.
- GG. "Rental Property (Residential Rental Property) or Rental Unit (Residential Rental Unit)" shall mean a structure containing one or more dwelling units, rooming units, or sleeping units, or any structure or part of a structure used as a home, residence, or sleeping unit by a single person, household unit, or any person(s) other than the legal owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange. The term Rental Unit or Residential Rental Unit may refer to a unit within a rental property, as context requires.
- HH. "Rental Property Registration" shall mean registration with the City of Muscatine of a structure containing one or more rental units subject to regulation under this Chapter.
- II. "Rental Unit Registration" shall mean registration of any given dwelling unit within a duly registered rental property.

- JJ. "Roomer." shall mean an occupant of a rooming house or rooming unit and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling.
- KK. "Rooming unit" shall mean any habitable room, or group of adjoining habitable rooms, located within a dwelling and forming a single unit with facilities which are used, or intended to be used, primarily for living and sleeping and contain no cooking equipment except that a properly connected and safely operated microwave shall be permitted. A rooming unit shall have a bath and toilet facilities available for exclusive use by the occupant(s) or for communal use in accordance with Sections 8-5-6(E)1 and 8-5-6(E)2.
- LL. "Rubbish" shall mean inorganic waste material consisting of primarily noncombustible materials.
- MM. "Supplied" shall mean paid for, furnished by, provided by, or under the control of the owner or operator.

8-5-3 Permits and Inspection.

- A. General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure regulated by this Code without first obtaining a separate permit for each building or structure from the Building Official in the manner and according to the City Code for Muscatine, Iowa.
- B. Fees. Whenever a building permit is required by Section 8-5-3(A) of this Code, the appropriate fees shall be paid to the Building Official at the rate(s) established by the City Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D(1) to this Code of Ordinances.
- C. Inspection. All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by the City Code for the City of Muscatine.

8-5-4 Registration and Inspections of Rental Properties.

- A. Rental Property or Rental Unit Registration
1. Registration Required; Notification of Changes. No person shall lease, rent, or let for occupancy, a residential rental unit in the City of Muscatine, Iowa, without first obtaining from the Building Official proper Rental Property or Rental Unit Registration, as the case may be. Rental Property or Rental Unit Registration shall not be transferred from one owner to another. Each owner of residential rental property shall register the same with the Building Official within 30 days of transfer of title or possession of such property. It shall be the responsibility of the owner to inform the Building Official of any change in address for purposes of conducting business and communicating with the Building Official.

All residential rental properties or units rooms being let for rent and/or occupancy without a valid Rental Registration with the City and fees paid may be ordered vacated and/or the owner shall be subject to a fine and/or municipal infraction, the amount of which shall be established by resolution of the city council and set out in Appendix D of this Code of Ordinances.

2. Application Requirements.

- a. Application for Rental Property or Rental Unit Registration required by this Code shall be made to the Building Official in such form and detail as prescribed by the Building Official.
- b. When registering a property for which the Certificate of Code Compliance has not expired, the property owner shall include a signed Certificate of Self Inspection that states the property owner has inspected the rental property and he or she has determined that property to be in compliance with the Housing Code. Such Certificate of Self Inspection shall also include an itemized list of what items were inspected so as to form the basis of the owner's representation that the property is in compliance with the Housing Code.
- c. Rental Property or Rental Unit Registration fees shall be as set forth by resolution of the City Council and as set out in Appendix D to this Code of Ordinances and payment thereof shall accompany an application for Rental Unit Registration.

3. Rental Unit Registration to Issue. When the owner has properly completed an application for registration of a rental unit, completed all requirements as provided herein and complied with all applicable codes, then Rental Unit Registration shall be issued. Such Registration does not indicate that a dwelling, dwelling unit, rooming unit, or sleeping unit meets the requirements of this Code.

4. Annual Registration. Rental Unit Registration shall be valid for one year after the date of issuance. Registration may not be renewed unless all required fees have been paid in full for all rental unit(s) of which the applicant is an owner.

5. Change of Registration Information upon Transfer of Title. The owner of any rental property or unit shall notify the Building Official within thirty (30) days of any change in the information required for Rental Property or Rental Unit Registration. If a rental property or unit is sold, assigned, or otherwise transferred, the rental property/unit must be re-registered within thirty (30) days of the transfer. The new owner shall notify the Building Official of any change in contact information for their designated local representative, including a change in name, address, e-mail address, telephone number, mobile telephone number, or facsimile number of the designated local representative within thirty (30) business days of the change.

B. Revocation of Rental Unit Registration. The Building Official may revoke or deny renewal of any Rental Unit Registration issued under this Subchapter where any of the following applies:

1. False statements on any application or information or report required by this Subchapter to be given by the applicant, registrant, or permit holder;

2. Conviction or judgment of the licensee for violation of any provision of this Housing Code;
3. Refusal by the owner to permit inspection by authorized personnel of the rental property or unit;
4. Failure to pay any application, penalty, re-inspection, or reinstatement fee required by this Chapter as set out in Appendix D of this Code of Ordinances;
5. Failure to comply with the provisions of an approved mitigation/remediation plan by the Building Official;
6. Failure to comply with the provisions of the Title VIII of the Fair Housing Act of 1968 (as amended);
7. Declaration of status as a Dangerous or Unsafe Building or Structure pursuant to 9-3-3(R) of this Code of Ordinances;
8. Declaration of Status as dangerous or substandard building as defined by Section 8-5-9 of this Chapter; and
9. Frequent and recurrent noncompliance with the provisions of this Chapter.

The owner or agent of the affected property shall be notified in writing by certified mail of the registration revocation or denial.

C. Inspection of Rental Property

1. Initial Inspection Required. An initial inspection is an inspection of rental properties or rental units that have not previously received a Certificate of Code Compliance. The initial inspection shall be scheduled with the Building Official or his or her designee following receipt of Rental Registration and is required before any rental property or unit thereof may be occupied.
2. Regular Rental Inspection. Regular rental inspections of rental property, rental units, and the common areas thereof, shall be inspected in accordance with a program of regular rental inspections conducted not more frequently than yearly nor less frequently than every five (5) years for a Certificate of Code Compliance.
3. Other Rental Inspection. Rental units may be inspected on a more frequent basis to ensure compliance with this code based upon one (1) or more of the following:
 - a. Information is received indicating that there is a violation of provisions of this Code, or any state or federal regulations;
 - b. An observation is made by a Building Official, or police officer, or fire Building Official, or any other Government official of a possible violation of the standards or the provisions of this code or any state or federal laws;
 - c. Information is received indicating that a rental unit is unoccupied and unsecured or that a rental unit is damaged by fire, water, or other causes detrimental to the structure;
 - d. A determination must be made whether there is compliance with a notice or an order issued by a Building Official;
 - e. A public health safety or welfare emergency is observed or is reasonably believed to exist;

- f. A tenant makes a request for an inspection. If a non-emergency inspection is requested by a tenant, then the City of Muscatine shall give a written notice to the owner. Fourteen (14) days after the written notification to the owner, an inspection may be conducted by the Building Official;
- g. A dwelling unit is to be demolished by the City of Muscatine, Iowa or the ownership is to be transferred to the City of Muscatine, Iowa;
- h. A property is declared a Dangerous or Unsafe Building or Structure pursuant to Section 9-3-3(R) of this Code of Ordinances; and
- i. A property is declared a Substandard Building pursuant to Section 8-5-9 of this Chapter.

D. Certificate of Code Compliance

1. Certificate of Code Compliance Required. It shall be a violation of this Code for any person to let to another for rent and/or occupancy any dwelling, dwelling unit, rooming unit, or sleeping unit in the City of Muscatine, Iowa unless the owner holds a valid rental Certificate of Code Compliance and a current Rental Property or Unit Registration.

The Building Official may grant owners of rental properties or rental units that have been inspected provisional approval to let for rent or occupancy their rental property or unit, while formal issuance of Certificate of Code Compliance is pending, provided that all requirements for issuance of the certificate at 8-5-4(D)(2) are satisfied.

Unless a rental unit is re-inspected, the Certificate of Code Compliance shall be valid for a period of three (3) years from the initial regular rental inspection (shown as the Issue Date on the Certificate of Code Compliance). A Certificate of Code Compliance shall be transferable from one owner to another for the address for which it is applicable. A Certificate of Code Compliance shall in no way signify or imply that the premises for which it is issued is in conformance or compliance with all portions of the Municipal Code of Muscatine, or the laws of Muscatine County or the State of Iowa. The City of Muscatine shall maintain no liability in regard to the Certificate of Code Compliance.

2. Requirements for Issuance. The City shall issue a Certificate of Code Compliance for any rental unit upon request by the owner providing that the rental unit meets the following requirements:
 - a. Rental Unit Registration for the rental unit in question is on file with the Building Official; and
 - b. The Building Official determines all provisions of this Chapter have been complied with by the owner; and
 - c. All fees required by the Muscatine City Council have been paid in full; and
 - d. The Certificate of Code Compliance, if withdrawn, shall be restored only upon a re-inspection showing compliance with this code and any additional fees are paid in full.
3. Revocation. If, at the discretion of the Building Official, an emergency exists which threatens the immediate health, safety or general welfare of the occupant or general public, the Building Official may immediately issue an order revoking the Certificate of Code Compliance. Upon issuance of the order, the occupant of the unit shall immediately vacate the premises until the rental certificate is reinstated. A Certificate of Code Compliance may be revoked for a given unit without effect on the other units for which the Certificate was issued.

4. Reinstatement. The Building Official will reinstate a revoked Certificate of Code Compliance only after a regular inspection has been completed, fees have been paid in full, and the rental property/unit has been brought into compliance with the applicable standards of this Code. Reinstatement of the Certificate of Code Compliance shall not extend or change the next inspection date of the Certificate of Code Compliance.
- E. Fee Schedule. Fees shall be charged for services rendered in relation to this Section. These services include but are not limited to the following: registration, inspections, failure to appear for any scheduled inspections, and late cancellations. The amounts shall be established by resolution of the City Council and are set out in Appendix D of this Code of Ordinances. As a nuisance abatement remedial measure, the fee schedule shall include any unpaid nuisance abatement fees or costs that have been incurred by the City of Muscatine and a per tax parcel per response surcharge for police and fire department responses, excluding emergency medical responses, in an amount equal to the approximate cost of the response, plus a processing fee, for all responses above the nuisance threshold set forth immediately below within a calendar year.

The nuisance threshold is exceeded if the number of responses is greater than three (3) times the number of units on the tax parcel. In the case of police responses, the number shall be based upon founded calls. Within ten (10) days of the date of a surcharge invoice, the owner may request the Community Development Department review the call log to verify the number of responses and provide the owner with the dates and nature of the responses included in the bill.

8-5-5 Minimum Structural Standards for All Dwellings.

- A. Kitchens. Every dwelling unit shall have a kitchen or kitchenette equipped with the following:
 1. An approved kitchen sink.
 2. Space capable of properly accommodating a refrigerator and a stove or range.
 3. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range.
 4. Adequate space for the storage and preparation of food.
- B. Sanitation. Every kitchen sink, toilet, lavatory basin, and bath shall be properly connected to an approved water and sewer system as provided for in the City of Muscatine City Code. Additionally, sanitary facilities shall include the following:
 1. Every dwelling unit shall contain a toilet.
 2. Every dwelling unit shall contain a bath or shower compartment.
 3. Every dwelling unit shall contain a lavatory basin.
 4. Every toilet and bath shall be contained within a room which will afford privacy to the user and shall be separated from a food preparation area by a tight fitting door.

C. Required Water Heating Facilities. Every kitchen sink and bath and lavatory basin required in accordance with the provisions of this Housing Code shall be properly connected with supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn on every kitchen sink and lavatory basin required at a temperature of not less than one hundred twenty (120) degrees Fahrenheit (forty-eight (48) degrees Centigrade). Such supplied water heating facilities shall be capable of meeting the requirements of this Section, regardless of space heating facilities which are not in operation.

D. Exits.

1. Every dwelling unit and rooming unit shall have access to two (2) independent, unobstructed means of egress remote from each other. At least one shall be an exit which discharges directly to corridors or stairways or both to a public way. If both means of egress are to a common corridor, they shall be in opposite directions or in compliance with local building and/or fire codes.
2. Every means of egress shall comply with the following requirements:
 - a. Handrails. All stairways comprised of four (4) or more risers shall be provided with a substantial and safely constructed handrail.
 - b. Guardrails. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies, or porches which are more than thirty inches (30") above grade and any roof used for other than maintenance purposes shall be protected by a substantial and safely constructed guardrail.
 - c. Every stairway shall have a reasonably uniform riser height and uniform tread width which shall be adequate for safe use.
 - d. Doors and windows accessible from outside the unit shall be lockable from inside the unit.
 - e. In basement units where one means of egress is a window, such window shall have an unobstructed opening no less in area than that required in the Building Code.
 - f. No existing fire escape shall be deemed a sufficient means of egress unless it is in compliance with the fire codes of the State of Iowa and any applicable City rule or regulation.
 - g. Every doorway providing ingress or egress from any dwelling unit, rooming unit, or habitable room shall be at least six feet, four inches (6' 4") high and twenty-four inches (24") wide.

E. Natural Artificial Light. Every habitable room shall be provided with adequate natural and/or artificial light to permit normal indoor activities and to support the health and safety of the occupants.

F. Ventilation.

1. Every dwelling unit shall be provided with natural ventilation as follows:
 - a. Every window or other device with openings to the outdoor space which are capable of being used for ventilation purposes and currently contain screens shall be maintained in a good state of repair.
 - b. Every door opening directly from a dwelling unit or rooming unit to the outdoor space shall fit reasonably tight within its frame and shall be maintained in a good state of repair.
 - c. For natural ventilation, every bathroom or toilet compartment shall have at

least one openable window facing directly to the outdoors.

2. Every dwelling unit shall be equipped with mechanical ventilation as follows:
 - a. In lieu of openable windows for natural ventilation, as specified in Section 8-5-5(F)1(c), adequate ventilation which provides not less than two (2) air changes per hour in all bathrooms or toilet compartments.
 - b. No mechanical exhaust system, exhausting vapors, gases, or odors shall be discharged into an attic, crawl space, or cellar unless such attic, crawl space, or cellar is adequately vented to the outside.

G. Heating. Heating shall be provided as follows:

1. Every dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit (nineteen (19) degrees Centigrade) at a distance of three feet (3') above the floor level. Said heating facilities shall be so designed and equipped that heat, as herein specified, is available for all dwelling units and rooming units between the hours of 6:30 A.M. and 10:30 P.M., of each day, and shall maintain a temperature of not less than sixty (60) degrees Fahrenheit from 10:30 P.M. to 6:30 a.m. of each day.
2. Every central heating unit, space heater, water heater, and cooking appliance shall be located and installed in such a manner so as to afford reasonable protection against interference of egress facilities or egress routes in the event of uncontrolled fire in the structure.
3. Every fuel-burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney duct and vent shall be of such design as to assure proper draft and shall be adequately supported.
4. No fuel-burning furnace or water heater shall be located within any sleeping room or bathroom unless there is adequate combustion air, an automatic shutoff is provided, and the continuing operation of the furnace and/or water heater poses no threat to the occupant, as determined by the Inspector.
5. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate pressure and temperature limit controls.
6. Every fuel-burning space heating unit and water heater shall be equipped with an electronic ignition or with a pilot light and an automatic control to interrupt the flow of fuel to the unit in the event of failure of the ignition device.

H. Electrical Requirements. Extension cords shall not be used or considered as permanent wiring intended to meet the requirements contained in this section.

1. Every habitable room shall contain at least two (2) separate floor or wall-type electric double convenience outlets which shall be properly installed, on adjacent walls or otherwise separated for reasonable access from all spaces within the room.

2. Every toilet room, bathroom, laundry room, furnace room, basement, and cellar shall contain at least one supplied ceiling or wall-type electric light fixture, and one floor or wall-type electrical outlet which shall be properly installed.
- I. Minimum Space and Occupancy Standards. Minimum space and occupancy standards shall be the minimum requirements established in the Housing Quality Standards as adopted, and amended by the United States Department of Housing and Urban Development.
- J. Ceiling Height. The ceiling height in every habitable room shall be at least six feet, eight inches (6' 8"). In addition, obstructions of space by such items as water and gas pipes, cabinetry, etc. shall be permitted when such obstructions are located in such a fashion that they do not interfere with normal or emergency ingress and egress and are approved by the Inspector.

8-5-6 Minimum Structural Standards for All Rental Housing.

- A. Access. Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit.

Exception: Access to rooming units may be through a living room or kitchen of a unit occupied by the owner or operator of the structure.

No dwelling, dwelling unit, or rooming unit containing two (2) or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room.

Exception: Access may be provided through not more than one room which is restricted for use as a sleeping room for children under five (5) years of age. However, all other occupancy minimums shall apply.

- B. Lighting in Public Halls and Stairways. Lighting shall be provided as follows:
 1. Public passageways and stairways in dwellings accommodating three (3) or more dwelling units or rooming units shall be provided with a convenient wall mounted light switch(es) which activates an adequate lighting system.
 2. Exterior stairways serving individual units shall be supplied with sufficient illumination to allow their safe use.
- C. Fire Regulations. All rental housing shall be provided with fire protection equipment as follows:
 1. All structures containing three (3) or more dwelling units or rooming units shall be provided with a sufficient number of fire extinguishers which are approved by the Fire Marshall. Fire extinguishers shall be properly hung in an area accessible to all tenants within the individual unit, or in the common corridors at each level and in the basement.
 2. All dwelling units and rooming houses shall be provided with smoke detectors as required.

3. Location and Installation. All smoke detectors shall be located and mounted on a ceiling or on a wall not more than twelve inches (12") from the ceiling at a point centrally located within the required area. Smoke detectors shall be located in accordance with the manufacturer's recommendation and this Code.
4. Power Source and Maintenance. Buildings required by State and local law to install smoke detectors receiving their primary source from building wiring shall comply with all applicable laws concerning installation, inspection, and maintenance. All other units may receive their primary source of power from batteries.
5. Owner's Responsibility. The owner shall be responsible for the installation and testing of all smoke detectors as a condition to occupancy.
 - a. If the unit is currently (and otherwise legally) occupied on the effective date of this Ordinance, the owner shall cause all existing smoke detectors to be tested. Any non-functioning and/or inoperable detectors and batteries shall be immediately replaced by the owner, at the owner's expense. It shall be the responsibility of the owner to provide verification of compliance with this section when requested by the City, or the owner shall be guilty of a municipal infraction.
 - b. When a unit is scheduled for occupancy by a new tenant(s), it shall be the responsibility of the owner to install and test all required smoke detectors prior to occupancy. All non-functioning and/or inoperable detectors and batteries shall be replaced at the owner's expense. The owner shall retain verification of this requirement and produce it when requested by the City, or the owner shall be guilty of a municipal infraction.
 - c. The owner shall be responsible for the installation and maintenance of all detectors and batteries located in common corridors and other areas required by law that are not under the direct control of the occupant(s).
6. Occupants Responsibility.
 - a. The occupant shall be responsible for the replacement of all batteries necessary for the proper operation of all supplied smoke detectors within the rental dwelling. The occupant shall be required to notify the owner, in writing, of any deficiencies known to exist in the supplied detector. It shall be the responsibility of the occupant to test all smoke detectors on a regular basis to insure proper operation. Failure to keep batteries replaced, as necessary for their safe operation, shall cause the occupant to be in violation of this Section and subject to a municipal infraction citation. Detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Smoke detectors hereinafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

D. Sanitation.

1. Toilets and Lavatory Basins. At least one toilet and one lavatory basin shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit, or units, including members of the operator's family whenever they share said facilities.

Exception: In rooming houses where rooms are let to males only, flush urinals may be substituted for not more than one-half (1/2) of the required number of toilets.

2. Baths. At least one bath shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit or units, including members of the operator's family whenever they share the use of said facilities.

E. Communal Toilets, Kitchens, and Dining Rooms.

1. Communal Toilets and Baths. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit.

2. Communal Kitchens. If a communal kitchen is supplied, it shall comply with the following requirements:

- a. The minimum floor area of communal kitchens shall be sixty (60) square feet.
- b. Floor area in communal kitchens which permits roomers to prepare and eat meals shall be one hundred (100) square feet.
- c. The kitchen shall contain adequate food storage capacity, an approved sink, and a stove or range.
- d. It shall include at least one cabinet of adequate size suitable for the storage of food and eating and cooking utensils.
- e. It shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.
- f. Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

3. Communal Dining Rooms. Every dwelling or rooming house within which the occupant of any rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than one hundred (100) square feet of floor area, as provided in Section 8-5-6(E)2(b), shall contain a communal dining room which complies with the following requirements:

- a. Every communal dining room shall be located on the same floor as the communal kitchen and located as nearly adjacent to the communal kitchen as is practicable.
- b. Accessibility to the communal dining room by occupants shall be the same as requirements for communal kitchens in Section 8-5-6(E)2(f).
- c. The communal dining room shall contain a table and adequate chairs for the normal use of the facilities.
- d. Every communal dining room shall contain not less than seventy (70) square feet of floor area.

- F. Lead Based Paint. Every owner or operator of a dwelling shall comply with HUD Lead Based Paint Regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act.

G. Shades, Draperies, and Window Coverings.

1. Every window in rooms used for sleeping purposes in rooming units and furnished dwelling units shall be supplied with shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.
2. Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.

H. Mobile Home Tiedown Requirements. All mobile homes shall be provided with two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in booklet TR-75 published by the Department of Defense.

8-5-7 Owners Responsibilities.

A. Maintenance of Structure.

1. Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, porch, guardrail, sidewalk, and appurtenance thereto shall be maintained in a safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.
2. Every foundation, floor, exterior wall, exterior door, window, and roof shall be maintained in a reasonably weather tight, watertight, rodent proof, and insect proof condition.
3. Every door and window to include all hardware associated with every door and window shall be maintained in good and functional condition and shall fit reasonably well within its frame.
4. Every interior partition, wall, floor, ceiling, and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition, and where appropriate, shall be capable of providing privacy.

B. Maintenance of Accessory Structures.

1. Every foundation, exterior wall, roof, window, exterior door, and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for rats or other vermin and shall be maintained in a reasonably watertight, structurally sound condition capable of withstanding imposed wind and snow loads.
2. Security. Every accessory building and/or garage shall be secured against unauthorized entry, or it shall be declared a public nuisance subject to abatement and/or civil penalty. It shall be the responsibility of the person(s) having the possession and use of the accessory building to comply with this Section.

C. Drainage.

1. Rainwater Drainage. Rainwater shall be directed away from the building so as to prevent water damage to the structure.

2. Grading and Drainage. Every premises shall be graded and drained so no stagnant water will accumulate or stand thereon.

Exception: This Section shall not affect the existence or maintenance of approved storm water detention systems.

- D. Chimneys. Every chimney shall be adequately supported and maintained in a reasonably good state of repair.
- E. Protection of Exterior Wood Surfaces. All exterior wood surfaces of a dwelling and its accessory structures, porches, and similar appurtenances shall be protected from the elements and against decay by a non-lead based paint or other approved protective covering.

Exception: Any exterior wood surface comprised of a type or species of wood or which has been treated to resist decay and infestation shall be exempted from the above listed requirement when approved by the Inspector.

- F. Egress from Structure. Every means of egress shall be maintained in good condition and shall be free of obstruction at all times. If the means of egress is a fire escape, it shall be maintained in a good state of repair. Egress via exterior stairways shall be provided with sufficient illumination to allow for their safe use by the occupant.
- G. Screening. Every openable exterior window, door, or similar device intended to be used for ventilation in a non-air conditioned environment, shall be supplied with properly fitted screens of not less than sixteen (16) mesh to the inch. All doors leading into common stairways or corridors shared by more than one tenant shall be supplied with screening sufficient to allow ventilation into the common areas when such areas are not air conditioned. Such screening shall be maintained in good repair.
- H. Electrical System. The electrical system of every dwelling or accessory structure shall not by reason of overloading, dilapidation, lack of insulation, improper fusing, or for any other cause, expose the occupants to hazards of electrical shock or fire, and every electrical outlet, switch, and fixture shall be maintained in good and safe working condition.
- I. Maintenance of Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be maintained in a good and sanitary working condition. Water pressure shall be adequate to permit a proper flow of water from all open outlets at all times. (Except during maintenance and repair.)
- J. Maintenance of Gas Appliances and Facilities.
 1. Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion, and obstruction causing reduced pressure or volume.
 2. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.
- K. Maintenance of Heating and Supplied Cooling Facilities. The heating equipment of each dwelling shall be maintained in a good, safe working condition and shall be capable of heating all habitable rooms and bathrooms located therein to the minimum temperature required by this Code. However, heating and supplied cooling equipment shall not be required to be maintained in operational condition during what is considered to be off season periods. Owners of rental properties with fuel burning furnaces that are 10 years or older or that have been inoperative for one

year or longer are required to have annual carbon monoxide tests. Tests must be performed by a properly certified and registered mechanical contractor. Owners shall immediately notify the Inspection Department of failed tests. Owners shall provide a legible certified copy of successful test results to the Inspection Department not later than 30 days after the test. This requirement does not apply if a carbon monoxide detector is installed within 10' of the furnace.

- L. Floors. Every toilet room floor surface, bathroom floor surface, and kitchen floor surface shall be maintained so as to permit them to be kept in a clean, dry, and sanitary condition.
- M. Supplied Facilities. No supplied facility shall be removed, shut off, or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption(s) as may be necessary while actual (and active) repairs, replacements, or alterations are being made, unless authorized by court order.
- N. Maintenance of Sanitary Facilities. All toilets, baths, and lavatory basins shall be maintained in good working condition.
- O. Fire Protection. All fire extinguishers and early warning fire protection systems shall be maintained in good working condition at all times.
- P. Pest Extermination. The property owner shall be responsible for extermination of pests when it is determined by the Health Officer, or his or her designate, that the infestation is present in two (2) or more dwelling units or rooming units within a dwelling.
- Q. Garbage Disposal. Every owner of a dwelling shall supply an approved exterior location for the disposal of garbage and in compliance with the City Code for Muscatine, Iowa.
- R. Occupancy Control. A dwelling unit shall not exceed occupancy maximums.
- S. Cooking in Rooming Units. No owner or operator shall knowingly allow the use of cooking equipment within any rooming unit.

8-5-8 Occupant's Responsibilities.

- A. Occupant Responsible for Controlled Areas. Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, rooming unit, or premises thereof he or she occupies and controls, to include:
 - 1. Every floor and floor covering shall be kept reasonably clean and sanitary.
 - 2. Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
 - 3. No dwelling shall be used for the storage or handling of refuse, except as provided in this Code.
- B. Plumbing Fixtures. The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use, and proper operation thereof.

- C. Extermination of Pests. Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents, or other pests on the premises. Every occupant of a dwelling containing two (2) or more dwelling units or rooming units shall be responsible for such extermination within the unit occupied by him or her whenever said unit is the only one infested. However, whenever it is determined by the Health Officer, or his or her designate, that infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodent proof and/or insect proof condition, extermination shall be the responsibility of the owner.
- D. Storage and Disposal of Garbage. Every occupant of a dwelling shall dispose of rubbish, garbage, and any other organic waste in a clean and sanitary manner by placing it in container(s) required by the City Code of Muscatine, Iowa.
- E. Electrical Wiring. No temporary wiring or extension cords shall be used, except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms, or similar structural elements or attached thereto. The occupant shall not knowingly overload the circuitry of the dwelling unit or rooming unit. Multiplug connectors may only be used when they are equipped with an overcurrent device and individually approved by the Inspector.
- F. Supplied Facilities. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.
- G. Preparation of Meals in Rooming Units Prohibited. No occupant of a rooming unit shall prepare meals in his or her rooming unit unless an approved kitchen and/or dining room is contained within the rooming unit or in accordance with communal facilities outlined in Section 8-5-6 of this Code.
- H. Occupancy Control. No occupant shall allow the occupancy of any dwelling unit or rooming unit within which he or she resides to exceed the occupancy standards outlined in Section 8-5-5 of this Code.

8-5-9 Substandard Buildings.

- A. Definition. Any building or portion thereof, including any dwelling, dwelling unit, rooming unit, guest room, or the premises on which the same is located, in which there exists a violation of this Code to the extent that the violation endangers the life, limb, health, property, safety, or welfare of the public or the occupant(s) thereof shall be deemed and hereby is declared to be a substandard building.
- B. Substandard Buildings. All buildings or portions thereof which are determined to be substandard are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 9-3-3(R) of this Code.

8-5-10 Notices and Orders of Building Official.

A. General.

1. **Commencement of Proceedings.** Whenever the Building Official has inspected, or caused to be inspected, any building or portion thereof and has found and determined that such building or portion thereof is a substandard building, he or she shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building or portion thereof.
2. **Notice and Order.** The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
 - a. The street address and a legal description sufficient for identification of the premises upon which the building is located.
 - b. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9-3-3 (R8) of this Code.
 - c. A statement of the action required to be taken as determined by the Building Official.
 - i. If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work commenced within such time (not to exceed sixty [60] days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all the circumstances.
 - ii. If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable, given the nature of the violation(s).
 - iii. If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed sixty [60] days from the date of the order), that all required permits be secured therefore within sixty (60) days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.
 - d. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

- e. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the City Council, provided the appeal is made in writing as provided in this Code and filed with the Building Official within thirty (30) days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
3. Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Section.
 4. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be posted on the property where the violation exists. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
 5. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.
- B. Recordation of Notice and Order. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official may file in the Office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building, and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.
- C. Repair, Vacation, and Demolition.
1. Standards to be Followed. The following standards shall be followed by the Building Official (and by the City Council or Housing Board if an appeal is taken) in ordering the repair, vacation, or demolition of any substandard building or structure:
 - a. If any building declared a substandard building under this ordinance shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.

- b. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.

D. Notice to Vacate.

1. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8-5-10(A)3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a misdemeanor to enter this building or remove or deface this notice. Any person(s) found inside this building are subject to immediate arrest. Building Department, City of Muscatine.

2. Compliance. Whenever such notice is posted, the Building Official shall require that the owner comply with all provisions of the Housing Code with respect to occupancy prior to removal of the posting, and subsequent occupancy of the building send a notification there of in the notice and order issued by him under Section 8-5-10(A)(2), reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. Nothing contained herein shall prevent authorized person(s) from entering the property for the sole purpose of removing personal belongings during all reasonable hours, with prior notification and approval of the City.

No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Structural Compliance Occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

8-5-11 Appeals.

- A. Appeal to Council or Housing Appeals Board. In any instance where a party is left aggrieved by an adverse action of the Building Official under this Chapter, such person shall have an opportunity to appeal the decision to the City Council or an equivalent Housing Appeals Board formed by Council as allowed by State law. The Council or equivalent board established by Council as allowed by law shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals shall be processed in accordance with the provisions contained in Section 8-5-11(B) of this Code.
- B. Form of Appeal. Any person entitled to service under this Code may appeal any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official a written appeal containing:
 1. A heading in the words: "Before the City Council of the City of Muscatine, Iowa"
 2. A caption reading: "Appeal of ___", giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order.
 4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
 6. The signatures of all parties named as appellants and their official mailing address.
 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- C. Filing of the Appeal. The appeal shall be filed within thirty (30) days from the date of the service (or other such time as may have been imposed by the Building Official based on the type of violation) of such order or action of the Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or adjacent property, or has otherwise been declared a Public Nuisance as contained elsewhere herein, and is ordered vacated and is posted in accordance with this Code, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the Building Official.
- D. Processing of Appeal. Upon receipt of any appeal filed pursuant to Section 8-5-11(C), the Building Official shall present it to the City Council in accordance with this Chapter. The Council shall then proceed by scheduling and noticing appellant as provided under Section 8-5-11(E) or by establishing or forwarding as soon as practicable the appeal to an equivalent Housing Appeals Board formed by Council as allowed by State law, which Board shall then schedule and notice appellant as provided in Section 8-5-11(E).
- E. Scheduling and Notice of Appeal for Hearing. As soon as practicable after receiving the written appeal, the City Council or Housing Appeals Board shall fix a date, time, and place for hearing of the appeal by Council or the Board. Such date shall be not less than seven (7) days nor more than thirty (30) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least five (5) days prior to the date of the hearing to each appellant by the secretary of the Council or Board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.
- F. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this Code shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order or to any portion thereof.
- G. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

- H. Staying of Order Under Appeal. Except for vacation orders made pursuant to Section 8-5-10, enforcement of any notice and order of the Building Official issued under this Code shall in abeyance during the pendency of an appeal therefrom which is properly and timely filed.

8-5-12 Procedures for Conduct of Hearing Appeals.

A. General.

1. Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by Council or the Housing Appeals Board.
2. Reporting. The proceedings at the hearing shall also be transcribed from the recording if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by Council, but shall in no event be greater than the cost involved.
3. Continuances. Council or the Appeals Board may grant continuances for good cause shown.
4. Oaths, Certification. In any proceedings under this chapter, Council or the Appeals Board, or any member thereof, has the power to administer oaths and affirmations and to certify to official acts.
5. Reasonable Dispatch. Council or the Appeals Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

- B. Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the City Council/or the Housing Appeals Board at.... on the _____day of _____, 20___, at the hour __, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit therefore with the City Council or Housing Appeals Board."

C. Subpoenas.

1. Filing of Affidavit. The Council or Housing Appeals Board and any appellant(s) may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of Council or the Housing Appeals Board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness, specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved, and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.
2. Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control, as required by any subpoena served upon such person as provided for herein, shall be guilty of a misdemeanor.

D. Conduct of Hearing.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
2. Oral Evidence. Oral evidence shall be permitted.
3. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions in courts of competent jurisdiction in this state.
4. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdictions in this state.
5. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
6. Rights of Parties. Each party shall have these rights, among others:
 - a. To call and examine witnesses on any matter relevant to the issues of the hearing.
 - b. To introduce documentary and physical evidence.
 - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
 - d. To impeach any witness regardless of which party first called him to testify.
 - e. To rebut the evidence against him.
 - f. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

7. Official Notice.

- a. What May be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Council or Housing Appeals Board or departments and ordinances of the City or rules and regulations of the Council or the Board.
- b. Parties to be Notified. Parties present at the hearing shall be informed of the matters to be noticed and these matters shall be noted in the record, referred to therein, or appended thereto.
- c. Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority; the manner of such refutation to be determined by the Board or hearing examiner.
- d. Inspection of the Premises. Council or the Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, (iii) only those items listed in the official notice may be noted during the inspection, and (iv) the Council or Board shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Council or Board.

E. Method and Form of Decision.

1. Hearing Before Council or the Board Itself. Where a contested case is heard before the Council or the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.
2. Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by mail, postage prepaid, at the address listed on the appeal.
3. Effective Date of Decision. The effective date of the decision shall be as stated therein.
 - a. Any appellant aggrieved by any decision may appeal the same to the District Court of Muscatine County within thirty (30) days after receiving the decision of Council or the Board.

8-5-13 Enforcement of Orders from Building Official, City Council, the Housing Board.

A. Compliance.

1. General. After any order of the Building Official, Council, or the Housing Board made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

2. Failure to Obey Order. If, after any order of the Building Official, Council, or Housing Board made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection 1 of this section, or (ii) institute any appropriate action to abate such building as a public nuisance.
3. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the time specified in the final notice and order issued under this Code:

- a. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

SUBSTANDARD BUILDING DO NOT OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice. Any unauthorized person(s) found inside this building are subject to immediate arrest. Building Official - City of Muscatine.

- b. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the Building Official have been completed and a Certificate of Structural Compliance issued pursuant to the provisions of this Code.
 - c. The Building Official may, in addition to any other remedy herein provided, order demolition to cause the building to be demolished and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this Code.
- B. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he or she will comply with the order if allowed additional time, the Building Official may, in his or her discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation, or demolition if the Building Official determines that such extension of time will not create or perpetuate a situation imminently dangerous to life or property.
- C. Interference with Repair or Demolition Work Prohibited. No person shall obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this Code whenever such officer, employee, contractor, or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this Code or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this Code.

8-5-14 Performance of Demolition.

A. General.

1. Procedure. When any work, repair, or demolition is to be done pursuant to this Code, the Building Official shall cause the work to be accomplished by private contract under the direction of the Building Official. Plans and specifications therefor may be prepared by the Building Official, or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary.
2. Costs. Costs incurred under Section 8-5-14(A)(1) shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.12[3h])

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 6 – ADDRESSING**

SECTIONS:

- 8-6-1 Numbers Required
- 8-6-2 Location of Numbers
- 8-6-3 Numbers Obtained from the Community Development Department
- 8-6-4 Material; Size
- 8-6-5 Allowing Buildings Without Numbers
- 8-6-6 Failure to Comply
- 8-6-7 Numbers Designated
- 8-6-8 System; Base Lines
- 8-6-9 Numbers Assigned
- 8-6-10 Street Names

8-6-1 Numbers Required. The owners of improved property, or property having erected thereon any building, shall cause their property fronting upon the public streets and avenues within the City to be numbered as hereinafter described in this Chapter.

(Code of Iowa, Sec. 364.12[3d])

8-6-2 Location of Numbers. The owner of every building, residence, or store within the Corporate Limits of the City shall have the number of their buildings, residences, or stores, conspicuously fixed on their property and visible from the public street.

8-6-3 Numbers Obtained from the Community Development Department. The owners of every building, residence, or store erected within the Corporate Limits of the City shall be assigned an address as part of the permit issuing process for every such structure as required.

8-6-4 Material; Size. The number placed upon buildings, residences, or stores, as prescribed in the foregoing Sections, may be of metal, wood, or plastic or may be painted upon metal or glass, but in every case the number must be at least two and one-half inches (2 1/2") in height. If painted, such numbers shall be of durable and legible characters, and no numbering done or attempted to be done in numbers or figures of a less size than prescribed in this Section shall be regarded as complying with the provisions of this Chapter.

8-6-5 Allowing Buildings Without Numbers. Legible characters of less than 2 1/2" in height may be used when posted on rural type mail boxes which are accessible from the improved street in front of the building.

8-6-6 Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[3h])

8-6-7 Numbers Designated. It shall be the duty of the Community Development Department to designate the numbers to be assigned to each building, residence, or store as prescribed in this Chapter.

8-6-8 System: Base Lines. In designating and assigning numbers to buildings, residences, and stores, the system of commencing and continuing the numbering of each block or square as the same appears recorded upon the plat of the City proper shall be by what is known as the "Philadelphia Plan", which is one hundred (100) to each block, the hundred indicating the block and the unit of ten (10), as the case may be, indicating the building. In numbering the additions to the City, the same plan shall be followed as far as practicable. In numbering the City proper, on streets running East and West the base line shall be Iowa Avenue, and on streets running North and South the base line shall be Front Street. In numbering South Muscatine to the corporate limits of the City, the base line shall be the Chicago, Rock Island and Pacific Railroad track. Iowa Avenue shall be the dividing line of the City proper, and including that portion of the City lying between Eighth Street and Fulliam Avenue, from which, upon all streets running at right angles thereto, all buildings shall be numbered "East" and "West" respectively, in the following manner: The parts of streets lying East of Iowa Avenue shall be known as "East Mississippi Drive", "East Second", and "East Third" streets, and so on, and the parts of streets lying West of Iowa Avenue shall be known as "West Mississippi Drive", "West Second", and "West Third" streets and so on. The even numbers shall be placed upon the South and West sides of the streets and the odd numbers on the opposite sides of the streets.

8-6-9 Numbers Assigned. In the numbering of buildings, residences, or stores, each main door or entrance to every building, residence, or store shall be assigned one number. On each block, in whole or in part occupied by businesses, houses, stores, etc., or by residences not detached but compacted together, the unimproved property shall be assigned numbers as deemed appropriate by the Community Development Department.

8-6-10 Street Names. The name of a newly constructed street segment must comply with all of the following criteria in order for it to be accepted as a public street:

- A. A newly developed street segment will assume the name of the one which it aligns and directly connects.
- B. A newly developed street segment may only share a name with an existing street if it aligns with the existing street and either connects with the existing street, or which plans for making a connection to the existing street exist.
- C. Once a street name in its current format is used, it may not be used in another format: e.g. Oak Street or Oak Drive, 1st Street or 1st Avenue, etc.
- D. Names that are the same, or are pronounced the same (homonyms) or similarly, with different spellings may only be used once: e.g. Smith Avenue or Smythe Avenue, Ellis Street or Aalice Street, Allen Drive or Alan Drive, etc.
- E. Either the singular form or plural form of a word may be used for a street name, but not both: e.g. Oak Drive or Oaks Street, Adam Street or Adams Street, etc.
- F. When applying Section C, D and E, the names of all streets within service area of all emergency responders serving Muscatine shall be considered.
- G. A street name shall not use special characters such as hyphens, apostrophes, or dashes.
- H. Directional shall not be used as street names: e.g. East Street, North Lane, West Avenue, etc.

- I. A street name should be easy to read so that children can use the name in an emergency situation.
- J. All streets shall be identified with an approved sign.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 7 – MECHANICAL CODE**

SECTIONS:

8-7-1 Adoption of International Mechanical Code

8-7-2 Plans and Specifications

8-7-3 Inspections

8-7-4 Permits

8-7-1 Adoption of the International Mechanical Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Mechanical Code”, 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Mechanical Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said Code is on file in the office of the City Clerk.

8-7-2 Plans and Specifications. Whenever it shall be deemed necessary by the Mechanical Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the heating, ventilation, and air conditioning of such building showing the type, size, and location of all mechanical equipment to be used which may be retained by the Mechanical Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

8-7-3 Inspections. The Mechanical Inspector must be notified when work is ready for inspection by the person doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Mechanical Inspector and upon notice of revocation being given, all work under such plans shall cease. The Mechanical Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective material must be removed and replaced with sound material. When the entire mechanical work is completed to the satisfaction of the Mechanical Inspector, he or she shall give his or her approval.

8-7-4 Permits. Before the Building Official issues a permit as required, the Mechanical Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances, except that no permit shall be required for the repair of mechanical equipment. No mechanical work will commence without the party performing the mechanical work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-7-1 may be made to the City Council.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 8 – MOVING BUILDINGS**

SECTIONS:

- 8-8-1 House Mover Defined
- 8-8-2 Permit Required
- 8-8-3 Application
- 8-8-4 Bond Required
- 8-8-5 Insurance Required
- 8-8-6 Permit Fee
- 8-8-7 Inspection; Structure to be Moved; Route
- 8-8-8 Reporting Application to Council
- 8-8-9 Supervision by Building Department
- 8-8-10 Damages
- 8-8-11 Permit Revocation

8-8-1 House Mover Defined. A “house mover” means any person or business who undertakes to move any house, building, structure or any part or parts thereof from one location to another when the moving of such house, building, or structure or part or parts of structures requires traveling upon, across, along or over any street, avenue, highway, thoroughfare, alley, sidewalk or other public ground in the City.

8-8-2 Permit Required. No person shall engage in the activity or business of house moving as defined in Section 8-8-1 of this Code of Ordinances, unless such person or business shall have first applied for and obtained a permit to do so from the Council as hereinafter provided in this Chapter.

8-8-3 Application. Any person or business desiring a house moving permit as required herein shall file an application with the Office of the Building Official. Such application shall contain:

- A. The date or dates and time of moving the house, structure or building.
- B. The detailed statement setting forth the proposed route to be followed in moving the structure, the equipment to be used and specifying the person in charge of the moving operation.
- C. The location of the premises to which the structure is to be moved and the zoning classification thereof.
- D. The name of the owner of the structure and the name of the owner of the premises to which it is being moved showing that the applicant is entitled to move the house.
- E. A plot plan of the location to which the structure is to be moved, showing the exact proposed location of the structure, the boundaries of the lot upon which the structure is to be placed, and the dimensions of said lot.
- F. A statement showing the maximum length and width, including eaves, and loaded height of the structure to be moved.
- G. An agreement that the house mover shall indemnify and hold the City harmless from any claims or damages for injury to person or property resulting from the moving of the structure for which the permit is requested.

- H. An agreement that the applicant shall immediately report any damage done by the moving operation to any street, sidewalk, alley, curb, highway, tree or other public property and that the applicant will upon demand pay the cost of repair occasioned by said damage to the City.

8-8-4 Bond Required. The applicant for a house mover's permit shall file with the application a bond, with an approved corporate surety in the penal sum as set by resolution of City Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances, conditioned that all work done under such permit shall be done in good and workmanlike manner, and that the applicant will pay to the City or to any person injured all damages for injuries to person or property, including but not limited to damages to any street, curb, sidewalk or any other public property caused by negligence, fault or mismanagement of cause, in doing work under such permit.

8-8-5 Insurance Required. Before the permit is issued, the applicant shall obtain and furnish to the City an insurance policy for public liability and property damage in the amount as set by resolution of City Council and set out in the Schedule of Building Related Permits and Other Requirements in Appendix D to this Code of Ordinances. Said insurance policy shall name the City and the applicant as insured and shall provide that said policy cannot be revoked, cancelled, or modified in any way until the City has been notified by certified mail at least ten (10) days prior to the proposed action.

8-8-6 Permit Fee. The fee for a house moving permit shall be the amount as set by resolution of Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances and shall be paid at the time the application is filed.

8-8-7 Inspection; Structure to be Moved; Route. Before any permit is issued under the provisions of Sections 8-8-2 and 8-8-5 of this Chapter, the Building Official shall carefully inspect the structure proposed to be moved and shall determine whether such structure when moved will comply with the provisions of this Code and the Housing Laws of the State. The Building Official shall inspect the route proposed to be used in moving the structure and will insure that the applicant has secured estimates from owners of all wires, poles, or other property to be effected by the proposed moving of the structure.

8-8-8 Reporting Application to Council. The Building Official shall report the application for a permit to the Council at its next regular or special meeting and shall either recommend the permit be granted or otherwise. This Section shall not be construed as an assumption by the City of the payment of any sum to any person except the amounts deposited in accordance with this Section.

8-8-9 Supervision by Building Official. Any building or other structure moved under the provisions of this Chapter shall be moved under the supervision of the Building Official, and no building or other structure shall be moved during normal high traffic periods. This section shall not be construed to hold the house mover responsible for traffic or other delays caused by factors outside the house mover's control.

8-8-10 Damages. The house mover shall report any damages done to any street highway, alley, sidewalk, curb, tree, telephone or light poles or wires, or to any other public or private property, except property owned by the house mover or the structure being moved, to the Public Works Director within twelve (12) hours after the occurrence. The house mover shall, upon demand, pay any damages resulting from an injury to any person or property. Nothing herein shall be construed to prevent the house mover from contesting any claim in good faith in any court.

8-8-11 Permit Revocation. Any permits granted under Section 8-8-2 of this Chapter may be revoked at any time by the Council upon showing being made that the permit holder has violated the provisions of this Chapter.

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 9 – PLUMBING CODE**

SECTIONS:

8-9-1 Adoption of International Plumbing Code

8-9-2 Plans and Specifications

8-9-3 Inspections

8-9-4 Permits

8-9-1 Adoption of the International Plumbing Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Plumbing Code”, 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Plumbing Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said Code is on file in the office of the City Clerk.

8-9-2 Plans and Specifications. Whenever it shall be deemed necessary by the Plumbing Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the drainage of such building, showing the size and kind of pipes, the traps, closets, and fixtures to be used, which may be retained by the Plumbing Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

8-9-3 Inspections. The Plumbing Inspector must be notified when work is ready for inspection by the plumber doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Plumbing Inspector and upon notice of revocation being given, all work under such plans shall cease. The Plumbing Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective pipe or fittings must be removed and replaced with sound pipe and fittings. When the entire plumbing work is completed to the satisfaction of the Plumbing Inspector, he or she shall give his or her approval.

8-9-4 Permits. Before the Building Official issues a permit as required, the Plumbing Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of City Council and set out in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances, except that no permit shall be required for any replacement of existing plumbing or plumbing fixtures unless such replacement requires a physical relocation, addition, or expansion of the same. No plumbing work will commence without the party performing the plumbing work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-9-1 may be made to the City Council

**TITLE 8 – BUILDING REGULATIONS
CHAPTER 10 – RESIDENTIAL CODE**

SECTIONS:

8-10-1 Adoption of the International Residential Code

8-10-2 Amendments

8-10-1 Adoption of the International Residential Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Residential Code”, 2015 Edition, together with Appendix Chapters F and J, as amended and published by the International Code Council, is hereby adopted by reference as the Residential Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this ordinance. An official copy of said code is on file in the office of the City Clerk.

8-10-2 Amendments: That the International Residential Code, adopted by the City of Muscatine, Iowa, be amended by:

- A. Climatic and Geographical Design Criteria. Table R301.2(1) is amended by insertion of the following criteria and the addition of footnotes n, o, and p. Footnotes a-m remain as printed in the International Residential Code.

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost line depth	Termite					
20	115	No	No	No	A	Severe	42"	Moderate to heavy	-5	Yes	n, o, p	2,000	50.7

n. Date of National Flood Insurance Program - 8/25/1981

o. Date of Flood Insurance Study - 7/18/2011 & 4/16/2013

p. Panel Numbers - Flood Insurance Rate Map - 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D.

- B. Deletion of Section R313, Automatic Fire Sprinkler Systems.

- C. Deletion of Section P2904, Dwelling Unit Fire Sprinklers.

- D. One-story wood or metal frame accessory buildings associated with a Group R Division 3 Occupancy and not used for human occupancy with a floor area not to exceed two hundred (200) square feet may be constructed on a four inch (4") concrete slab utilizing anchor bolts on six foot (6') centers, or other anchoring systems as may be approved by the Building Official.
- E. One-story wood or metal frame accessory buildings with a height not exceeding sixteen (16') and side walls not exceeding twelve feet (12') associated with a Group R Division 3 Occupancy and not used for human occupancy or exceeding one thousand (1,000) square feet in floor area may be constructed on a floating slab provided there is a perimeter footing one foot (1') deep and one foot (1') wide which requires the installation of one (1) number four (4) reinforcing steel bar centrally located throughout the footing.
- F. A single family dwelling not more than one story in height may be constructed on eight inch (8") wide trenched footings provided they are forty two inches (42") below grade and are reinforced with a minimum of two (2) number four (4) reinforcing steel bars running horizontally through the top one-third (1/3) and the bottom one-third (1/3) of the foundation wall.

TITLE 9

HEALTH AND SANITARY REGULATIONS

<u>SUBJECT</u>	<u>CHAPTER</u>
Food Establishments and Hotel Sanitation	1
Health Regulations	2
Nuisance	3
Natural Water Course; Drains and Drainage	4
Weeds	5

TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 1 – FOOD ESTABLISHMENTS AND HOTEL SANITATION

The following provisions of the Iowa Code and all administrative rules adopted pursuant thereto are hereby adopted by reference and the City Council shall be responsible for the licensing, inspection, and enforcement thereof:

Chapter 137C, hotel sanitation code.

Chapter 137D, home food establishments.

Chapter 137F, food establishments and food processing plants.

Iowa Administrative Code, Section 481-30 food and consumer safety.

Iowa Administrative Code, Section 481-31 food establishment and food processing plant inspections.

Iowa Administrative Code, Section 481-37 hotels and motels.

**TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 2 – HEALTH REGULATIONS**

The following provisions of the Iowa Code and all administrative rules adopted pursuant thereto are hereby adopted by reference and the City Council shall be responsible for the licensing, inspection, and enforcement thereof:

Iowa Administrative Code, Chapter 22, Tattoos.

Iowa Administrative Code, Chapter 46, Tanning.

Iowa Administrative Code, Chapter 15 and 1351.

**TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 3 – NUISANCE**

SECTIONS:

- 9-3-1 Nuisance Defined
- 9-3-2 Definitions Generally
- 9-3-3 Nuisances Enumerated
- 9-3-4 Nuisances Prohibited and Authority to Abate
- 9-3-5 Notice to Abate.
- 9-3-6 Contents of Notice to Abate
- 9-3-7 Method of Notice
- 9-3-8 Request for Hearing
- 9-3-9 Abatement by the City
- 9-3-10 Report to Council; Abatement Costs
- 9-3-11 Assessment of Costs
- 9-3-12 Failure to Abate
- 9-3-13 Penalty
- 9-3-14 Abatement in Emergency

9-3-1 Nuisance Defined. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance.

(Code of Iowa, Sec. 657.1)

9-3-2 Definitions Generally.

- A. "Garbage" means all wastes from the preparation or spoilage of food.
- B. "Filth" means excrement, either animal or human, or any material connected herewith.
- C. "Junk" means any metal or wood, whether usable or not, stored in such a manner that it constitutes a health or safety hazard.
- D. A "junked or obsolete car or motor vehicle" shall be a car or motor vehicle, or a portion thereof, not in running condition or not licensed for the current year as provided by law. This definition shall not apply to a vehicle, or part thereof stored within a building, or protected with a fitted cover designed specifically as a vehicle cover. The use of tarps, blankets, or similar temporary covers shall not be deemed acceptable under this Section.
- E. "Refuse" means any material not junk, garbage, or filth deposited upon property in an unsightly or unhealthy condition.

9-3-3 Nuisances Enumerated. A "nuisance" shall include, but not be limited to, the following:

(Code of Iowa, Sec. 657.2)

- A. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
- B. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
- C. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
- D. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
- E. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
- F. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.
- G. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction.
- H. **Air Pollution.** Emission of dense smoke, noxious fumes or fly ash.
- I. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
- J. **Dutch Elm Disease or Emerald Ash Borer Damage.** Trees infected with Dutch Elm Disease or knowingly impacted and damaged by the Emerald Ash Borer.
- K. **Airport Air Space.** Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located. (See Airport Zoning)
- L. **Houses of Ill Fame.** Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section

124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

- M. Stagnant Water. All lots and parcels of ground wherever water is permitted to accumulate and stand until stagnant or upon any privately owned lot.
- N. Vehicles. Any unused, abandoned, junked, or obsolete cars or motor vehicles whether on private or public property.
- O. Junk, Refuse, and Garbage. All lots or parcels of land upon which junk, refuse, garbage, or filth is allowed to accumulate.
- P. Containers. Abandoned or unattended refrigerator, icebox, or similar container with doors that may become locked located outside of buildings and accessible to children, or to allow any such refrigerator, icebox, or similar container to remain outside of buildings on premises in the person's possession or control to remain abandoned or unattended and so accessible to children.
- Q. Poison. Any poison, poisonous meat, or any other poisonous substance in any place outside of any residence, or where it may endanger life by being taken and used by any person, or who shall so expose any such poison or poisonous substance where the same shall be taken by any dog, hog, cat, or any animal or living thing.
- R. Dangerous or Unsafe Building or Structure. Dangerous or Unsafe Building or Structure shall mean any structure or building meeting any or all of the following criteria:
 - 1. Whenever any portion or member of a building or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 - 2. Whenever a portion or member of a building has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or snow loading than is required in the case of similar new construction.
 - 3. Whenever the building or structure, or any portion thereof, because of 1) dilapidation, deterioration, or decay; 2) faulty construction; 3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; 4) the deterioration, decay or inadequacy of its foundation; or 5) any other cause, is likely to collapse partially or completely.
 - 4. Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
 - 5. Whenever the building or structure has been damaged by fire, wind, flood, or has become dilapidated or deteriorated as to become 1) an attractive nuisance to children; 2) a harbor for vagrants, criminals, or as to 3) enable persons to resort thereto for the purpose of committing unlawful acts.

6. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building Official or Health Officer to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.
 7. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections, or maintenance of heating and/or cooling equipment, or other cause, is determined by the Building Official or City Fire Marshall to be a fire hazard.
 8. Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure, or whenever any building or structure is abandoned, or whenever any building or structure is abandoned for a period of six (6) months so as to constitute such building or portion thereof to be an attractive nuisance or hazard to the public.
- S. Ashes, cinders, leaves, grass, tools, implements, machines, soil, dirt, sand, gravel, lumber, brick, or other building material, or any other thing or substance deposited, stored, placed, or permitted to be or come in or into or upon any street, alley, public place, or into or upon any privately owned property which obstructs, hinders, or prevents the full and free use of any part of such street, alley, public place, or private property the free and uninterrupted flow of water in, upon, and away from the same.

9-3-4 Nuisances Prohibited and Authority to Abate. The causing, permitting, or continuing of any nuisance as provided in this Chapter is hereby prohibited, and may be abated in the manner provided in this Chapter, or as otherwise provided by law.

9-3-5 Notice to Abate. Whenever any nuisance as set out in this Chapter is found to exist, the City shall provide notice in the manner required by Section 9-3-6 to the owner, occupant, or agent of the property upon which such nuisance is found to exist or from which such nuisance comes, or upon the person causing or permitting such nuisance to exist upon or in any street, alley, public place, or private property.

9-3-6 Contents of Notice to Abate.

(Code of Iowa, Sec. 364.12[3h])

- A. Description of Nuisance. A description of what constitutes the nuisance.
- B. Location of Nuisance. The location of the nuisance.
- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A reasonable time within which to complete the abatement.
- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

9-3-7 Method of Notice. The method of notice shall be in accordance with Section 364.12[3h] of the Code of Iowa.

9-3-8 Request for Hearing. Any person to whom the Notice to Abate is directed may appeal the determination that the condition of the property constitutes a nuisance by requesting a hearing before the City Council. The request must be in writing and be delivered to the City Clerk within ten (10) days from the date of the Notice to Abate or it will be conclusively presumed a nuisance exists and it must be abated as stated in the Notice to Abate.

9-3-9 Abatement by the City. Whenever any person having been served with a notice for the reason and in the manner required by this Chapter shall refuse, fail, or neglect to abate or remove the nuisance referred to in such notice within the time therein stated, the City may cause such nuisance to be abated and removed.

(Code of Iowa, Sec. 364.12[3h])

9-3-10 Report to Council; Abatement Costs. If the City abates a nuisance under Section 9-3-9 of this Chapter, the City Clerk shall report the fact in writing to the Council, stating the cost and value of all tools, appliances, materials, labor, and assistance used, consumed, and performed by and for him or her, giving the several items thereof, and the name of the person responsible for the commission of such nuisance and a description of the property, lot, or parcel of ground whereon such nuisance existed or from which the same came.

9-3-11 Assessment of Costs. Upon receiving such report under Section 9-3-9, the Council may assess the costs against the property by resolution for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[3h])

9-3-12 Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances or applicable Federal, State or County laws.

9-3-13 Penalty. A failure to abate a nuisance as defined in this Chapter or a failure to perform an action required herein, following notice as provided in this Chapter, shall constitute a municipal infraction and the requirements of this Chapter may be enforced under the procedures applicable to municipal infractions and/or in lieu of the abatement procedures set forth in this Chapter.

9-3-14 Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this Chapter without prior notice. The City shall assess the costs as provided in Section 9-3-11 after notice to the property owner under the applicable provisions of Sections 9-3-6 and 9-3-7 and hearing as provided in Section 9-3-8.

(Code of Iowa, Sec. 364.12[3h])

**TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 4 – NATURAL WATER COURSE; DRAINS AND DRAINAGE**

SECTIONS:

- 9-4-1 Natural Water Courses
- 9-4-2 Owner to Construct Draining
- 9-4-3 Authority of City
- 9-4-4 Failure to Construct Drain
- 9-4-5 Penalty

9-4-1 Natural Water Courses. No person shall obstruct a natural water course so as to endanger personal property or cause a returning or prevention of the natural flow of surface water.

9-4-2 Owner to Construct Draining. The Council shall have the power and authority to require the owner or leasee of any lot, part of lot, or tract of ground extending into, across, or bordering upon any natural water course for the drainage of surface water or a water course of any kind who shall, by grading or filling such lot, part of lot, or tract of ground, obstruct the ordinary flow of water through such ravine or water course, to build or construct, to the extent of such lot or filling, such a drain or passage way for water as will readily carry off and discharge such water naturally flowing thereon.

9-4-3 Authority of City. When the owner or leasee of any lot shall grade or fill said lot, part of lot or tract of ground extending into, across, or bordering on any hollow or ravine so as to obstruct the flow of water, the City Council shall have the power to order such owner or leasee to construct such drain within a reasonable amount of time to be designated by the City Council. Said order shall be served upon the owner or leasee of the said lot, part of lot, or tract of ground by certified mail with return receipt. If the owner or leasee of said tract of ground shall fail or refuse to construct said drain within the time and in the manner required, the Director of Public Works or his or her designee shall at once proceed to build such drain and report the expense thereof, with all costs arising there from, to the Council, whereupon the Council may, by resolution, levy and assess such sum as a special tax upon the property in which such drain is constructed.

9-4-4 Failure to Construct Drain. In all cases where the owner or leasee of any lot, part of lot, or tract of ground extending into, across, or bordering on any hollow or ravine which constitutes a drain for surface water, or water course of any kind, shall, without constructing a suitable drain, fill or grade such lot, part of lot, or tract of ground so as to obstruct the flow of water through such water course or ravine, and cause such water to accumulate on any street, alley, public place, private lot, or private ground, shall be considered to have caused a nuisance and shall be deemed guilty of a simple misdemeanor or municipal infraction as set out in the Schedule of Penalties in the Appendix of this Code of Ordinances.

**TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 5 – WEEDS**

SECTIONS:

- 9-5-1 Purpose
- 9-5-2 Definitions
- 9-5-3 Noxious Weeds
- 9-5-4 Duties of Owners
- 9-5-5 Notice
- 9-5-6 Proof of Service
- 9-5-7 Work Done by City
- 9-5-8 Cost of Work Done by City

9-5-1 Purpose. The purpose of this Chapter is to establish the procedure to be followed for the removal of noxious weeds on property within the City.

9-5-2 Definitions. For purposes of this Chapter, the following terms are defined:

- A. "Noxious weed" includes weeds such as jimson, burdock, ragweed, thistle, cocklebur, and any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in height.
- B. "Owner" means a record holder of legal title as shown on the records of the Muscatine County Assessor.

9-5-3 Noxious Weeds. It shall be a misdemeanor for the owner of real estate located within the Corporate Limits of the City to permit the growth of noxious weeds on any real estate as set out in this Chapter.

9-5-4 Duties of Owners. It shall be the duty of the owner to cut or remove, and to keep cut or removed, all noxious weeds from his, her, or its property and from all adjacent property between the property line and the improved street and/or alley line(s).

9-5-5 Notice. The City shall give notice to the property owners by one publication in a newspaper of general circulation within the City, stating that all property owners are required to destroy, cut, trim, or otherwise eradicate all noxious weeds on their property and the adjacent unimproved public right(s)-of-way within a reasonable time but not less than five days from the date of the said publication.

9-5-6 Proof of Service. In addition to the notice as set out in Section 9-5-5, the City shall mail a notice to the property owner believed to be violating the provisions of this Section advising that all noxious weeds located on his, her, or its property and adjacent public right(s)-of-way shall be destroyed, cut, trimmed, or otherwise eradicated within five (5) days from the delivery of mail in the ordinary course of delivery. Said notice shall be sent by ordinary mail to the last known address of the owner or as shown on the current County Assessors records. It shall be presumed that five (5) days is sufficient time for the delivery of mail within ordinary course. A copy of the publication as required in Section 9-5-5, together with a copy of the notice sent by regular mail as herein set out shall be deemed proof of service.

9-5-7 Work Done by City. When any owner fails to destroy, cut, trim, or eradicate noxious weeds within the notice period(s) contained in this Chapter, the City shall cause the noxious weeds to be cut or removed by private contractor or with City employees and equipment at City expense.

9-5-8 Cost of Work Done by City. The City Clerk shall submit an itemized statement to the City Council for all work performed under this Chapter. The itemized statement shall include the cost of cutting and/or removing the noxious weeds to include labor, equipment costs, and reasonable administrative costs. Upon receipt of the itemized statement, the Council shall audit it, and if allowed, shall by resolution assess the cost as a special assessment against the property. The City Clerk shall certify the assessment to the County Treasurer, to be collected as any other special assessment.

TITLE 10

ZONING

<u>SUBJECT</u>	<u>CHAPTER</u>
Zoning Purposes	1
Zoning Districts, Map	2
AG Agricultural District	3
FP Flood Plain District	4
FC Flood Channel (Floodway) District	5
R-1, R-2, and R-3 Residential Districts	6
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R-5 Residential District	8
R-6 Residential District	9
R-L Large Scale Residential Development District	10
C-1 Neighborhood and General Commercial District	11
C-2 Central Commercial District	12
C-3 Planned Commercial District	13
M-1 Light Industrial District	14
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Title 10 – Zoning
Chapter 1 – Zoning Purposes

SECTIONS:

10-1-1 Short Title

10-1-2 Basic Intent and Purpose

10-1-1 Short Title. These regulations shall be referred to as the Zoning Ordinance of the City of Muscatine, Iowa.

10-1-2 Basic Intent and Purpose. The purpose of this Title shall be:

- A. These regulations have been based upon the comprehensive plan for the City of Muscatine, which was adopted by the City of Muscatine. Said comprehensive plan included estimates of population growth; land use surveys; a land use plan; plans for major thoroughfares, other transportation facilities, community facilities, public services, and utilities; and a public works program.
- B. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.
- C. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.
- D. The land use regulations divide the area into a number of zoning districts:
 1. Because of frequent and costly flooding, some areas should be kept in their natural state and not developed and development in other areas required to include adequate floodproofing. These would be included in a Flood Plain District.
 2. The comprehensive plan indicated the need for various land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities, such as sewers, water, schools, parks, public transportation, and the like. Remaining lands should be reserved agricultural and rural uses. Consequently, the regulations include an Agricultural District for agricultural and non-urban land uses.
 3. In the past, residential neighborhoods have deteriorated due to encroachment by isolated commercial and industrial uses. The great majority of our population live in single-family homes which they own. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.
 4. Other residential districts are established for two (2) family homes, mobile homes, town houses, and for apartments. Density, yard, and parking regulations would insure good living conditions in these areas. Much of present day building is by large projects instead of lot by lot. A Large-Scale Residential District is provided where large-scale projects may be located with approval of the site plan. This introduces an important measure of flexibility into the regulations.
 5. Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the neighborhood commercial area, i.e., the grocery store, drugstore complex serving the adjacent residential neighborhoods and for the

more widely used commercial areas along major streets and highways. There is a central commercial district for the downtown area and a special "planned district" for commercial development based on a site plan.

6. For industry there are two (2) districts: a "light" industrial district for manufacturing and related industrial activity, and a "general" industrial district which provides for additional uses with approval under the provision for conditional uses.
 7. A Special Development District has also been furnished to provide the opportunity for imaginative site development with a variety of uses in special areas of the City.
 8. The regulations emphasize the character as well as location and density of the land uses. Special inducements are offered for good design of apartment areas. Landscape planting is required in all front yards and for automobile filling stations, parking lots, and garages. Advertising is carefully controlled.
 9. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used provided current building setbacks can be maintained. Nonconforming uses are permitted to continue for adequate time periods.
 10. All uses are required to provide their own off-street parking (with a few exceptions). Over a period of years, enforcement of this requirement will enable streets to be used primarily for traffic movement.
 11. Each of the regulations have been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the optimum urban environment.
- E. Jurisdictional Area. These regulations apply to all lands within the corporate limits of the City of Muscatine.

Title 10 – Zoning
Chapter 2 – Zoning Districts; Map

SECTIONS:

- 10-2-1 Use Districts
- 10-2-2 District Map and Boundaries
- 10-2-3 Effect of Vacations on Boundaries
- 10-2-4 New or Annexed Land
- 10-2-5 Areas Under Water
- 10-2-6 Special Large Scale Flood Insurance Rate Map
- 10-2-7 District Regulations

10-2-1 Use Districts. The City of Muscatine is hereby divided into the following specific districts:

AG	Agricultural
FP	Flood Plan
FC	Flood Channel
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
R-4	Two-Family Residential
R-5	Multi-Family Residential
R-6	Multi-Family Residential
RL	Large-Scale Residential Development
C-1	Neighborhood and General Commercial
C-2	Central Commercial
C-3	Planned Commercial
M-1	Light Industrial
M-2	General Industrial
S-1	Special Development
S-2	Institutional; Office
A-P	Airport District

10-2-2 District Map and Boundaries. The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "District Map". The District Map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Planning Administrator of the City of Muscatine, Iowa. The boundary lines are shown upon the District Map within the center line of streets, alleys, public ways, and railroads; in cases not covered by the provisions of this section, the boundary lines shall determine the distances in feet, if given, from other lines on the map, but if no distances are given, then by scale of the map. Where boundary lines are shown approximately on the location of property lines and the exact location is not indicated by means of figures, distances, or

otherwise, then the property line shall be the boundary. Appeals may be filed with the Zoning Board of Adjustment.

10-2-3 Effect of Vacations on Boundaries. Whenever any street, alley, or other public way is vacated by official action of the City Council of the City of Muscatine, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

10-2-4 New or Annexed Land. All territory which may hereafter be annexed to the City of Muscatine shall automatically be placed in the AG Agricultural District until otherwise changed by ordinance.

10-2-5 Areas Under Water. All areas within the Corporate Limits of the City which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

10-2-6 Special Large Scale Flood Insurance Rate Map. The Flood Plain and Flood Channel Districts are also shown on, where available, a special large scale "Flood Insurance Rate Map" which supplements the District Map and is attached hereto and made a part hereof. The Flood Insurance Rate Map and all notations, amendments, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Map and all notations, amendments, references, and other information shown thereon were fully set forth or described herein, the original of which is properly attested and is on file with the Planning Administrator of the City of Muscatine, Iowa.

10-2-7 District Regulations. Except as hereinafter provided:

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- B. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- D. The density and yard regulations of this Ordinance are minimum regulations for each and every building existing at the effective date of this Ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this Ordinance.
- F. No building shall be erected or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Ordinance.

- G. Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.
- H. All inhabited mobile homes shall be located in a mobile home park that has received a conditional use permit, and if appropriate, subdivision approval as required. No mobile home outside an approved mobile home park shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.
- I.
 - 1. Site Plan Review: Approval of site plans should be made in accordance with good planning practices, taking into consideration: adequate parking areas, safe ingress and egress to the site, sufficient landscaped areas, adequate screening of unsightly areas such as loading docks, trash containers and parking areas. Further the development of one site should not cause problems relating to surface drainage, noise, lighting, signing, and incompatible relationships between new and existing adjacent land uses.

Site plan review is required for all new construction on undeveloped land in the following situations:

- a. The C-1 and C-2 Commercial Districts.
 - b. The M-1 and M-2 Industrial Districts.
 - c. All non-residential development in the Residential Districts.
 - d. For multi-family construction of more than four (4) units per lot.
 - e. Site plan review approval is required in all of the above situations where remodeling, modification or alteration of an existing structure will increase the square footage by fifty percent (50%) or more.
 - f. A filing fee for such site plan review shall be charged as established
- 2. Approval. Approval should be made on the basis of the merits of the plan presented as it relates to the guidelines set forth below. A Building Permit will not be issued prior to the approval of the site plan. And a Certificate of Occupancy Permit will not be granted unless the site is developed according to the plan. The Site Plan Review Committee shall consist of a representative of the Department of Public Works, Building Department, and Planning and/or Zoning, as appointed by the City Administrator. Site plan approval shall require a unanimous decision. If such a decision is not rendered, an appeal may be made to the Planning and Zoning Commission.
 - 3. Site Plan Information to be Provided.

General Criteria

- a. A plan drawn to scale indicating the property boundaries of the site, the dimensions of all lot lines and square footage or acres involved.
- b. All points of access to and from the site should be identified, and include data on location, width, and type of all proposed curb and access points.
- c. Parking layout and a notation listing the number of the required parking spaces and the number to be provided. Indicate the estimated traffic to be generated by completed development and peak periods during the day.

Title 10 – Zoning
Chapter 3 – AG Agricultural District

SECTIONS:

10-3-1 Permissive Uses

10-3-2 Conditional Uses

10-3-3 Height, Area, Parking Requirements

10-3-1 Permissive Uses.

- A. Agricultural activity and raising and selling of livestock, except that all livestock operations or farms with livestock in excess of ten (10) head shall have a minimum lot area of twenty (20) acres and shall not locate any feed lot or accessory structures within two hundred feet (200') from any lot in an R-District.
- B. Single-family dwelling, provided that it has a minimum lot area of two (2) areas.
- C. Public park, playground, and recreational area.
- D. Privately operated recreational facility, including riding stable, lake, swimming pool, tennis court, and golf course, except miniature course or driving range, provided that any accessory building in connection therewith shall be located not less than two hundred feet (200') from any lot in an R-District.
- E. Public and private forest, wildlife preservation, or similar conservation project.
- F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- G. Place of worship.
- H. Greenhouse or nursery for the raising of flowers and other horticultural products, including the raising of such products for sale on the premises.
- I. Cemeteries of ten (10) acres or more in size. Also note 10-19-6 for Cemetery Development Standards.
- J. Roadside stand designed for temporary or seasonal use and which is adjacent to a road and which is used for the sale of farm products primarily produced or grown on the premises.
- K. Animal hospital, veterinary clinic, or kennel, provided that any building or enclosure in connection therewith shall be at least one hundred feet (100') from any lot in an R-District.
- L. Grain bin and farm-related building, which is used in connection with on-premises agricultural activity.
- M. Watertower.
- N. Historic site open to the public.

10-3-2 Conditional Uses.

- A. Extraction of coal, sand, gravel, top soil, and other natural resources.
- B. Airport, except that all airport facilities are exempt from the height and area regulations and accessory use regulations; provided further, that all airport facilities shall be developed in accordance with current Federal Aviation Administration specifications and guidelines.
 - 1. Airport or aircraft-related commercial activities, provided that such activities are located completely within the property of the airport.
 - 2. No use of any land shall be made under this Section which violates the provisions of Title 10, Chapter 18 of this City Code.

- C. Electrical distribution substation, pipeline pumping station, sewage lagoon, or sanitary landfill.
- D. Farm implement operation for the sale of new and used farm equipment and implements including the accessory service and maintenance thereof.
 - 1. A site plan shall be submitted to the Zoning Board of Adjustment. The City Code (10-2-71), entitled Site Plan Review, shall be followed as a guide in developing said plan.
 - 2. Minimum lot size for this activity is 2.5 acres.
- E. Farm supply sales of the following primary products:
 - 1.
 - a. Agricultural chemicals.
 - b. Liquid and dry bulk fertilizer.
 - c. Feed.
 - d. Fuel.
 - e. Ancillary agricultural products as approved by the Zoning Board of Adjustment.
 - f. Ancillary carryout food items, packaged ready to consume convenience snacks and non-alcoholic beverages.
 - 2. A site plan shall be submitted to the Zoning Board of Adjustment. The City Code (10-2-71), entitled Site Plan Review, shall be followed as a guide in developing said plan.
 - 3. Minimum lot size for this activity is 2.5 acres.

10-3-3 Height, Area, Parking Requirements.

- A. The limits in feet are as follows:

Maximum <u>Height</u>	Minimum Yards			Minimum <u>Frontage</u>
35*	<u>Front</u>	<u>Side</u>	<u>Rear</u>	150
	50	20	50	

*Note: Chapter 19 - Exceptions to Height Limits.

- B.
- C. The limits in square feet are as follows:

Minimum <u>Lot Area</u>	<u>Minimum Lot Area Per Family</u>
Two acres	<u>Single</u> Two acres

- D.
- E. The minimum off-street parking spaces are as follows:
 - 1. Single-family: One (1) per full bath.
 - 2. Place of worship: One (1) per four (4) seats in main room.
 - 3. High schools and colleges: Ten (10) per classroom.
 - 4. Elementary schools: Two (2) per classroom.
 - 5. Community center, library, museum, historic site, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
 - 6. Hospital: Two (2) for each bed.

7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 4 – FP Flood Plain District

SECTIONS:

- 10-4-1 Intent and Purpose
- 10-4-2 District Boundaries
- 10-4-3 General Provisions
- 10-4-4 Permissive Uses
- 10-4-5 Conditional Uses
- 10-4-6 Height, Area, Parking Requirements
- 10-4-7 Flood Control Manual
- 10-4-8 Administration
- 10-4-9 Definitions

10-4-1 Intent and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. It is the purpose of the Flood Plain District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundations at frequent intervals and to assure that flood carrying capacity within the altered or relocated portion of any watercourse is maintained. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended).
- C. The regulations, while permitting reasonable economic and social use of such properties, will help protect health, safety, and general welfare and reduce financial burdens imposed on the community, governmental units, and its individuals caused by frequent and periodic floods and the overflow of lands.
- D. The standards required by this Chapter are considered reasonable for regulatory purposes. This Chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Muscatine or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

10-4-2 District Boundaries.

- A. The boundaries of the Flood Plain District are hereby established as the areas classified as “Zone AE or Zone A” on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, dated July 18, 2011 and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014 which were prepared as part of the Flood Insurance Study for Muscatine County and are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained within the Flood Insurance Study are also declared to be a part of this Ordinance.

- B. All lands included in such Flood Plain Districts shall be subject to the terms imposed herein, in addition to the terms imposed by any other zoning use district in which said lands should be located.

10-4-3 General Provisions.

- A. It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail.
- B. All activities in this district shall obtain all necessary permits as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).
- C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

10-4-4 Permissive Uses. When the use proposed herein is allowable in a zoning district, the following uses and types of activities are permitted in the district; provided that such uses and types of activities do not entail any manmade changes to improved or unimproved real estate, including but not limited to buildings or other structures (including the placement of factory built buildings), mining, dredging, filling, grading, paving, excavation, or drilling operations:

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- B. Open recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- C. Marinas.
- D. Industrial/commercial uses such as loading areas, parking areas, airport landing strips.
- E. For residential districts, areas within the Flood Plain District may be used for computing lot area requirements and may, therefore, be used for yard and park areas.
- F. Storage yard for materials and equipment not subject to removal or major damage by flood waters.

10-4-5 Conditional Uses.

- A. Any permissive or conditional use in the zoning district applicable to the location in question and not identified as a permissive use in Section 10-4-4 is considered a conditional use.

- B. Any manmade change to improved or unimproved real estate located in the Flood Plain District, including but not limited to buildings or other structures (including the placement of factory built buildings), mining, dredging, filling, grading, paving, excavation, or drilling operations, is considered a conditional use.
- C. In addition to complying with the provisions contained within Section 10-22-1 of the City Code, conditional uses in the Flood Plain District must meet the following criteria to be approved:
 - 1. Any proposed new construction or substantial improvements including the placement of factory built buildings shall meet the following standards:
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. Use construction materials and equipment that are resistant to flood damage.
 - c. Use construction methods and practices that shall minimize flood damage.
 - d. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e. Factory built homes including those placed in existing factory built home parks or subdivisions shall be elevated on a permanent foundations such that the lowest floor of the structures are a minimum of one foot (1') above the one hundred (100) year flood.
 - f. All new construction or substantial improvements of residential structures located in the flood plain shall have the lowest floor (including basement) elevated one foot (1') above the level of the one hundred (100) year flood.
 - g. All new and substantially improved residential and nonresidential structures with fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot (1') above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- h. All new construction or substantial improvements of nonresidential structures located in the Flood Plain District shall have the lowest floor (including basement) flood proofed and elevated one foot (1') above the level of the one hundred (100) year flood. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that:
 - i. The flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood; and
 - ii. That the structure, below the one hundred (100) year flood level is watertight with walls substantially impermeable to the passage of water.
- i. All utility and sanitary facilities shall be flood proofed one foot (1') above the level of the one hundred (100) year flood so that any space below the level of the one hundred (100) year flood is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- j. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- k. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters.
- l. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot (1') above the one hundred (100) year flood elevation.
- m. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- n. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one foot (1') above the one hundred (100) year flood elevation.
- o. Utilities such as a gas or electrical system shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- p. All applicants for conditional use permits for new or substantially improved structures shall be accompanied by records of elevations and flood proofing levels, and whether or not such structures contain a basement. It shall be the responsibility of the applicant to obtain the appropriate topographic data, engineering studies, or other studies needed by the Zoning Board of Adjustment, the City Administrator or his/her designee, and/or other appropriate agency or official. All such data shall be prepared and certified by technically qualified persons and will be maintained by the City Administrator or his/her designee.
- q. All applicants for conditional use permits for new or substantially improved structures shall be reviewed by the City Administrator or his/her designee to determine if the site of the proposed improvements is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law

(including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

- r. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot (1') above the one hundred (100) year flood level. Other material and equipment must either be similarly elevated or (1) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (2) be readily removable from the area within the time available after flood warning.
 - s. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a one hundred (100) year flood with a minimum of 3 feet (3') of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
 - t. The exemption of detached garages, sheds, and similar structures from the one hundred (100) year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents; however, said detached garages, sheds, and similar accessory type structures are exempt from the one hundred (100) year flood elevation requirements when:
 - i. The structure shall not be used for human habitation.
 - ii. The structure shall be designed to have low flood damage potential.
 - iii. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - iv. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - v. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot (1') above the one hundred (100) year flood level.
2. All subdivision proposals and all other proposed new developments located in the Flood Plain District shall be reviewed by the appropriate agency to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage.
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
 - d. All such proposals greater than fifty (50) lots or five (5) acres, whichever is lesser, include, within such proposals, base flood elevation data.
 3. Factory built home development is considered a conditional use in the Flood Plain District, provided the subject property is appropriately zoned for such use and further provided that such development follows the procedures designed in the Zoning Ordinance for consideration of such use.

- a. For new factory built home parks, for expansions to existing factory built home parks and for existing factory built home parks where the repair, reconstruction, or improvement of streets, utilities, and pads equal or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, it is required that:
 - i. Ground anchors for tie downs be provided in accordance with the Mobile Home Manufacturers Association standards.
 - ii. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed or lease. Notification of both the one hundred (100) year flood elevation and the regulatory flood protection elevation shall be provided.
 - iii. Adequate surface drainage and easy access for a hauler is provided.
 - iv. In the instance of elevation on piers, lots are large enough to permit steps, and steel reinforcement is provided for piers more than six feet (6') high.
 - v. Stands or lots are elevated on compacted fill or piers so that the lowest floor of the home will be one foot (1') above the level of the one hundred (100) year flood.
4. For factory built homes moving into existing factory built home parks, where concrete pads for the placement of factory built homes are in existence and where street and utility connections are in existence, it is required that:
 - a. Ground anchors for tie downs are required in accordance with the Mobile Home Manufacturers Association standards.
 - b. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed, or lease. Notification of both the one hundred (100) year flood elevation and the regulatory flood protection elevation shall be provided.
5. All pressurized tanks and other containers storing materials or bulk materials hazardous to the public health, safety, and welfare shall be anchored to prevent lateral movement, collapse, flotation, or buoyancy.
6. Further, requirements for recreational vehicles placed on sites within Zone AE on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, dated July 18, 2011 and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014:
 - a. Be on the site for fewer than 180 consecutive days.
 - b. Be fully licensed and ready for highway use.
 - c. Meet the permit, elevation and anchoring requirements for "manufactured homes".
 - d. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by disconnect type utilities and security devices, and has no permanent attached additions.

10-4-6 Height, Area, Parking Requirements. The height, area, and parking requirements must conform to the district on which the Flood Plain District is superimposed.

10-4-7 Flood Control Manual. The 2002 Flood Control Manual for the City of Muscatine, as amended, is hereby adopted by reference. Said Flood Control Manual shall have the same force and effect as though fully set forth herein. Copies of said Flood Control Manual are available in the office of the City Clerk.

10-4-8 Administration. Duties and responsibilities of the City Administrator or his/her designee, specifically relating to this Chapter, shall include, but not necessarily be limited to the following:

- A. Review conditional use permit applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
- B. Record and maintain a record of (1) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (2) the elevation to which new or substantially improved structures have been flood proofed.
- C. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
- D. Submit to the Federal Insurance Administrator an annual report concerning the City of Muscatine's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- E. Notify the Federal Insurance Administration of any annexations or modifications to the City of Muscatine Corporate Limit.

10-4-9 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- B. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- C. "Existing Factory Built Home Park or Subdivision" is a factory built home park or subdivision for which the construction of facilities for servicing the lots on which the factory built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 25, 1981.

- D. "Expansion of Existing Factory Built Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- E. "Factory Built Home" is any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance, factory built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- F. "Factory Built Home Park" is a parcel or contiguous parcels of land divided into two or more factory built home lots for rent or sale.
- G. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- H. "Flood Elevation" is the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the one hundred (100) year flood elevation is the elevation of flood waters related to the occurrence of the one hundred (100) year flood.
1. For locations in areas classified as "Zone AE" on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, dated July 18, 2011 and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014 the flood elevation is the base flood elevation shown on the Flood Insurance Rate Map.
 2. For locations in areas classified as "Zone A" on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, dated July 18, 2011 and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014 effective and revised July 18, 2011, and located south of Hershey Avenue, one of the following two methods shall be used to calculate the base flood elevation:
 - a. Computed using data on file with the City Engineer, or
 - b. The Iowa Department of Natural Resources may be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such a calculation.
 - c. For locations in areas classified as "Zone A" on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, dated July 18, 2011 and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and

located north of Hershey Avenue, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such a calculation.

- I. "Flood Insurance Rate Map" is the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- J. "Flood Insurance Study" means a study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the City with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.
- K. "Flood Plain" is any land area susceptible to being inundated by water as a result of a flood.
- L. "Flood Plain Management" is an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
- M. "Flood Proofing" is any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- N. "Floodway Fringe" are those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- O. "Historic Structure" means any structure that is:
 - 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
 - 3. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of Interior, or
 - b. Directly by the Secretary of Interior in states without approved programs.
- P. "Lowest Floor" is the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
1. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 10-4-5(C)1(g), and
 2. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot (1') above the one hundred (100) year flood level, and
 4. The enclosed area is not a "basement" as defined in this Section.

In cases where the lowest enclosed area satisfies criteria 1, 2, 3 and 4 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

- Q. "New Construction" means structures for which the start of construction commenced on or after August 25, 1981 and includes any subsequent improvements to such structures.
- R. "New Factory Built Home Park or Subdivision" means a factory built home park or subdivision for which the construction of facilities for servicing the lots on which the factory built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first floodplain management regulations adopted by the community.
- S. "One Hundred (100) Year Flood" means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.
- T. "Recreational Vehicle" means a vehicle that is:
1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- U. "Regulatory Floodway" is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
 - V. "Substantial Damage" means a damage or any original sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
 - W. "Special Flood Hazard Area" is land subject to the "100-year flood". This land is identified as Zone A or AE on the Flood Insurance Rate Map for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, dated July 18, 2011 and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014.
 - X. "Start of Construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
 - Y. "Structure" is anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory built homes, storage tanks, and other similar uses.
 - Z. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, which satisfies following criteria:
 1. The cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.
 2. Any addition which increases the original floor area of a building by twenty five percent (25%) or more. All additions constructed after August 25, 1981 shall be added to any proposed addition in determining whether the

total increase in original floor space would exceed twenty five percent (25%).

The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- b. Any alterations of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

AA. "Violation" means the failure of a structure or other development to be fully compliant with the regulations contained in this Chapter.

Title 10 – Zoning
Chapter 5 – FC Flood Channel (Floodway) District

SECTIONS:

- 10-5-1 Intent and Purpose
- 10-5-2 District Boundaries
- 10-5-3 General Provisions
- 10-5-4 Permissive Uses
- 10-5-5 Conditional Uses
- 10-5-6 Responsibility for Studies
- 10-5-7 Administration
- 10-5-8 Definitions

10-5-1 Intent and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. It is the purpose of the Flood Channel (Floodway) District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundation and flow of flood waters such that the floodway efficiency will not be affected, or its capacity restricted. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended). The regulations, while permitting reasonable economic and social use of such properties, will help protect the public health, safety, and general welfare and reduce financial burdens imposed on the community, governmental units, and its individuals caused by frequent and periodic floods and the overflow of lands.
- C. The standards required by this Chapter are considered reasonable for regulatory purposes. This Chapter does not imply that areas outside the designated Floodway District areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Muscatine or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.
- D. It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail.

10-5-2 District Boundaries. The boundaries of the Flood Channel (Floodway) District are hereby established as the areas shown as “Floodway Areas in Zone AE” as shown on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine Panels 19139C0179C, 183C, 184C, 185C 191C, 192C, 225C, dated July 18, 2011 and Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014 which were prepared as part of the Flood Insurance Study for Muscatine County and are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained within the Flood Insurance Study are also declared to be a part of this Ordinance.

All lands included in such Flood Channel (Floodway) District shall be subject to the terms imposed herein.

10-5-3 General Provisions.

- A. It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail.
- B. All activities in this district shall obtain all necessary permits as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).
- C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

10-5-4 Permissive Uses. The following open space uses shall be permitted within the Flood Channel (Floodway) District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, placement of factory built buildings, fill, other obstructions, excavation, alteration of a watercourse, or storage of materials or equipment unless as otherwise provided by this Ordinance:

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- B. Industrial and commercial uses such as docks, dock piers, boat landings, loading areas, parking areas, and airport landing strips.
- C. Open recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- D. Open space, nonstructural uses such as lawns, gardens, parking areas, and play areas.
- E. For residential districts, areas within the Flood Channel (Floodway) may be used for computing lot area requirements.
- F. Other water-oriented uses such as dams, power plants, underground pipelines, canals, drainage ditches, and bridges, provided such uses shall be approved by the Iowa Department of Natural Resources and meet other applicable Federal, State, and local regulations (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

10-5-5 Conditional Uses. Any use that includes structures, placement of factory built buildings, fill, other obstructions, excavation, alteration of a watercourse, or storage of materials or equipment requires a conditional use permit.

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which acting alone or in combination with existing or proposed uses affects unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood. For any such use, review shall be conducted by the Iowa Department of Natural Resources to determine if the proposed use would increase in flood levels within the community during the occurrence of the base flood.

10-5-6 Responsibility for Studies. Where topographic data, engineering studies, or other studies are needed by the appropriate City agency and/or Iowa Department of Natural Resources to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by technically qualified persons. All such data shall be maintained by the City of Muscatine

10-5-7 Administration. Duties and responsibilities of the City Administrator or his/her designee, specifically relating to this Chapter, shall include, but not necessarily be limited to the following:

- A. Review conditional use permit applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
- B. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

10-5-8 Definitions. Words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application, additionally definition as contained in Section 10-4-9 shall also apply to this Chapter.

Title 10 – Zoning
Chapter 6 – R-1, R-2 and R-3 Residential districts

SECTIONS:

10-6-1 Permissive Uses

10-6-2 Conditional Uses

10-6-3 Height, Area, and Off-Street Parking Requirements

10-6-1 Permissive Uses.

- A. Single-family dwelling.
- B. Public park or playground.
- C. Place of worship.
- D. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- E. Golf course, except miniature courses and driving tees operated for commercial purposes.
- F. Agricultural activity, except that all livestock operations or farms with livestock in excess of ten (10) head shall have a minimum lot area of twenty (20) acres and shall not locate any feed lot or accessory structures within two hundred feet (200') of any lot in the R District.
- G. Privately operated lake, swimming pool, tennis court, or similar recreational uses on a site of not less than five (5) acres, provided that any building in connection therewith shall be located not less than two hundred feet (200') from any lot in an R District; but not a miniature golf course or driving tee operated for commercial purposes.
- H. Cemeteries existing at the time of the adoption and incorporation of this amendment December 4, 1986 namely Greenwood Cemetery, Saint Mary's Cemetery and Memorial Park Cemetery.

10-6-2 Conditional Uses.

- A. Group home sponsored by a religious, education, or eleemosynary institution, provided that such home has single kitchen facilities, and further provided that such home be under twenty-four (24) hour adult supervision; but not a penal or mental institution; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
- B. Nursing, rest, or convalescent home, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of not less than twenty thousand (20,000) square feet; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
- C. Hospital, provided that it is located at least one hundred feet (100') from any lot in an R District and is situated on a site of not less than five (5) acres; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings; and further provided that the building be set back from all required yard lines an additional foot (1') for each foot (1') of building height.
- D. Educational or philanthropic institution, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of not less than twenty thousand (20,000) square feet; and further provided that not more than (fifty percent (50%) of the site area is occupied by buildings.

- E. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
- F. Conversion of single-family homes into two-family homes in those locations where on July 19, 1973, more than forty percent (40%) of the frontage on one side of the street between two (2) intersecting streets was used for two-family homes or two-family homes and multiple-family dwellings. Off-street parking requirement ratios must be complied with for each full bath.
- G. Electrical distribution, substation, or pipeline pumping station or water tower.
- H. Cable T.V. broadcast facility and tower.
- I. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
- J. Any contiguous site expansion to existing cemeteries listed in 10-6-1(H) above shall be subject to review and approval by the Zoning Board of Adjustment.
- K. Bed and Breakfast Homes within an existing residence constructed prior to 1930 and located in an R-3 Zoning District. (Refer to DEFINITIONS in Chapter 23).
- L. Clinic as a Conditional Use in the R-3 Single Family Residential District specifically within the geographical area described as those lots adjacent to and fronting along Young Avenue, real estate located on the southeast side of Parham Street between Young Avenue and Cedar Street and that real estate north of Cedar Street between Parham Street and Muscatine General Hospital.
- M. Barber or beauty shop within an owner-occupied home consisting of one (1) single chair, providing a minimum two (2) off-street standard parking stalls for this chair and complying with the definition of a Home Occupation (10-23-1).
- N. Iowa Certified Assisted Living Facility. This development provides for integrated levels of services and housing for senior living arrangements. The intent is a campus like setting on a minimum of three (3) acres, served by all utilities. The project may consist of a mixture of single detached units, cluster units with shared common areas and townhouse type congregate living features.

10-6-3 Height, Area, and Off-Street Parking Requirements

- A. The limits in feet are as follows:

Maximum Height	District	Minimum Yards			Minimum Frontage
		Front	Side	Rear	
35	R-1 & R-2	25	10	25	100, 80 (R-2)
35	R-3	25	6	25	60

- B. The limits in square feet are as follows:

Maximum Lot Area	District	Minimum Lot Area Per Family
		Single
20,000	R-1	20,000

10,000	R-2	10,000
7,000	R-3	7,000

C. The minimum off-street parking spaces are as follows:

1. Single-family: One (1) per full bath.
2. Place of workshop: One (1) per four (4) seats in main room.
3. High schools and colleges: Ten (10) per classroom.
4. Elementary schools: Two (2) per classroom.
5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
6. Hospital: Two (2) for each bed.
7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 7 – R-4 Residential District

SECTIONS:

10-7-1 Permissive Uses

10-7-2 Conditional Uses

10-7-3 Height, Area and Off-Street Parking Requirements

10-7-1 Permissive Uses.

- A. Two-family dwelling.
- B. Single-family dwelling.
- C. Rowhouses, townhouses, and three or four-family houses where the site being developed is one-half (1/2) acre or larger.
- D. Public park or playground.
- E. Place of worship.
- F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
- G. Golf course, except miniature course and driving tees operated for commercial purposes.
- H. Mobile home park subdivision. Mobile home shall mean a factory-assembled or manufactured dwelling unit, with the necessary utility connections, which is transported to a site and affixed to a permanent frost-free foundation. Mobile homes shall be located as a Conditional Use in the R-4 District and comply with Title 10-19-4 of the Zoning Ordinance, if the site on which they are located is to be leased by the occupant of the mobile home. If the purpose of the development of a mobile home park is to sell individual lots in fee to the occupants of mobile homes, then the following shall apply:
 1. Proposed, mobile home parks shall be a minimum size of ten (10) acres prior to the subdivision of the tract into individual lots.
 2. Mobile home parks shall be located in the R-4 Residential District. The rezoning shall be based on a development plan for the entire mobile home park.
 3. The subdivision of real estate for mobile home lots shall comply with all applicable standards of Title 11 of the City Code, entitled Subdivision Regulations. Further, said subdivisions shall comply with the provisions of the design criteria set forth in this Chapter.
 4. Upon development of a mobile home park, the axle, tongue, and wheels shall be removed, the unit shall be affixed to a permanent frost-free foundation and the license shall be turned over to the County Assessor and the unit shall then be taxed as real property along with the land on which it is situated.
 5. All mobile home park subdivisions shall be developed in accordance with the design and performance standards set forth in this Chapter.
 6. Design and performance standards:
 - a. The minimum area to be considered for a mobile home park subdivision shall be ten (10) acres; individual lots shall be a minimum of five thousand (5,000) square feet. Each lot shall have a minimum of fifty feet (50') of frontage on an improved public street.
 - b. The following setback criteria shall apply to the perimeter property lines of each individual lot:

Front yard:	Fifteen feet (15') minimum.
Side yard:	Six feet (6') minimum.
Rear yard:	Ten feet (10') minimum.

- c. A minimum of two (2) improved off-street parking spaces shall be provided for each mobile home.
- d. All utilities shall be underground.
- e. The only accessory storage structure permitted shall be a maximum of nine feet (9') by ten feet (10') affixed to a four inch (4") thick concrete slab. Garages for the storage of motor vehicles are permitted.
- f. The permanent frost-free foundation shall not extend more than thirty-six inches (36") above grade.
- g. Landscaping will be required, as appropriate, by the Planning and Zoning Commission around the perimeter of the mobile home park subdivision. This will be determined on a case-by-case review.
- h. All standards for roads, sidewalks, utilities, easements, and other applicable criteria as outlined in Title 11 of the City Code, entitled Subdivision Regulations, shall apply to the subdivision of real estate for mobile homes.
- i. Private recreation areas are encouraged within the mobile home park subdivision. Deed covenants established by the subdivider may accomplish this, the ongoing maintenance would be the responsibility of the subdivider or a homeowner's association.
- j. All fences encroaching into the front yard shall have a maximum height of four feet (4') and be of chain link material. In view of the reduced setback requirement, a safe line of sight is needed as vehicles back into the street.
- k. All restrictive covenants shall be submitted to the Commission for review, but enforcement of these provisions shall be the responsibility of the subdivider, his assigns or homeowners; association and shall not be the responsibility of the City of Muscatine.
- l. Other related items may be required by the Commission and City Council as determined on a case-by-case review.
- m. Upon approval of the final plat, any future changes to the plat and lot arrangement shall be reviewed and approved by the Commission.

10-7-2 Conditional Uses.

- A. Mobile homes in accordance with the provisions of Section 10-19-4.
- B. Group home sponsored by a religious, educational, or eleemosynary institution, provided that such home has single kitchen facilities; and further provided that such home be under twenty-four (24) hour adult supervision; but not a penal or mental institution.
- C. Nursing, rest, or convalescent home, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet.
- D. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
- E. Electrical distribution station, pipeline pumping station, or water tower.
- F. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all

parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.

- G. Barber or beauty shop not to exceed two (2) chairs, providing a minimum of two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation 910-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-7-3 Height, Area, and off-Street Parking Requirements.

- A. The limits in feet are as follows:

<u>Maximum Height</u>	<u>Minimum Yards</u>			<u>Minimum Frontage</u>
	<u>Front</u>	<u>Side</u>	<u>Rear</u>	
35	25	6	25	50

- B. The limits in square feet are as follows:

<u>Minimum Lot Area</u>	<u>Minimum Lot Area Per Family</u>		
	<u>Single</u>	<u>Two</u>	<u>Multiple</u>
5,000	5,000	2,500	(Note 10-7-1(C))

- C. The minimum off-street parking spaces are as follows:
 1. Single and two-family and multiple: One (1) per full bath.
 2. Place of worship: One (1) per four (4) seats in main room.
 3. High schools and colleges: Ten (10) per classroom.
 4. Elementary schools: Two (2) per classroom.
 5. Sanitarium or nursing home: One (1) for each three (3) beds.
 6. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 8 – R-5 Residential District

SECTIONS:

10-8-1 Permissive Uses

10-8-2 Conditional Uses

10-8-3 Height, Area and Off-Street Parking Requirements

10-8-1 Permissive Uses.

- A. Multiple-family dwellings or townhouses on tracts of less than three (3) acres.
- B. Rooming house or boarding house.
- C. Single and two-family dwelling.
- D. Group home sponsored by a religious, educational, or elementary-institution, provided that such home have single kitchen facilities; and further provided that such home be under twenty-four (24) hour adult supervision: but not a penal or mental institution.
- E. Nursing, rest, or convalescent home, provided that it be located at least fifty feet (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet, and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
- F. Private club, fraternity, sorority, or lodge, excepting when the chief activity of which is a service customarily carried on as a business.
- G. Public park or playground.
- H. Place of worship.
- I. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- J. Golf course, except miniature course and driving tees operated for commercial purpose.
- K. Clinics, but not animal clinics.

10-8-2 Conditional Uses.

- A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
- B. Electrical distribution substation, pipeline pumping station, or water tower.
- C. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
- D. Barber or beauty shop not to exceed two (2) chairs, providing a minimum of two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation (10-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-8-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

		<u>Minimum Yards</u>			
Maximum <u>Height</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Minimum Frontage</u>	
35	25	6	25	50	

B. The limits in square feet are as follows:

		<u>Minimum Lot Area Per Family</u>		
Minimum <u>Lot Area</u>	<u>Single</u>	<u>Two</u>	<u>Multiple</u>	
5,000	5,000	2,500	1,000	

- C. The minimum off-street parking spaces are as follows:
1. Multiple-family: One and one-half (1 1/2) per dwelling unit.
 2. Rooming and boarding houses: One (1) per every two hundred (200) square feet of floor area.
 3. Single and two-family: One (1) per full bath.
 4. Place of worship: One (1) per four (4) seats in main room.
 5. High schools and colleges: Ten (10) per classroom.
 6. Elementary schools: Two (2) per classroom.
 7. Hospital: Two (2) for each bed.
 8. Sanitarium or nursing home: One (1) for each three (3) beds.
 9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 9 – R-6 Residential District

SECTIONS:

10-9-1 Permissive Uses

10-9-2 Conditional Uses

10-9-3 Height, Area and Off-Street Parking Requirements

10-9-1 Permissive Uses.

- A. Single-family or two-family dwelling.
- B. Rowhouses, townhouses, or multiple-family dwellings on tract no less than three (3) acres nor more than five (5) acres.
- C. Public park or playground.
- D. Place of worship.
- E. Public school, elementary or high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
- F. Golf course, except miniature course and driving tees operated for commercial purposes.
- G. Clinic, except animal clinic.
- H. Nursing, rest, or convalescent home, provided that it be located at least fifty feet (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet, and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.

10-9-2 Conditional Uses.

- A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
- B. Electrical distribution substation, pipeline pumping station, or water tower.
- C. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
- D. YMCA, a YWCA, or a Family "Y" which is affiliated with the National "Y" Organization, provided that any substantial change in activities to be conducted on the site after original approval shall be subject to review by the Zoning Board of Adjustment in the same manner as the original Conditional Use.
- E. Barber or beauty shop not to exceed two (2) chairs, providing a minimum of two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation (10-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-9-3 Height, Area and Off-Street Parking Requirements.

A. The limits in feet are as follows:

	<u>Minimum Yards</u>			
<u>Maximum Height</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Minimum Frontage</u>
35	25	6	25	50

B. The limits in square feet are as follows:

	<u>Minimum Lot Area Per Family</u>			
<u>Minimum Lot Area</u>	<u>Single</u>	<u>Two</u>	<u>Multiple</u>	
7,000	7,000	3,000	3,000	

C. The minimum off-street parking spaces are as follows:

1. Single and two-family: One (1) per full bath.
2. Multi-family: One and one half (1 1/2) per dwelling.
3. Place of worship: One (1) per four (4) seats in main room.
4. High schools and colleges: Ten (10) per classroom.
5. Elementary schools: Two (2) per classroom.
6. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds.
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 10 – R-L Large Scale Residential
Development District

SECTIONS:

- 10-10-1 Purpose
- 10-10-2 Location
- 10-10-3 Intensity of Land Use
- 10-10-4 Permissive Uses
- 10-10-5 Height and Parking Requirements
- 10-10-6 Open Space
- 10-10-7 Conditions Filing
- 10-10-8 Procedures
- 10-10-9 Approval of Outline Development Plan
- 10-10-10 Preliminary Development Plan
- 10-10-11 Final Development Plan
- 10-10-12 Building Permits
- 10-10-13 Failure to Begin Planned Development
- 10-10-14 Changes in Final Development Plan
- 10-10-15 Enforcement

10-10-1 Purpose. The R-L District is intended to provide the developer of land in the City of Muscatine the opportunity to creatively, economically, and aesthetically develop the property based upon a comprehensive plan for its development. It is the purpose of this Chapter to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

10-10-2 Location. The R-L District may be applied anywhere in the City, provided that the objectives and provisions of this Chapter are satisfied and that the planned development is consistent with the spirit and intent of the City's Comprehensive Plan.

- A. Any planned development in which apartments, condominiums, or townhouses are proposed, or in which a mixture of apartment, condominium, townhouse, single and/or two-family housing types are proposed, and for which development of at least five (5) acres is proposed, shall conform to the requirements set forth herein

10-10-3 Intensity of Land Use. The following chart shall be used to determine the residential density range to be permitted within the R-L District:

Type of Development	Maximum Density Per Acre
Garden apartments (2-3 stories)	15 units or 38 bedrooms
Mid-rise apartments (4-6 stories)	28 units or 57 bedrooms
High-rise apartments (above 6 stories)	60 units or 130 bedrooms
Townhouse	10 units or 25 bedrooms

- A. Where a proposed R-L development is a combination of different residential types, the Planning and Zoning Commission shall evaluate the planned development's density range based upon the relative proportion of residential types proposed. If single or two-family houses are proposed, each house must have a minimum lot area

of seven thousand (7,000) square feet; this may consist of direct ownership and/or common interest in real estate within the development.

10-10-4 Permissive Uses.

- A. Single-family, two-family, townhouse and multiple-family residential.
- B. Park or playground.
- C. Customary accessory or associated uses, such as private garages, storage spaces, recreational, and community facilities.
- D. Additional uses shall be allowed only to the extent that the Planning and Zoning Commission find them to be:
 - 1. Designed to serve primarily the residents of the RL District.
 - 2. Compatibly and harmoniously incorporated into the unitary design of the development.
 - 3. Compatibly and harmoniously related to adjacent neighborhood uses. Such additional uses may include:
 - a. Place of worship.
 - b. Public or private school.
 - c. Institution.
 - d. Public or semi-public facility.
 - e. Golf course, tennis courts, swimming pool, or other sports facilities.
 - f. Nursery, rest, or convalescent home.
 - g. Day care center.

10-10-5 Height and Parking Requirements

- A. The limits in feet are as follows:
 - 1. Maximum height: None.
 - 2. Minimum yards: None.
 - 3. Minimum width: None.
- B. The minimum off-street parking spaces are as follows:
 - 1. Multiple-family: One and one-half (1 1/2) per dwelling unit.
 - 2. Single and two-family residential: One (1) per full bath.
 - 3. Place of worship: One (1) per four (4) seats in main room.
 - 4. High schools and colleges: Ten (10) per classroom.
 - 5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet.
 - 6. Sanitarium or nursing home: Two (2) for each bed.
 - 7. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-10-6 Open Space. A minimum of twenty-five percent (25%) of the R-L site area shall be developed as open space, including walkways, plazas, landscaped areas, pools, fountains, and playgrounds. Parking areas and vehicle access facilities shall not be considered in calculating open spaces.

10-10-7 Conditions.

- A. The Planning and Zoning Commission may recommend and the City Council may impose conditions regarding the layout, circulation, performance, preservation, care, and maintenance of the proposed development and may require that appropriate deed restrictions be filed.

- B. Upon recommendation of the Planning and Zoning Commission, the City Council may require the developer to file a bond or security to secure the City for the actual construction and installation to specifications determined by or in accordance with the regulation of the City Council.
1. Street Improvements. Streets shall be filled or excavated to the grade approved by the City and set by the City Engineer. All streets shall be graded the full platted width and pavement shall be constructed of seven inches (7") Portland cement concrete pavement, unless otherwise concurred with by the City Engineer and approved by the Planning and Zoning Commission and City Council.
 2. Sewers.
 - a. The developers shall make adequate provision for disposal of sanitary sewage from the proposed development. The developers shall, at their expense, construct a sanitary sewer system, including all necessary pumping stations, manholes, and other necessary appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the proposed development with an existing City sanitary sewer; such sewage system to be designed and constructed in accordance with the standards and specifications of the City. Design and construction of the sewage system and sewer grades must be approved by, and shall be under the supervision and inspection of the City Engineer. The developers may be required to pay a reasonable charge for such engineering, inspection service and hookup fees.
 - b. Storm Sewers. Storm drainage structures shall be constructed where needed as determined by the City Engineer. Minimum size of all storm sewer shall be twelve inch (12") Class III reinforced concrete pipe.
 - c. When it is impracticable to connect such sewage system with an existing City sewer and it is necessary to dispose of such sanitary sewage by a septic system, such system and the installation thereof shall meet the standards and specifications set by the Department of Public Health, State of Iowa.
 3. Water and Gas Service. The developer shall install, or cause to be installed, all necessary water mains, fire hydrants, and gas mains as approved by local utilities and the City.
 4. Electric Service. The developer shall install, or cause to be installed, all necessary electric transmission lines.
 5. Sidewalks. Sidewalks shall be installed, or cause to be installed, by the developer according to specifications prescribed by the City and located and set at the grade established by the Engineer.

10-10-8 Filing Procedures. The procedure for obtaining a change of zoning district to R-L shall be as follows:

- A. A petition for a zoning change to R-L shall be submitted to the Community Development Department. Such petition shall comply with all applicable provisions of the Zoning Ordinance and rules of procedure of the Planning and Zoning Commission.
- B. The applicant shall accompany the request for a zoning change with four (4) copies of an outline development plan. The outline development plan shall include both maps and written statement, and must show enough of the area surrounding the proposed planned development to demonstrate the relationship of the development to adjoining uses, both existing and proposed.
- C. The outline development plan must contain the following information:

1. Maps and Diagrams. Maps and diagrams may be in general schematic form but must include:
 - a. The title by which the development is to be known and recorded.
 - b. The existing topographic character of the site and adjacent land.
 - c. Existing and proposed land uses and the approximate locations of buildings and other structures and their exterior facades.
 - d. The character and approximate density of dwellings.
 - e. The approximate locations, width, and dimensions of all existing and proposed streets, alleys, walkways, and thoroughfares.
 - f. The locations and approximate dimensions of all areas to be reserved for future use as school sites, parks, playgrounds, or similar features.
 - g. The locations, approximate dimensions, and character of all areas, sites, grounds, streets, or similar features which are to be dedicated for public use.
 - h. Landscaping and tree planting plan.
 - i. The location and approximate dimensions of parking lots and areas.
 - j. The locations and size of existing storm and/or sanitary sewers, water mains, or field drains within or readily accessible to the tract.
 - k. The location and character of all existing easements.
 - l. The bearing and distance from monumented block or lot corner within the tract to some corner of a congressional district division within the City.
 - m. A plat giving the names, as shown on the last deed of record, of all property owners within two hundred feet (200') of the perimeter of the tract.
 - n. A legal description of the tract.
 - o. The name and seal of the registered engineer or surveyor who prepared the documents.
2. Written Statement. The written statement must contain the following information:
 - a. A statement of the character of the planned development, to include:
 - i. Its relationship to the Comprehensive Plan of the City of Muscatine.
 - ii. Its relationship to adjoining uses, both existing and proposed.
 - iii. Its relationship to topographic features of the site and adjacent land.
 - iv. Limiting conditions such as soils, excessive grade or slope, unstable ground, high water table, etc.
 - b. A general indication of the expected schedule of development.
 - c. A statement of the present ownership of all land included within the planned development.
 - d. A list of the current addresses of all property owners within two hundred feet (200') of the perimeter of the tract.

10-10-9 Approval of Outline Development Plan.

- A. Within ninety (90) days after the filing of the outline development plan, the Planning and Zoning Commission shall forward the outline development plan to the City Council with a written report recommending that the plan be approved, approved with modifications, or disapproved and giving the reasons for these recommendations.

1. Recommendations from City staff and general concurrence of utility companies are required in conjunction with the Planning and Zoning Commission review.
 2. The Planning and Zoning Commission shall hold a public meeting prior to making a recommendation on the proposal. The public meeting shall be held in accordance with State and Municipal codes and Planning and Zoning Commission rules of procedure.
- B. The Planning and Zoning Commission shall consider the following factors in making its recommendation to the City Council:
1. That the proposal substantially conforms to the Comprehensive Plan for the City.
 2. That the existing character of the neighborhood will not be adversely affected, and that adequate safeguards are provided to minimize possible detrimental effects on adjacent properties and the neighborhood.
 3. That there is ample provision for water supply, sanitary sewage disposal, storm and surface water drainage, and other utilities.
 4. That soil conditions, natural characteristics, topography, and geography do not present a substantial hazard to development.
 5. That there is adequate availability to police and fire protection, parks and recreational facilities, schools, and other community facilities and public services.
 6. That the location, height, and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspective in the vicinity.
 7. That patterns of pedestrian circulation and the effective use and design of open spaces, landscaping, exterior facade, and amenities are considered.
 8. That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located, and that there are no conflicts between vehicular traffic and other uses and activities proposed.
 9. That the proposed installation of driveways, landscaping, and other site details are generally in harmony with the proposed structures, adjacent properties, and with the rights and interest of the general public.
- C. After receiving the Planning and Zoning Commission's recommendations, the City Council shall hold a public hearing as provided by the Code of Iowa. Subsequent to holding said public hearing, the City Council shall approve, approve with modifications, or disapprove the outline development.
1. If the outline development plan is approved, the City Council shall amend the Zoning Map to show the R-L District.
 2. If the outline development plan is approved with modifications, the City Council shall not amend the Zoning Map until the applicant has filed with the City Council written consent to the plan as modified.
 3. No building permits may be issued on land within the R-L District until the final development plan has been approved under the procedures provided in the following sections.

10-10-10 Preliminary Development Plan.

- A. Within six (6) months after an outline development plan has been approved, an applicant shall file a preliminary development plan with the Community Development Department. Upon the filing of a preliminary development plan, the Community Development Director shall immediately refer one (1) copy of such plan to the City Engineer and one (1) copy to the Building and Zoning Administrator. This preliminary

plan shall then be presented at the next regular Planning and Zoning Commission meeting.

- B. The Planning and Zoning Commission may authorize the submission of preliminary development plans in stages, if so requested by the applicant.
- C. If a preliminary development plan covering at least twenty percent (20%) of the area of the outline development plan has not been submitted within six (6) months following the approval of the outline development plan, the City Council may withdraw its approval of the outline development plan. In its discretion and for good cause, the City Council may extend for three (3) months the period for filing the preliminary development plan.
- D. The preliminary development plan shall include all of the following information:
 - 1. The location, width, and dimensions of all existing and proposed thoroughfares, streets, alleys, sidewalks, and walkways.
 - 2. All plot lines and plot designs (if applicable).
 - 3. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public or semi-public uses.
 - 4. The location and dimensions of each building site, common open area, improvement, and indication of open spaces around buildings and structures.
 - 5. Elevation and perspective drawings of proposed structures and improvements, except single-family residences and single-family residence accessory buildings. These drawings need not be of final architectural decisions and need not be in detail.
 - 6. A development schedule indicating approximate dates for start and completion of the project, if such schedule varies considerably from the schedule submitted with the outline development plan.
 - 7. All agreements, provisions, or covenants which will govern the use, maintenance, protection, performance, and/or design of the development and any of its common open areas.
 - 8. Off-street parking plan.
 - 9. A circulation diagram indicating proposed movement of vehicles and pedestrians within the development and to and from existing features and location and type of traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern.
 - 10. A landscaping and tree planting plan.
 - 11. The location and size of all existing storm or sanitary sewers, water mains, or field drains within or readily accessible to the development.
 - 12. The location and character of all existing easements and those proposed to be provided by the owner.
 - 13. The location of all proposed sewers.
 - 14. The location of all proposed water and gas mains.
 - 15. Grading plan, to include the location of waterways on the site or on adjacent land, and drainage plan with sufficient control grades to indicate the intent of the developer.
 - 16. The scale used on the drawings.
 - 17. Any other plans, diagrams, or information, as requested by the Planning and Zoning Commission or the City Council.
- E. The preliminary development shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Iowa.
- F. Approval of Preliminary Development Plan. Recognizing that some developments may proceed in stages and only in conjunction with outside phased financing approval, utility installation and related indirect action, the developer and City may jointly decide on the following approval process:

1. The Planning and Zoning Commission shall review the preliminary development plan to determine if it is in substantial compliance with the outline development plan and recognized principles of civic design, land use, and landscape architecture. A recommendation of the City staff is required prior to Planning and Zoning Commission review. The Commission may then recommend to the City Council, within forty-five (45) days after the filing of the preliminary development plan, that the plan be approved, approved with modifications, or disapproved.
2. After receiving the preliminary development plan, the Commission may mutually agree with the developer to concurrently review the preliminary and final development plan as a single process. If this option is selected, then the Commission shall forward a recommendation to City Council on the final development plan.
3. If the City Council disapproves a preliminary or final development plan, the applicant shall re-file within forty-five (45) days of disapproval, or the City Council may withdraw its approval of the outline development plan.

10-10-11 Final Development Plan.

- A. Within six (6) months following the approval of the preliminary development plan, the applicant shall file copies of a final development plan. The Community Development Director shall refer one (1) copy of the plan and accompanying papers to the Building and Zoning Administrator and one (1) copy to the City Engineer for review prior to the next Commission meeting.
 1. In its discretion and for good cause, the Planning and Zoning Commission may extend for six (6) months the period for the filing of the final development plan, upon request of the applicant.
- B. The Planning and Zoning Commission shall review the final development plan and shall recommend to the City Council within forty-five (45) days after the filing of the final development plan, that the plan be approved if that plan is in substantial compliance with the approved preliminary development plan. If the preliminary development plan had been approved by the City Council with modifications, the final development plan shall include those modifications.
 1. If the City Council disapproves a final development plan, the applicant shall file with the Community Development Department a revised final development plan within forty-five (45) days of the date of disapproval, or the City Council may withdraw its approval of the outline development plan.
- C. The final development plan shall include all those items required by the preliminary development plan and, in addition, the following information:
 1. The proposed names of all streets, public ways, and places dedicated for public use; and the location, width, dimensions, and specifications of all streets, alleys, sidewalks, and walkways.
 2. The type and location of all permanent monuments at block and lot corners and elsewhere within the development.
 3. All radii, arcs, chords, points of tangency, and central angles for curved streets and the radii of all rounded curves.
 4. The location, size, grade, and specifications of all proposed sewers, pumping stations, manholes, and other necessary appurtenances.
 5. The location, size, grade, and specifications of all proposed water and gas mains; and the location, size, and specifications of all fire hydrants.
 6. The location and character of all proposed electric transmission lines.
 7. The certification of the engineer or architect preparing the documents with his or her license number and seal and the date of preparation.

8. Certificate of approval for construction of water, electric, and gas service from the respective utility companies accompanied by a plat showing any easements required.
9. Three (3) sets of improvement plans and profile. All plans and drawings are to be submitted on twenty-four inch by thirty-six inch (24" x 36") plan and profile paper. Note: Any plans or profiles for recording in the Office of the County Recorder shall be eleven inches by seventeen inches (11" x 17").
10. Three (3) copies of all easement agreements for utility or other purposes.
11. Three (3) copies of a proposed resolution to be adopted by the City Council accepting lands to be dedicated for public use.
12. Three (3) copies of any agreement to be entered into between the applicant and the City of Muscatine providing for the grading of streets and installation of sewer system and other utilities or other improvements as may be required.
13. Three (3) copies of any deed restrictions or covenants required by the City Council under Section 10-10-7(A) of this Ordinance, or any other conditions imposed by the City Council under Section 10-10-7 of this Ordinance.
14. Three (3) copies of a proposed resolution to be adopted by the City Council approving and accepting the final development plan.

10-10-12 Building Permits.

- A. Upon approval of the final development plan, the Building and Zoning Administrator shall issue building permits in accordance with all applicable State and local codes, regulations, and ordinances for buildings and structures in the area covered by the approved final development plan.

10-10-13 Failure to Begin Planned Development

- A. If no construction has begun or no use established in the planned development within one (1) year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the Planning and Zoning Commission may extend for six (6) additional months the period for the beginning of the construction or the establishment of a use.
- B. If a final development plan lapses under the provisions of this Section, the Community Development Director shall remove the planned development from the Zoning Map and shall file a notice of revocation of the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be revised and in effect.

10-10-14 Changes in Final Development Plan.

- A. No changes shall be made in the approved final development plan during the construction of the planned development, except under authorization by the Planning and Zoning Commission. No amendments shall be made in the approved final development plan, unless they are shown to be required by change in conditions that have occurred since the final development plan was approved or by changes in the development policy of the community.

10-10-15 Enforcement.

- A. At least once every six (6) months following the approval of the final development plan, the Building and Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units.
- B. If the Building and Zoning Administrator finds that the final development plan has not been followed, he or she shall forward this information to the Planning and Zoning Commission, which may recommend to the City Council revocation of approval of the final development plan.

Title 10 – Zoning
Chapter 11 – C-1 Neighborhood
and General Commercial District

SECTIONS:

10-11-1 Permissive Uses

10-11-2 Conditional Uses

10-11-3 Height, Area, and Off-Street Parking Requirements

10-11-4 Site Plan Review

10-11-1 Permissive Uses.

- A. Any retail business establishment such as Large Scale Retail Development; appliance store; auto accessory store; bakery with baking limited to goods for retail sale on the premises; book or stationery store; restaurant, cafeteria, bar, or tavern, but not drive-in establishments; camera or photographic supply shop; candy or ice cream store; delicatessen; drug store; fabric shop; floor covering store; florist shop; furniture store, including incidental upholstery; gift shop; grocery store; haberdashery or women's ready-to-wear store; tire sales and service; hardware or paint store; variety store; and other uses of a similar character, except there shall be no slaughtering of animals or poultry nor commercial fish cleaning and processing on the premises.
- B. Personal service uses such as a bank or other financial enterprise; barber or beauty shop; business or professional office; funeral home; theater, but not drive-in theater; photographic or art studio; laundry or dry cleaning receiving station; self-service laundry or cleaning establishment; messenger, taxicab, newspaper, or telegraphic branch station; medical or dental clinic, but not animal clinic; dressmaking; tailoring; shoe repair; repair of household appliances and bicycles; catering; and other uses of a similar character.
- C. General service and repair establishments, such as plumbing and heating; printing and painting; and upholstery.
- D. Residence when located on the second story of a building or above.
- E. Place of worship and religious, education, instructional, and institutional service.
- F. Office or office building.
- G. Indoor recreation facility.
- H. Public park or playground.
- I. Bus terminal.
- J. Private club, fraternity, sorority, or lodge.

10-11-2 Conditional Uses.

- A. Automobile service station or automobile repair shop.
- B. Drive-in establishments, including drive-in restaurants and drive-in theaters.
- C. Used car sales.
- D. Farm store or feed store, including accessory storage of liquid or solid fertilizer.
- E. Electrical distribution substation, pipeline pumping station, or water tower.
- F. Hotel or motel.
- G. Mobile home, boat, or farm implement sales.
- H. Veterinarian clinic, animal hospital, or kennel.

- I. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses, in accordance with Section 10-22-1 of this City Code.

10-11-3 Height, Area, and Off-Street Parking Requirements.

- A. The limits in feet are as follows:

<u>Maximum Height</u>	<u>Minimum Yards</u>			<u>Minimum Frontage</u>
	<u>Front</u>	<u>Side</u>	<u>Rear</u>	
45	20	6	20	None

- B. The limits in square feet are as follows:

<u>Minimum Lot Area</u>	<u>Minimum Lot Area Per Family</u>		
	<u>Single</u>	<u>Two</u>	<u>Multiple</u>
None	N/A	N/A	1,000

- C. The minimum off-street parking spaces are as follows:
 1. Restaurants and drive-in restaurants: One (1) per one hundred (100) square feet of floor area.
 2. Retail food stores over four thousand (4,000) square feet: One (1) per two hundred (200) square feet of floor area.
 3. Residence on second story of building: One (1) per full bath.
 4. Place of worship: One (1) per four (4) seats in main room.
 5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
 6. All other non-residential buildings: One (1) every three hundred (300) square feet.
 7. In Large Scale Retail Development, shared parking is permitted. The assignment of the same parking spaces to two or more different uses with off peak parking needs would satisfy the minimum off-street parking space requirement. Example, retail shopping and cinemas meet the off peak parking needs. The property owner shall present the proposed shared parking plan to the Site Plan Review Committee for review and approval.

10-11-4 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning
Chapter 12 – C-2 Central
Commercial District

SECTIONS:

- 10-12-1 Permissive Uses
- 10-12-2 Conditional Uses
- 10-12-3 Height, Area, and Off-Street Parking Requirements
- 10-12-4 Site Plan Review

10-12-1 Permissive Uses.

- A. Any permissive use in the C-1 District.
- B. Printing or newspaper publishing plant.
- C. Hotel or motor hotel.
- D. Laundry.
- E. Auto service station or automobile repair shop.
- F. Wholesale merchandising or storage warehouse.
- G. Public parking lot, customer, and other accessory parking area.
- H. Private club, fraternity, sorority, or lodge.

10-12-2 Conditional Uses.

- A. Electrical distribution substation and pipeline pumping station.
- B. Manufacture or assembly of wood or paper products.
- C. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses, in accordance with Section 10-12-1 of the City Code.

10-12-3 Height, Area, and Off-Street Parking Requirements.

- A. There shall be a maximum floor area ratio of 4:1 with buildings not to exceed eight (8) stories, except that where a building is set back from one (1) or more lot lines, the floor area of such building or buildings may be increased by two (2) square feet of additional floor area for each square foot of open area provided. Maximum floor areas may be further increased by one (1) square foot of open space that is landscaped and planted and not paved.
- B. The limits in feet are as follows:

<u>Minimum Yards</u>			
<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Minimum Frontage</u>
None	None	None	None

- C. The limits in square feet are as follows:

<u>Minimum Lot Area Per Family</u>			
<u>Minimum Lot Area</u>	<u>Single</u>	<u>Two</u>	<u>Multiple</u>
None	None	None	None

D. The minimum off-street parking spaces are as follows:

1. Wholesale warehouse or similar establishment: One (1) per five hundred (500) square feet of floor area.
2. Residential: One (1) per full bath.
3. Place of worship: One (1) per four (4) seats in main room.
4. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.

Exception: All nonresidential uses within the C-2 District shall be exempt from off-street parking requirements.

10-12-4 Site Plan Review. Review to Section 10-2-7(I).

Title 10 – Zoning
Chapter 13 – C-3 Planned
Commercial District

SECTIONS:

10-13-1 Permitted Uses

10-13-2 Requirements of Plans

10-13-1 Permitted Uses. A building or premises on tracts of land may be used only for the retail sale of merchandise; services, banks, and financial institutions; restaurants; general and professional offices; service stations; recreation, except outdoor theaters; parking areas; and other similar facilities.

Before land is used or a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the City Council, upon recommendation from the Planning and Zoning Commission, for all contiguous property within this District in any one location. The City Council shall have thirty (30) days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned. Final plans will be approved when in accordance with approved preliminary plans. From time to time, the proponents may make changes in the approved final plan, so long as such changes have been approved by the Planning and Zoning Commission or upon denial of approval by said Commission, with the approval of the Council. What constitutes a "minor" change will be determined in the sole discretion of the Commission. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan.

10-13-2 Requirements of Plans. The preliminary plan shall:

- A. Be drawn to scale.
- B. Show boundaries of property to be developed.
- C. Show the proposed size, location, use, and arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed streets.
- D. Indicate location, type, use, and size of structures on adjacent properties within two hundred feet (200') of the proposed development.
- E. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the official plan.
- F. Indicate the stages, if any, which will be followed in construction.

The final plan shall be the standard plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

Title 10 – Zoning
Chapter 14 – M-1 Light Industrial District

SECTIONS:

- 10-14-1 Permissive Uses
- 10-14-2 Conditional Uses
- 10-14-3 Height, Area, and Off-Street Parking Requirements
- 10-14-4 Note Applicable Criteria for Permissive and Conditional Uses
- 10-14-5 Site Plan Review

10-14-1 Permissive Uses. (See Note 10-14-4)

- A. Any use permitted in the C-2 District, as long as the users are not offensive due to emission of noise, odor, dust, gas, smoke, or vibration, except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted, with the exception of a single-family dwelling located on a lot two (2) acres or more in size.
- B. The manufacturing, assembling, or treatment of articles or merchandise from the following prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastic, precious or semi-precious metals or stones, rubber, textiles, wood, and yarn.
- C. The manufacturing or assembly of bolts, nuts, screws, and rivets; boats; ornamental iron products; firearms; electrical appliances; electronic instruments and devices; tools, dies, machinery, and hardware products; medical and dental equipment; drafting and optical instruments; musical instruments; watches and clocks; and toys and games.
- D. The manufacture or storage of food products, including beverage bottling, bakery products, candy manufacture, fruit and vegetable processing and canning; but not packing and processing of meat and poultry products, distilling of beverages, or slaughtering of animals.
- E. The manufacture, compounding, processing, packaging, or treatment of such products as cosmetics, pharmaceuticals, and toiletries.
- F. Builders or contractors plant or storage yard; building materials sales and storage yard, including concrete mixing; and lumber yard, including millwork.
- G. Open yard for storage and sale of feed, fertilizer, or fuel.
- H. Automobile, truck, trailer, and garden and farm implement establishments for sales, display, and hire, including sales lots.
- I. Truck or motor freight terminals, provided that service yards or docks are located at least two hundred feet (200') from any lot in an R District.
- J. Drive-in restaurant.
- K. Animal hospital, veterinary clinic, or kennel, provided that buildings or enclosures are at least one hundred feet (100') from any lot in an R District.
- L. Public or private open-air recreational uses, provided that such uses are not within two hundred feet (200') of any R District.
- M. Greenhouse or nursery.
- N. Agricultural activity, except that all livestock operations or farms in excess of ten (10) head shall have a minimum of twenty (20) acres.

10-14-2 Conditional Uses. (See Note 10-14-4)

- A. Electrical distribution substation, pipeline pumping station, or water tower.
- B. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive -uses.

C. Solid Waste Transfer Station.

10-14-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

<u>Maximum</u> <u>Height</u>	<u>Minimum Yards</u>			<u>Minimum</u> <u>Width</u>
	<u>Front</u>	<u>Side</u>	<u>Rear</u>	
75	30	None	None	None

B. The minimum off-street parking spaces are as follows:

1. Manufacturing or industrial establishment: Two (2) parking spaces for every three (3) employees on the maximum shift, plus vehicles used in connection therewith.
2. Place of worship: One (1) per four (4) seats in main room.
3. Community center, library, museum, or semi-public building: One (1) per every three hundred (300) square feet in building.
4. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-14-4 Note Applicable Criteria for Permissive and Conditional Uses. In the event of new construction or substantial improvements, that is, the repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value, the Permissive and Conditional Uses of this district shall comply with the following applicable criteria:

- A. Noxious fumes including dust, that is, fumes and dust which are in sufficient quantity to be harmful to health, shall not be emitted beyond the property line.
- B. Noise, including vibration, shall not cause the ambient noise level as measured at the property line to exceed 75 decibels (dbA).
- C. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, no direct outside lighting shall shine onto adjacent property.
- D. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, outside trash receptacles and outside storage of equipment shall be screened from view by fencing (at least seventy-five percent (75%) opaque) or landscaping of sufficient height and density to provide screening at maturity or within three (3) years.

10-14-5 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning
Chapter 15 – M-2 General Industrial District

SECTIONS:

- 10-15-1 Permissive Uses
- 10-15-2 Conditional Uses
- 10-15-3 Height, Area, and Off-Street Parking Requirements
- 10-15-4 Site Plan Review

10-15-1 Permissive Uses.

- A. Any use, except the following conditional uses and except that no dwelling other than that for a resident watchman or caretaker employed on the premises is permitted.

10-15-2 Conditional Uses.

- A. Acid manufacture.
- B. Auto salvage and wrecking operations, industrial and waste salvage operations, and junkyards, provided that all operations are conducted within an area enclosed on all sides with a solid wall of fence not less than eight feet (8') in height, located not less than two hundred feet (200') from any R District and one hundred feet (100') from any C District. No pile of salvage, scrap, or other material shall be higher than eight feet (8').
- C. Bulk manufacturing, processing, and/or storage plants.
- D. Cement, lime, gypsum, or other similar manufacture.
- E. Distillation, manufacture, or refining of bones, coal, or tar asphalt.
- F. Explosives manufacture or storage.
- G. Fat, grease, lard, or tallow rendering or refining.
- H. Fertilizer manufacture.
- I. Gas manufacture and distribution.
- J. Garbage, offal, or dead animal disposal.
- K. Glue manufacture.
- L. Packing plant, slaughter house, or stockyard.
- M. Petroleum products terminal.
- N. Sewage disposal and treatment.
- O. Sanitary landfill.
- P. Feed lot, livestock confinement area, provided location is not within two hundred feet (200') from any R District.

10-15-3 Height, Area, and Off-Street Parking Requirements.

- A. The limits in feet are as follows:

Maximum <u>Height</u>	<u>Minimum Yards</u>			Minimum <u>Width</u>
	<u>Front</u>	<u>Side</u>	<u>Rear</u>	
75	30	None	None	None

- B. The minimum off-street parking spaces are as follows:

1. Manufacturing or industrial establishment: Two (2) parking spaces for every three (3) employees on the maximum shift, plus vehicles used in connection therewith.
2. Junkyards: Ten (10) per two thousand (2,000) square feet of lot area.
3. Place of worship: One (1) per four (4) seats in main room.
4. High schools and colleges: Ten (10) per classroom.
5. Elementary schools: Two (2) per classroom.
6. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-15-4 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning
Chapter 16 – S-1 Special
Development District

SECTIONS:

- 10-16-1 Intent and Purpose
- 10-16-2 Application for Special Development District
- 10-16-3 Permissive Uses
- 10-16-4 Height and Density Regulations
- 10-16-5 Approval of Plans
- 10-16-6 Plan Requirements
- 10-16-7 Construction Schedule and Assurance of Completion

10-16-1 Intent and Purpose. It is the purpose of this District to provide an opportunity for modern and imaginative architectural design, site arrangement, and City planning for certain special and unusual areas. These areas are not extensive; they will be generally described and outlined on the Official Zoning District Map. Within them, there should be a carefully planned combination of residential, commercial, public, and semi-public uses, or of some of these uses.

10-16-2 Application for Special Development District. The owner or owners of land included in areas suitable for establishment of a Special Development District, as shown on the Official Zoning District Map of the City, may petition the Council for the establishment of the Special Development District. The application for the establishment of this District shall indicate:

- A. The area to be encompassed in said District.
- B. Citation of the City's Comprehensive Plan's recommendations or comments on the area encompassed in said District and whether the proposal varies from or conforms to the City's Comprehensive Plan.
- C. Evidence of unified ownership and control of the area applied for.
- D. Evidence of financial capability of the petitioners to carry out the general type of development contemplated for the area.
- E. Evidence of applicant's proposed general use of the area.
- F. In establishing a Special Development District, the Commission and the Council shall give consideration among their factors to the criteria listed in Section 10-16-5 hereof.

Establishment of said Special Development District shall be by amendment of this Ordinance in accordance with the procedures established herein.

10-16-3 Permissive Uses.

- A. Single-family dwelling, two (2) family dwelling, or multifamily dwelling.
- B. Public park or playground.
- C. Place of worship.
- D. Public or private school.
- E. Rooming house or boarding house.
- F. Office building or medical clinic.
- G. Nursing, rest, or convalescent home.
- H. Public building erected by any governmental agency.

- I. Automobile parking lot or storage or parking garage.
- J. Bank or financial institution.
- K. Mortuary.
- L. Personal service uses, including barber shop, beauty parlor, photographic or art studio, messenger, taxicab, newspaper or telegraphic branch station, laundry or dry cleaning receiving station, and other uses of a similar character.
- M. Retail store, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning and processing on the premises.
- N. Theater, not including drive-in theaters.
- O. Restaurants, cafeterias, bars, and taverns, not including drive-in establishments.
- P. Automobile service station.
- Q. Bowling alley or billiard parlor.
- R. Dancing or music academy.
- S. Display and salesroom.
- T. Hotel or motel.
- U. Laboratory, research, experimental, or testing.
- V. Milk distributing station.
- W. Radio or television broadcasting station or studio.
- X. Rental agency.
- Y. Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment of similar character. Not more than ten percent (10%) of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials or equipment.
- Z. Bakery.
- AA. Bottling works.
- BB. Wholesale establishment or warehouse in a completely enclosed building.
- CC. Bus terminal.

10-16-4 Height and Density Regulations. Height and density limits in the S-1 District are established by setbacks and floor area ratios. For residential, industrial, hotel, motel, and multiple dwelling uses, there shall be a maximum floor area ratio of 4:1. For commercial uses in the S-1 District, there shall be a maximum floor area ratio of 4:1.

10-16-5 Approval of Plans. Before land is used or a building is erected or used in the Special Development District, a preliminary and a final plan shall be approved by the Commission and the Council for all contiguous property within this District in any one location. The Commission shall have ninety (90) days to consider and approve or reject a preliminary plan with or without modifications, although this period may be extended by agreement of the parties concerned. The final plan shall be approved or rejected by the Commission within ninety (90) days of submittal. Final plans will be approved when in accordance with the approved preliminary plans. In approving plans, the Commission and the Council shall consider the following factors.

- A. Those affecting the community as a whole:
 - 1. Uses or use.
 - 2. Intensity of use.
 - 3. Traffic.
- B. Those affecting the neighborhood:
 - 1. Heights.
 - 2. Front, side, and rear yard definitions and uses where they occur at the development periphery.

- C. Those affecting the development itself:
 - 1. Gross commercial building areas.
 - 2. Area ratios and the designation of the land surfaces to which they apply.
 - 3. Spaces between buildings. Open areas, if any.
 - 4. Width of streets in the development, if any.
 - 5. Setbacks from such streets, if any.
 - 6. Off-street parking and loading standards.
- D. Those affecting the development procedures:
 - 1. The order in which development will likely proceed in complex multiple use developments.
 - 2. Estimates of time required to complete the development and its various stages, if any.
 - 3. List of streets, lighting, parking, or other improvements by the City, which in any way affect the development.

From time to time during construction, the developer may make minor technical changes in an approved final plan, so long as such changes have been approved by the Planning Commission, or upon denial of approval by the Planning Commission, with the approval of the Council. Any other changes to the approved final plan shall be accomplished by the submission of preliminary plans and final plans of such changes, which shall be approved under the procedures, as set forth herein, for the approval of the original preliminary plans and the approval of the original final plans. No building permit or certificate of occupancy shall be issued for any building or use that is not in accordance with an approved final plan.

10-16-6 Plan Requirements. The preliminary plan shall:

- A. Be drawn to scale.
- B. Show boundaries of property to be developed.
- C. Show existing topography with contour intervals of not less than two feet (2') obtained from a field survey and referred to an approved City bench mark.
- D. Show the proposed size, location, use, and arrangement of the buildings and the proposed arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed street parking areas.
- E. Show drainage plan with sufficient control grades to indicate the intent of the developer.
- F. Indicate location, type, and size of structures on adjacent properties within two hundred feet (200') of the boundary of the Special Development District.
- G. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the Comprehensive Plan.
- H. Indicate the stages, if any, which will be followed in carrying out the construction of the project and interim use and maintenance of areas not under construction at any given time.
- I. Contain a traffic analysis prepared by a registered professional engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the complete development of the project with said estimates shown for the average week, twenty-four (24) hour period, and for the peak morning and evening traffic hours. The impact of this new traffic on existing traffic in the vicinity of the project shall be appraised and a list submitted of new street construction and new traffic control measures required to accommodate the estimated traffic increases.

The final plan shall be the standard plot plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

10-16-7 Construction Schedule and Assurance of Completion. With the final plan, the proponents shall submit a construction schedule. Construction shall begin within one (1) year after approval of the final plan and shall be completed within five (5) years after approval of the final plan, except that the Council may extend and change, or either of them, such periods upon a showing of good and sufficient cause. With the final plan, the applicant shall file a surety bond or escrow agreement to insure the construction of the project within the period specified. No such bond or escrow shall be acceptable, unless it is enforceable by or payable to the City in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks, walls, storm and sanitary sewers, landscape planting, ornamental features not on a building, and terraces) for the entire project. Said bond or escrow shall be in a form and with surety and conditions approved by the City Attorney. In the event of default under such bond or escrow, the City shall use the sum defaulted to construct said site improvements.

Title 10 – Zoning
Chapter 17 – S-2 Institutional -
Office District

SECTIONS:

10-17-1 Permissive Uses

10-17-2 Conditional Uses

10-17-3 Height, Area, and Off-Street Parking Requirements

10-17-1 Permissive Uses.

- A. Single and two (2) family dwellings.
- B. Bank.
- C. General business office.
- D. Professional office.
- E. Medical or dental clinic.
- F. Studio for artist, photographer, sculptor, or musician.
- G. Art gallery.
- H. Place of worship.
- I. Hospital or sanitarium.
- J. Public building.
- K. Educational, religious, or philanthropic institution.
- L. Nursing, rest, or convalescent home.
- M. Business, dancing, music, and other similar schools and colleges.
- N. Lodge, club, fraternity, or sorority.
- O. Library.
- P. Parking structure or lot.
- Q. Laboratory and research center.
- R. Private or public school.

10-17-2 Conditional Uses.

- A. Retail Sales. As of the effective date of the adoption of this Section of the Ordinance, existing uses within the S-2 District Boundaries may be considered for conversion to retail uses. Site criteria required:
 - 1. A map indicating land uses, property owners and their mailing addresses within two hundred feet (200') of the parcel of lot(s) proposed for retail sales.
 - 2. Yard setback requirements.
 - 3. A floor plan of the proposed structure or conversion of an existing operation.
 - 4. The location and direction of outside lighting.
 - 5. The location of curb cuts, internal traffic circulation on the site, and parking lot layout.
 - 6. Sign location and size.
 - 7. Visual screening from adjacent properties.
 - 8. Location of outside storage, trash receptacles, and vending machines, including can and bottle redeeming machines.
 - 9. Other such information as may be requested by the Zoning Board of Adjustment.
 - 10. The intensity of projected traffic on the site of the proposed retail use should not be significantly greater than the existing traffic intensity.

10-17-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

	<u>Minimum Yards</u>			
Maximum <u>Height</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Minimum Frontage</u>
45	20	6	20	None

B. The limits in square feet are as follows:

	<u>Minimum Lot Area Per Family</u>		
<u>Minimum Lot Area</u>	<u>Single</u>	<u>Two</u>	<u>Multiple</u>
7,000	7,000	3,000	N/A

- C. The minimum off-street parking spaces are as follows:
1. Single and two (2) family: One (1) per full bath.
 2. Place of worship: One (1) per four (4) seats in main room.
 3. High schools and colleges: Ten (10) per classroom.
 4. Elementary schools: Two (2) per classroom.
 5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
 6. Hospital: Two (2) for each bed.
 7. Sanitarium or nursing home: One (1) for each three (3) beds.
 8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 17A – S3 Large Scale Mixed
Use Development (MXD) District

SECTIONS:

10-17A-1 Intent and Purpose

10-17A-2 Permissive Uses

10-17A-3 Conditional Uses

10-17A-4 Approval of Development Plans

10-17A-5 Height, Area, and Off-Street Parking Requirements

10-17A-1 Intent and Purpose. It is the primary purpose of this S-3 Mixed Use Development (MXD) District to provide large scale areas in the City within which commercial, light industrial, and residential uses can locate with the assurance of a high permanent level of design quality, extensive site amenity, open space and compatibility with existing land uses. Stringent site planning, aesthetically desirable design, screening standards, buffer strips, sign requirements and other appropriate procedures will be used to achieve the desired results of compatibility with existing uses and protection between future residential and nonresidential land uses.

As this S-3 MXD District will be a unique setting with a wide array of land uses, it requires a site with a minimum size of eighty (80) acres for said designation.

10-17A-2 Permissive Uses:

- A. Any uses permitted in the Residential Zoning Districts. Residential development shall occur on tracts of a minimum size of five (5) acres and an open space buffer 50 feet wide, within which no structure is permitted, is required to separate all non-residential uses from residential uses.
- B. Any uses permitted in the M-1 Light Industrial Zoning District, further including such uses as research and development facilities, industrial parks, and office parks shall occur on tracts of a minimum size of five (5) acres. In the case of minor residential streets, the minimum right-of-way may be 50 feet.

10-17A-3 Conditional Uses:

- A. Those uses listed as Conditional Uses in the Residential Zoning District.
- B. Those uses listed as Conditional Uses in the M-1 Light Industrial Zoning District.

10-17A-4 Approval of Development Plans. The subdivision of any real estate within the S-3 MXD District shall be in accordance with Title 11, Subdivision Regulations, of the City Code. To facilitate the development approval process a preliminary site plan may be submitted to the Planning and Zoning Commission. If Commission approval is granted on the preliminary site plan, the developer then has the assurance that the proposal is consistent with the intent of the S-3 MXD District. The following preliminary site plan information shall be required, but not limited to, such criteria as:

- A. Proposed facility description, including type of use, process, or service, approximate number of employees on initial start and within five years.
- B. Information on traffic generation, deliveries, employee parking, and public access to the facility.

- C. Information on required utilities, utility extensions if required, and any unique requirements for material disposal or pre-treatment of sanitary sewage.
- D. Approximate perimeter boundaries, acreage, and topographical features.
- E. Proposed location, or alternative locations, of any structures, parking lots, outside storage and landscaping. This may be in the form of a concept layout.
- F. Information on proposed public improvements necessary to serve the development. This includes the extension of public streets, sidewalks, storm and sanitary sewers, public transit shelters or any other public amenities.

The above information shall be submitted in narrative and/or graphic format to the Director of Planning and Community Development; a meeting for the purpose of taking action on the preliminary site plan shall then be conducted within the ten (10) days by the Planning and Zoning Commission. Upon approval of the preliminary site plan, the developer has the assurance that the proposal conforms to the intent of the S-3 MXD District and the proposal shall be permitted. A final site plan shall then be developed and approved in accordance with the Site Plan Review Criteria of the City Code in Title 10, Chapter 2, Section 7, as amended.

10-17A-5 Height, Area and Off-Street Parking Requirements. A minimum tract of real estate consisting of eighty (80) acres is required for designation as the S-3 MXD District. A minimum tract of five (5) acres is required for all residential development and non-residential. An open space buffer 50 feet wide, within which no structure is permitted, is required to separate all nonresidential uses from residential uses. All other dimensional requirements are associated with the respective uses listed in the Residential Districts and M-1 Light Industrial District. These respective Zoning District requirements shall be construed as minimum applicable requirements for development in the S-3 District.

Title 10 – Zoning
Chapter 18 – A-P Airport District

SECTIONS:

- 10-18-1 Basic Intent and Purpose
- 10-18-2 Definitions
- 10-18-3 Airspace Zones
- 10-18-4 Height Restrictions
- 10-18-5 Land Use Restrictions
- 10-18-6 Lighting
- 10-18-7 Airport Zoning Map
- 10-18-8 Nonconforming Uses
- 10-18-9 Permits
- 10-18-10 Variances
- 10-18-11 Appeals
- 10-18-12 Conflicting Regulations

10-18-1 Basic Intent and Purpose. It is hereby found that:

- A. An airport hazard endangers the lives and property of users of the Muscatine Municipal Airport and property or occupants of the land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Muscatine Municipal Airport and the public investment therein.
- B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Muscatine Municipal Airport.
- C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, it is necessary to prevent the creation of airport hazards to regulate and restrict the use of land in the vicinity of the Muscatine Municipal Airport.
- D. The prevention of airport hazards should be accomplished, to the extent legally possible, by the proper exercise of the police power.
- E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire lands or property interests therein.

10-18-2 Definitions. As used in this Chapter, unless the context otherwise requires:

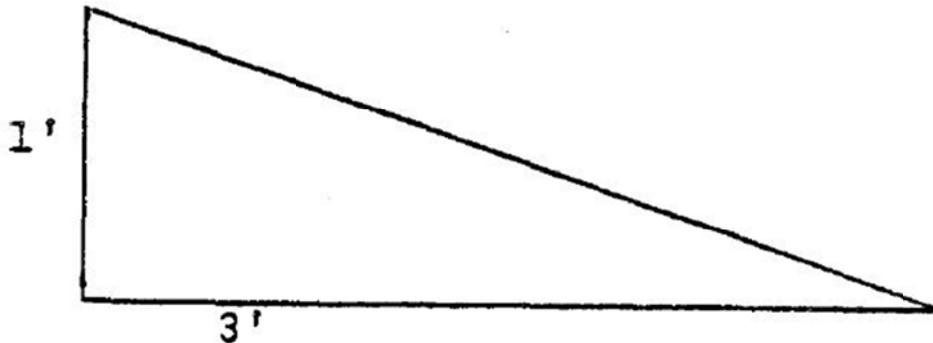
- A. "Airport" means the Muscatine Municipal Airport.
- B. "Airport elevation" means the established elevation of the highest point on the usable landing area, which elevation is established to be five hundred forty-seven and one-half feet (547.5') above mean sea level.
- C. "Airport hazard" means any structure or object of natural growth located on or in the vicinity of the airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- D. "Decision height" means the height at which a decision must be made during an instrument landing system instrument approach to either continue the approach or to execute a missed approach procedure.

- E. "Height". For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the Muscatine Municipal Airport Zoning Map, the datum shall mean sea level elevation, unless otherwise specified.
- F. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment for which an instrument approach procedure has been approved or planned.
- G. "Landing area" means the area of the airport used for the landing, taking off, or taxiing of aircraft.
- H. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard approach procedure where no electronic glide slope is provided.
- I. "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- J. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on very high frequency omni-range station airways, off-airway route, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
- K. "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.
- L. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a planning document having the approval of the Federal Aviation Administration (FAA).
- M. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
- N. "Planned". As used in this Chapter, only those proposed future airport developments that are so indicated on a planning document having the approval of the FAA and the City of Muscatine.
- O. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway, but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - 1. Two hundred fifty feet (250') for utility runways having only visual approaches.
 - 2. Five hundred feet (500') for utility runways having nonprecision instrument approaches.
 - 3. For other utility runways the width is:
 - a. Five hundred feet (500') for visual runways having only visual approaches.
 - b. Five hundred feet (500') for nonprecision instrument runways having visibility minimums greater than three-fourths (3/4) statute mile.

The width of the primary surface of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway.

- P. "Runway" means any existing or planned paved surface or turf covered area of the airport which is specifically designated, or used or planned to be used for the landing or takeoff of aircraft.
- Q. "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

Example:



Slope = 3:1 (3 feet horizontal to 1 foot vertical)

- R. "Tree" means any object of natural growth.
- S. "Utility runway" means a runway that is constructed for an intended use by propeller five hundred (12,500) pounds maximum gross weight or less.
- T. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach proc indicated on an FAA planning document submitted to the FAA by competent authority.

10-18-3 Airspace Zones. In order to carry out the provisions of this Chapter, there are hereby created and established the following airspace zones, whose locations and dimensions are described below and which are shown on the Muscatine Municipal Airport Zoning Map, consisting of two (2) sheets and dated October 16, 1975, which is made a part hereof by reference and is on file in the Office of the City Clerk. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. "Primary zone," means all that land which lies directly under the primary surface.
- B. "Horizontal zone" means all that land which lies directly under an imaginary horizontal surface one hundred fifty feet (150') above the established airport elevation, or a height of six hundred ninety-seven and one-half feet (697.5') above mean sea level, the perimeter of which is constructed by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of existing or planned runways designated as utility or visual and ten thousand feet (10,000') for all others, and connecting adjacent arcs by lines tangent to these arcs. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. The horizontal zone does not include the approach and transitional zones.

- C. "Conical zone" means all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal zone at a slope of twenty to one (20 to 1) for horizontal distance of four thousand feet (4,000') as measured radially outward from the periphery of the horizontal surface. The conical zone does not include the precision instrument approach zones and transitional zones.
- D. "Approach zone" means all that land which lies directly under an imaginary approach surface centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides, with the end of the primary surface. The approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
1. The inner edge of the approach surface is:
 - a. Two hundred fifty feet (250') wide for visual utility runways.
 - b. Five hundred feet (500') wide for visual runways other than utility runways and nonprecision instrument runways.
 - c. One thousand feet (1,000') for precision instrument runways.
 2. The outer edge of the approach zone is:
 - a. One thousand, two hundred fifty feet (1,250') for visual utility runways.
 - b. One thousand, five hundred feet (1,500') for visual runways other than utility runways.
 - c. Four thousand feet (4,000') for nonprecision instrument runways.
 - d. Sixteen thousand feet (16,000') for precision instrument runways.
 3. The approach zone extends for a horizontal distance of:
 - a. Five thousand feet (5,000') at a slope of twenty to one (20 to 1) for all visual runways.
 - b. Ten thousand feet (10,000') at a slope of thirtyfour to one (34 to 1) for nonprecision instrument runways.
 - c. Ten thousand feet (10,000') at a slope of fifty to one (50 to 1), and then twelve thousand feet (12,000') at a slope of forty to one (40 to 1), and then restricted to five hundred feet (500') above airport elevation for twenty-eight thousand feet (28,000') for precision instrument runways.
- E. "Transitional zone" means all that land which lies directly under an imaginary surface extending upward and outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven to one (7 to 1) from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline. The transitional surface for the precision approach extends upwards and outward at a slope of seven to one (7 to 1) until it intersects a plane five hundred feet (500') above the airport elevation, at which time it becomes a plane five hundred feet (500') above the airport elevation.
- F. No structure shall be erected that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway.

10-18-4 Height Restrictions. Except as otherwise provided in this Chapter, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 10-18-3 so as to project above any of the imaginary airspace surfaces described in said Section 10-18-

3 hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

10-18-5 Land Use Restrictions.

- A. Subject to all times to the height restrictions set forth in Section 10-18-4, no use shall be made of any land in any of the airspace zones defined in Section 10-18-3 which creates or causes interference with the operations of radio or electronic facilities of the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft using or intending to use the Muscatine Municipal Airport.
- B. The primary zone shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permissive uses include agricultural activities, light outdoor recreation (nonspectator), and auto parking.
- C. The following uses are specifically prohibited under the approach zones:
 - 1. Theaters, fairgrounds, and auditoriums.
 - 2. Gas and oil facilities.
 - 3. Trash dumps and incinerators.
 - 4. Poultry and mink farms.
- D. Subject to all times to the restrictions set forth in Sections 10-18-4 and 10-18-5(A), (3) and (C), the land in the airspace zones are subject to the regulations and requirements of the zoning district in which they are situated, as shown on the District Map of the City of Muscatine, as described in Section 10-2-2 of the Zoning Ordinance.

10-18-6 Lighting.

- A. Notwithstanding the provisions of Section 10-18-5, the owner of any structure over two hundred feet (200') above ground level must install on the structure lighting in accordance with FAA Advisory Circular 70-7460-ID and amendments. Additionally, any structure constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine feet (949') above ground level must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 70-7460-ID and amendments.
- B. Any permit or variance may be so conditioned as to require the owner of the structure or growth in question to permit the City of Muscatine at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

10-18-7 Airport Zoning Map. The several zones herein established are shown on the Muscatine Municipal Airport Zoning Map, consisting of two (2) sheets and dated October 16, 1975, made a part hereof by reference and on file in the Office of the City Clerk, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Chapter.

10-18-8 Nonconforming Uses.

- A. Regulations Not Retroactive. The regulations provided in this Chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alterations, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.
- B. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the appropriate official who may be charged with the duty of determining the necessity of lighting and marking to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

10-18-9 Permits.

- A. Future Uses. No material changes shall be made in the use of land and no tree or structure shall be erected, altered, planted, or otherwise established in any zone hereby created, unless a permit therefore shall have been applied for and granted by the Building and Zoning Administrator.
 - 1. However, a permit for a tree or structure of less than seventy-five feet (75') of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand, two hundred feet (4,200') from each end of the runway, except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height limits prescribed for the respective zone.
 - 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction or growth of any structure or tree in excess of any of the height limitations established by this Chapter.
- B. Existing Uses. Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except when indicated, all applications for such permit shall be granted.
- C. Nonconforming Uses Abandoned or Destroyed. Whenever the Building and Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than sixty-five percent (65%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

10-18-10 Variances. Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Chapter, may apply to the Zoning Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Chapter.

- A. No application for variance to the requirements of this Chapter may be considered by the Zoning Board of Adjustment, unless a copy of the application has been submitted to the Airport Manager of the Muscatine Municipal Airport for an opinion as to the aeronautical effects of such a variance.

10-18-11 Appeals. Any person aggrieved, or any taxpayer affected, by any decision by the Building and Zoning Administrator made in the administration of this Chapter may appeal to the Zoning Board of Adjustment by complying with the provisions of Section 10-22-2(c) of the Zoning Ordinance.

10-18-12 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Title 10 – Zoning
Chapter 19 – Other Use Regulations

SECTIONS:

- 10-19-1 Accessory Buildings
- 10-19-2 Signs, Canopies, and Awning Regulations
- 10-19-3 Fence Regulations
- 10-19-4 Mobile Home Regulations
- 10-19-5 Nonconforming Use Regulations
- 10-19-6 Cemetery Development Standards

10-19-1 Accessory Buildings. Accessory buildings and uses are permitted when in accordance with the following:

- A. In the AG District, accessory buildings and uses are limited to:
 - 1. Dwellings for persons employed on the premises, including mobile homes, provided such mobile homes are occupied by persons employed on the premises or immediate members of the family and do not exceed one (1) per farm tract.
- B. In the R Districts, accessory buildings and uses are limited to:
 - 1. A noncommercial greenhouse that does not exceed in floor area twenty-five percent (25%) of the ground floor area of the main building.
 - 2. In the R-1, R-2, and R-3 Districts, accessory buildings, which includes garages for the storage of non-commercial vehicles, shall not exceed one thousand, four hundred forty (1,440) square feet. This maximum square footage is determined by conforming to the setback requirements for the District Zone and by not exceeding forty percent (40%) coverage of the rear yard. The square footage of any existing accessory building or garage, whether attached or detached, is deducted from the computation derived. In the R-4, R-5, and R-6 Districts, required parking is determined by the appropriate ratio based on the required number per full baths or the required number per dwelling unit. All required parking shall be located in the side or rear yard. All required parking may be enclosed, provided appropriate setbacks are maintained.
 - 3. Home occupation.
 - 4. Raising and keeping of small animals and fowl, not on a commercial basis, not to exceed twenty-four (24) in number, with no grain fed species to exceed twenty-five (25) pounds in weight, on a site of not less than two (2) acres.
 - 5. Tennis court, swimming pool, garden house, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.
- C. In commercial districts, there may also be:
 - 1. Parking lots and garages conforming with the requirements of Chapter 21 hereof.
 - 2. Use of not more than forty percent (40%) of the floor area of a building for incidental storage or light industrial activity.
- D. There shall be the following additional regulations for accessory buildings:
 - 1. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.

2. No accessory building may be erected in front of a main building, unless the accessory building is attached to the main building by a common wall.

10-19-2 Signs, Canopies, and Awning Regulations. Regulations regarding signs shall be as follows:

- A. General. Permit Required. It shall be unlawful for any person to erect, or cause to be erected or constructed within the City, any sign or awning without having first secured a permit therefore from the Building and Zoning Administrator. A permit fee, as designated in this Ordinance, for each sign or awning shall be charged to the applicant securing the required permit. Said fees may be subject to change from time to time by resolution of the City Council.
- B. The following signs are allowed in all districts:
 1. Temporary signs not exceeding twelve (12) square feet in area advertising the sale or lease of real estate when located upon the property to which the sign refers. Said signs shall be removed upon sale or lease of the property.
 2. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained, subject to the provisions of this Section, provided such signs do not exceed thirty two (32) square feet in area or remain longer than six (6) months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed forty eight (48) square feet or remain for more than ninety (90) days after the building is completed.
 3. Churches, and other permitted uses in single family residential zoning districts, shall be permitted to erect one bulletin board sign in addition to other signage permitted in this chapter. The bulletin board sign may be illuminated changeable letter or LED message center not to exceed eighteen (18) square feet in area, be turned off between the hours of 11 p.m. and 7 a.m. and shall be set back from all property lines a minimum of twenty-five (25) feet, or the same distance as the principal structure; whichever is less. Electronic message centers (EMC) permitted by this section shall be restricted to red or amber alpha numeric displays on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
 4. Traffic and public signs.
- C. In the R-5, R-6, and S-2 Districts, there may be one (1) wall sign related to the name or use of each occupant, and not more than one (1) electronic message center, per parcel, set back from the front property line the distance at least equal to the square footage of the EMC, but in no case shall the EMC exceed twenty-five (25) square feet in area. EMC's permitted in this section shall be restricted to red or amber alpha numeric display on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
- D. In the C-1, C-3, M-1, and S-1 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, electronic message centers, and awning signs when displaying no advertising matter, except pertaining to the business conducted in the building on the premises on which such sign is placed. Exception: The use of signs to promote not-for-profit communitywide events or activities. The total square foot area of all signs attached or affixed to any building or wall shall not exceed one-fifth (1/5) of the total square foot area of the face of the building on which they are placed, but in no event shall the maximum square foot area of all such signs exceed two hundred forty (240) square feet.

Signs in the S-3 Mixed-Use Development (MXD) District shall be permitted through the process of Site Plan Review approval. The existing Sign Code Regulations

contained herein for the respective uses in the residential, commercial, and light industrial zoning districts shall be construed as the guide in reviewing proposed signs in the Site Plan Review process. Resolution of sign size or location conflicts in the S-3 Mixed Use Development (MXD) District may be appealed to the Zoning Board of Adjustment and the Planning and Zoning Commission.

In the C-2 District, Electronic Message Center (EMC) signs shall not exceed twenty-five (25) square feet in area and shall be restricted to alpha numeric displays on a dark background. Message changes shall not occur more frequently than once every four (4) seconds.

- E. In a Large Scale Retail Development, the following sign regulations apply:
1. The total surface area in square feet of all signs on a building shall not be more than three (3) times the number of lineal feet in the length of the longest elevation of the building, measured from exterior face of building wall to exterior face of building wall directly across the plane of the building elevation, not including building setbacks, nor protrusions, nor canopies, nor the like appurtenances of the building.

Signs may be erected on each wall of the building and shall not exceed one-fifth (1/5) of the total square foot area of the face of the building on which they are placed, but in no event shall the total square footage of all such signs on a building exceed the total sign surface area as defined above.
 2. All signs shall be affixed on the building walls and/or canopies and shall not extend outward therefrom more than twelve (12) inches or project higher than thirty-five (35) feet above curb level or five (5) feet above building height, whichever is lower.
 3. One (1) pylon sign for each public road frontage adjacent to the property; each of which may identify the name of the Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), may be erected in addition to the signs affixed to the building walls as permitted in 10-19-2(D.1)a above. Such signs shall: have a total surface area of not more than five hundred (500) square feet on each side; not project higher than thirty-five (35) feet above grade at the sign; may be erected so that the sign begins directly at grade level; but may not be located within ten (10) feet of property lines. Should the sign height be three (3) feet or less in height measured from the ground elevation at the base of sign, no setback from property line is required.
 4. Post Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)4 with the exception of the quantity of Post Signs, which shall be proposed by the property owner and subject to the approval of the Site Plan Review Committee.
 5. Ground Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)1 with the exception that not more than one (1) ground sign is allowed per street frontage as otherwise permitted in the sign ordinance. Additional ground signs may be allowed at public access points into Large Scale Retail Developments but shall be limited to not more than ten (10) feet in height and subject to the approval of the Site Plan Review Committee.
- F. In the C-2 and M-2 Districts, there may be any sign allowed in subsection (D) and ground signs; provided that no ground sign shall exceed four hundred (400) square feet in area; not more than one (1) ground sign shall be erected on any one (1) lot or tract of land, or one (1) sign for each four hundred feet (400') apart on such lot or

tract of land; and no ground sign, when erected on a lot fronting on intersecting streets, shall be erected within fifty feet (50') of the intersection of the streets.

G. The following additional sign regulations shall be observed:

1. Ground Signs. No ground sign shall be at any point over twenty-five feet (25') above the ground level. The ground sign shall be stoutly constructed in a secure and substantial manner and shall be at least ten feet (10') distant from any lot line.
2. Wall Signs: No wall sign shall extend beyond the building more than twelve inches (12"). No wall signs shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.
3. Projecting Signs. Projecting signs may extend from the building into the front yard, provided that if the projecting sign is within ten feet (10') of any property line at its closest point, a minimum of ten feet (10') of vertical clearance must be maintained from ground level to the lowest edge of the sign.
4. Post Signs. The maximum square foot area for each face of a post sign shall not exceed two (2) square feet for each lineal foot of the longest dimension of that lot; however, the maximum square foot area for each face of a post sign shall not exceed two hundred forty (240) square feet. No post sign shall exceed thirty-five (35) feet in height. There shall be not more than one (1) post sign per lot. Post signs shall be wholly maintained within private property lines. Post signs constructed within ten feet (10') of any property line must maintain at least ten feet (10') of vertical clearance from the ground or pavement to the lowest edge of the sign. No post sign may be extended downward nearer than five feet (5') to the ground or pavement.
5. Marquee Signs. Marquees may extend eight feet (8') into a front yard. Marquees shall be not less than ten feet (10') above the ground at its lowest level. A sign may be placed on a marquee, provided such sign does not extend more than three feet (3') above nor one foot (1') below such marquee.
6. Conditional and Nonresidential Permissive Uses may have signs as allowed by the Zoning Board of Adjustment.
7. Signs not Visible from a Public Street. Existing signs, as of July 1, 1981, not visible from a public street, which are located on public property or private property, may remain if maintained in a reasonable manner.
8. Paper Posters, Portable Signs, and Certain Signs or Devices Prohibited. Portable signs or paper posters applied directly to the wall, building, pole, or other support and letters or pictures in the form of advertising, printed or applied directly on the wall of a building, are prohibited.

Temporary signs may be displayed in or attached to the inside of show or display windows, provided the total sign area does not exceed twenty percent (20%) of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting time and temperature devices. However, temporary signs promoting yard sales, political campaigns, referendums, public notices, and similar purposes shall be permitted, provided such signs shall be removed within three (3) days after the date the event, sale, election, etc., occurs.

9. History Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be

made without conformance to all the requirements of this Ordinance when authorized by the Zoning Board of Adjustment provided:

- a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
 - b. All unsafe conditions are corrected.
10. In the Agricultural District (AG), farm produce signs are permitted accordingly:
- a. Permanent Sign. One on-premises sign not to exceed 32 square feet is allowed. Special exceptions may be approved by the Zoning Board of Adjustment for approval of any permanent monuments, insignia, device, symbol, or object regardless of the nature of the material thereof and manner of composition or construction.
 - b. Temporary Signs. Permits for farm-related produce operations in the Agricultural District (AG) shall be for temporary signs not exceeding the period of June 1st through November 10th, at which time they shall be removed. Permits shall be renewed annually. A permit for a temporary sign shall include all such temporary signs on the premises.
11. Large Scale Development Guidelines. For those developments exceeding the Sign Code provisions of 10-19-2(F)4 which permits a maximum size sign of 240 square feet with 120 linear feet of frontage along a public street, the following guideline applies. To exceed the 240 square foot maximum with 120 feet of street frontage, an additional 1 square foot of sign is permitted for every two linear feet of public street frontage. However, no single sign exceeding 600 square feet in size is permitted.
12. Community Sponsored Events. That is, signs that denote public, civic, or educational activities or events shall require City Council approval for any signs located in the public right-of-way under the terms and conditions as the City Council may require. Approved sign permits shall remain effective only for the duration granted by City Council and shall then be removed by the sponsor.
13. Grand Openings and Special Events. Banners, pennants, propellers, valances, balloons, sandwich boards, and similar advertising display shall require a sign permit for a period not to exceed 14 days. Under appropriate circumstances, the 14 day period permit may be renewed once by the Building and Zoning Administrator. Appeals may be made to the Zoning Board of Adjustment. These displays shall not interfere with traffic or pedestrian safety when erected.
- H. Signs, Canopies, and Awnings Constructed on or Over Public Right-of-Way. General. Signs, canopies, and awnings constructed on or over public right-of-ways are prohibited, except as otherwise allowed herein.
1. Face mounted signs not exceeding twenty percent (20) of the face of the building on which they are attached and not exceeding more than twelve inches (12") from the building.
 2. Signs constructed below a canopy or awning, provided the sign does not extend further than the outer edge of the canopy, the sign does not exceed eighteen inches (18") in height, and a vertical clearance of seven feet (7') is maintained from the lowest point of the sign to the ground or pavement.
 3. Canopies and Awnings. All canopies and awnings shall be constructed on private property only and cantilevered over public right-of-ways. They shall be of stoutly constructed materials capable of withstanding imposed loads and shall provide a minimum of seven feet (7') of vertical clearance from the bottom edge of the canopy or awning to grade.

4. Historic Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be made without conformance to all the requirements of this Ordinance when authorized by the City Council following a review and recommendation of the Zoning Board of Adjustment provided:
 - a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
 - b. All unsafe conditions are corrected.
5. Overhanging signs, canopies, and awnings which overhang public right-of-ways as of September 16, 1981, and which otherwise conform to all applicable provisions of this Ordinance may continue to be maintained, provided the owner(s) of said signs, awnings, or canopies shall agree in writing to indemnify the City of Muscatine from any and all claims or suits for damages caused by the signs, awnings, or canopies on forms provided by the City. Further, the owner(s) shall provide the City of Muscatine with proof of public liability insurance in the amount of one hundred thousand dollars (\$100,000).
6. Signs, awnings, or canopies referenced in Title 10, Chapter 19, Section 2(G)5 shall be brought into compliance with all provisions of this ordinance when they are changed, altered or replaced.
7. Proposals for any new sign, canopy, or awning which will overhang public right-of-ways shall be reviewed by the Zoning Board of Adjustment with a recommendation forwarded to the City Council for their approval or denial.
- I. Nonconforming Uses. All legal nonconforming uses at the effective date of the passage of this Ordinance are entitled to maintain sign(s) until said sign(s) are changed, altered, or replaced at which time they shall be brought into conformance with all regulations set out herein.
- J. Violation. Any person who violates any of the provisions contained herein shall be guilty of a misdemeanor and each day of the violation may be considered a separate and distinct offense.

10-19-3 Fence Regulations. Regulations regarding fences shall be as follows:

- A. No sign, fence, wall, shrub, or other obstruction to vision exceeding three feet (3') in height above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty feet (30') distant from the intersection of the street lines.
- B. All newly constructed outdoor swimming pools shall be enclosed by a six (6) foot fence. Such fencing shall be of a material sufficient to prevent infant children from crawling through.
- C. Fences not exceeding six feet (6') in height may be located on any part of a lot except the area beyond the front of the dwelling or twenty-five feet (25') from the property line, whichever is less. Any fence located beyond the front of a dwelling or twenty-five feet (25') from the front property line, whichever applies, shall not exceed three feet (3') in height or may be six feet (6') in height with the provision that it shall be of an open type (at least 75% open) chain link or woven material that does not create a safety hazard for pedestrians or vehicular traffic.

10-19-4 Mobile Home Regulations. Regulations regarding mobile homes shall be as follows:

- A. All inhabited mobile homes shall be located in a mobile home court which has received a conditional use permit and which conforms with the requirements of the following paragraph. No mobile home outside of an approved mobile home court shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.
- B. Mobile home courts shall meet the following minimum standards:
 - 1. Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than four thousand (4,000) square feet and a width of not less than forty-five feet (45'), and no court shall be permitted an average density of mobile home lots of more than nine (9) per acre, and each mobile home court shall provide an area of not less than ten (10) acres. Each lot shall have provisions for at least two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in Booklet Tr-75 published by the Department of Defense.
 - 2. All mobile home courts shall provide lots sufficient in size that no mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent court boundary.
 - 3. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent buildings.
 - 4. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty feet (20') in width, which shall have unobstructed access to a public highway, street, or alley.
 - 5. The mobile home court shall be surrounded by a landscaped strip of open space fifty feet (50') wide along the street frontage of a major street and twenty-five feet (25') wide along all other lot lines or street frontage.

10-19-5 Nonconforming Use Regulations.

- A. Nonconforming Use of Buildings. The lawful use of a building existing at the effective date of this Ordinance may be continued, although such does not conform to the provisions hereof, provided no structural alterations are made. A nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- B. New Structures. No new structures shall be erected nor shall any additional area of land be utilized other than that which is lawfully occupied and used at the time this Ordinance takes effect.
- C. Abandonment. A nonconforming building, structure, or use shall be deemed abandoned if the building, structure, or use is discontinued for a period of one (1) year. Said building, structure, or property shall not thereafter be returned to such nonconforming use and shall be used only in conformity to and with these regulations. A nonconforming use shall be considered abandoned:
 - 1. When the intent of the owner to discontinue the use is apparent; or
 - 2. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year; or
 - 3. When a nonconforming use is replaced by a conforming use; or
 - 4. When a nonconforming use has been changed to another use under proper permit from the Board of Adjustment.
- D. Rebuilding or Restoration. If a nonconforming building or use is damaged by fire, explosion, or other catastrophe to such an extent that the cost of restoration would

be less than fifty percent (50%) of the assessed value of the building at the time of the catastrophe, such building or use may be rebuilt or restored and used again as previously. Such rebuilding or restoration shall be completed within twelve (12) months after such catastrophe, and the building as restored shall not be greater in volume or floor space than the original nonconforming structure. If destroyed to such an extent that the cost of restoration would exceed fifty percent (50) of said value, such building or use shall not be restored and may be replaced only by a conforming building and use.

- E. Discontinuance. If a nonconforming building, structure, or use is abandoned for one (1) year after the adoption of this Ordinance, it shall not return to its nonconforming state, but must be brought into conformity with the regulations of the district in which it is located.
- F. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or more conforming classification and such use thereafter shall not be changed to a less conforming classification.
- G. Alterations to Nonconforming Uses. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit a nonconforming use to be changed to another nonconforming use, provided such changed use is more in conformity with the spirit and intent of this Ordinance than the prior use and is not more injurious, obnoxious, or offensive to the neighborhood. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit an expansion of a nonconforming use if such expansion would not be injurious, obnoxious, or offensive to the neighborhood and would not constitute an expansion of more than fifty percent (50%) of the previous gross floor area.
- H. Existence of a Nonconforming Use. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.
- I. Intermittent Use. The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

10-19-6 Cemetery Development Standards.

New Cemeteries:

- A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
- B. An initial site plan shall be submitted for review and approval by the Planning and Zoning Commission and City Council prior to any site development. The Site Plan Review Process as adopted and amended shall be construed as the guide in developing a site plan for review. Any alteration or modification of the initially approved site plan shall require resubmission under the Site Plan Review Process.
- C. No mausoleum or columbarium shall be located within 300 feet of any cemetery property line or public street.
- D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Code and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.

- E. A sign is permitted indicating the name of the cemetery, it shall not exceed twenty-five (25) square feet. Any other sign for incidental and accessory uses shall be face mounted on a building or structure and in total shall not exceed twenty-five (25) square feet. Internal signs not visible from the property line directing cemetery traffic, posting of cemetery rules, and designating areas within a cemetery are permitted.
- F. No above ground monument or structure shall be placed within 50 feet of any property line or public streets.
- G. Outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75) opaque. This includes, but is not limited to, trash bins and vaults or headstones for sale or future use.
- H. No burial plots or facilities are permitted on areas designated as flood plain by the City's Federal Flood Insurance Rate Maps.
- I. Assurances must be provided that water supplies of surrounding properties will not be adversely affected by cemetery operations.

Existing Cemeteries (as of the adoption of this amendment December 4, 1986):

- A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
- B. A site plan shall be submitted for review and approval prior to obtaining a permit for the erection of any building or structure in accordance with the site plan review process as adopted and amended. Any alteration or modification of an approved site plan shall require resubmission under the site plan review process.
- C. No mausoleum or columbarium shall be located within 200 feet of any cemetery property line or public street.
- D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Codes and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.
- E. All existing signs shall continue to be permitted. In the event any existing sign visible from adjacent property or public street is to be changed or replaced, it shall comply with all other local regulations as well as the provisions of 10-19-6 (New Cemeteries) (E) above.
- F. Subsurface grave site interments in development areas may continue in accordance with the pattern established by existing burials. Undeveloped areas abutting adjacent residential lots are subject to a setback provision of 25 feet from said property line. The use of the first 25 feet of undeveloped areas adjacent to public streets shall be restricted to flush mounted subsurface gravesite interments only
- G. Proposed outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75%) opaque. This includes but is not limited to, trash bins, and vaults or headstones for sale or future use.
- H. Subject to applicable property line and public street setback requirements as set out in 10-19-6II.C, a crematory shall be a permissive use within Memorial Park Cemetery.

Title 10 – Zoning
Chapter 20 – Additional Height,
Yard and Density Regulations

SECTIONS:

- 10-20-1 Exceptions to Height Limits
- 10-20-2 Additional Yard Requirements
- 10-20-3 Exceptions to Yard Requirements
- 10-20-4 Exceptions to Lot Area and Width Requirements

10-20-1 Exceptions to Height Limits. Height limits may be exceeded in the following instances:

- A. Public, semi-public, or public service buildings, hospitals, institutions, agricultural buildings, or schools when permitted in a district may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75'), if the building is set back from each yard line at least one foot (1') for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.
- B. Television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, stacks, conveyors, and flag poles may be erected to such height as may be authorized by the City Council.

10-20-2 Additional Yard Requirements. The following additional yard requirements must also be observed:

- A. Whenever a lot abuts upon a public alley, one-half (1/2) of the alley width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two (2) family dwelling or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
- B. Where the R-3, R-4, R-5, and R-6 Districts abut the R-1 or R-2 District, a minimum side yard shall be ten feet (10').
- C. On a lot fronting on two (2) nonintersecting streets, a front yard must be provided on both streets.
- D. On corner lots, there must be a front yard on both streets. On corner lots that are lots of record, the buildable width cannot be reduced to less than twenty-eight feet (28'), except that there shall be a yard along the side street of such a lot of at least five feet (5').
- E. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- F. In the C-1, M-1, and S-1 Districts, there may be more than one (1) building on a lot, provided that:
 - 1. The lot is under, and will be retained under, single ownership, whether a private individual or corporation.
 - 2. A site plan is provided to the Planning and Zoning Commission for approval prior to obtaining a building permit.
 - 3. All separate buildings and uses are interrelated and part of a cohesive development plan.
 - 4. The applicable street and utility standards apply.

- G. There may be two (2) or more related multi-family, hotel, motel, or institutional buildings on a lot; provided that (a) the required yards be maintained around the group of buildings, and (b) buildings that are parallel or that are within forty-five degrees (450) of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
- H. No part of an existing building that violates yard regulations when damaged by any cause whatsoever to the extent of more than sixty-five percent (65%) of the fair market value of the building immediately prior to damage shall be restored, except in conformity with the yard regulations of this Ordinance.
- I. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of front or side yard shall be measured from such official line to the nearest line of the building.
- J. The minimum width of side yards for schools, libraries, places of worship, community buildings, and other public and semipublic buildings in residential districts shall be twentyfive feet (25'), except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.

10-20-3 Exceptions to Yard Requirements. The following exceptions may be made to the yard requirements:

- A. Where, on the effective date of this Ordinance, forty percent (40%) or more of a frontage was occupied by two (2) or more buildings, then the front yard is established in the following manner:
 - 1. Where the building furthestmost from the street provides a front yard not more than ten feet (10') deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
 - 2. Where subsection 1 is not the case and a lot is within one hundred feet (100') of a building on each side, then the front yard is a line drawn from the closest front corners of these two (2) adjacent buildings.
 - 3. Where neither subsections 1 nor 2 is the case, and the lot is within one hundred feet (100') of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
- B. Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four inches (24").
- C. Filling station pumps and pump islands may occupy required yards, provided, however, that they are not less than fifteen feet (15') from all lot lines.
- D. Signs in accordance with Section 10-19-2.
- E. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than five feet (5'), when so placed as to not obstruct light and ventilation.
- F. Open, unenclosed, or screened porches (not glassed in) may extend ten feet (10') into a front yard.
- G. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections be distant at least two feet (2') from the adjacent side lot line.
- H. No side yards are required where dwellings are erected above commercial and industrial structures, except such side yard as may be required for a commercial or industrial building on the side of a lot adjoining a residential district.

- I. Accessory buildings and uses may be located in a rear yard, but may not occupy more than forty percent (40%) of a rear yard.
- J. Any accessory building or use closer than ten feet (10') to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
- K. An accessory building or use more than ten feet (10') to a main building may be erected within four feet (4') of a side or rear lot line, but must be located at least sixty feet (60') from the front lot line when entry is from an alley or street at the rear, and four feet (4') behind the front building line of the main building when entry is from the street at the front.
- L. Where a garage door is parallel to the alley and is entered from an alley, it must be setback ten feet (10') from the alley line.
- M. On corner lots, the minimum buildable width of twenty-eight feet (28') for main buildings is reduced to twenty-two feet (22') for accessory buildings.
- N. Satellite receiving dishes shall be erected and maintained behind the building line in residential districts and shall be located not nearer than four feet (4') to any side or rear lot line.

10-20-4 Exceptions to Lot Area and Width Requirements. The minimum lot area and lot width requirements established above may be modified as follows:

- A. Where a lot of record at the time of the effective date of this Ordinance has less area or frontage than herein required in the district in which it is located, said lot may nevertheless be used for any use permitted in the district in which it is located.
- B. The number of permitted dwelling units for multiple dwellings may be increased in the following instances:
 - 1. By five percent (5%) if a landscaped buffer area not used for off-street parking, with a minimum depth of ten feet (10') or a masonry wall six feet (6') in height is provided on all lot lines that are also district boundaries with a less restricted zoning district.
 - 2. By ten percent (10%) if the project provides at least two (2) off-street parking spaces for each dwelling unit.
 - 3. By five percent (5%) if all of the required parking spaces are enclosed or in an underground structure.
 - 4. By ten percent (10%) if the project includes a club, tennis court, swimming pool, or other major recreation facility occupying at least two-tenths (0.2) of a square foot of land area for each square foot of floor area in the buildings.
 - 5. By five percent (5%) if the buildings proposed in the project meet the requirements of the Department of Defense, Office of Civil Defense, and can be officially designated as Fallout Shelters having a capacity equal to or greater than the number of residents allowed in the project.

The above percentages are to be applied individually and not cumulatively.

- C. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to existing yard requirements for that district.
- D. Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes, or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

Title 10 – Zoning
Chapter 21 – Additional Off-Street
Parking and Loading Regulations

SECTIONS:

- 10-21-1 Rules for Computing
- 10-21-2 Location of Required Parking Spaces
- 10-21-3 Standards for Parking Lots and Garages
- 10-21-4 Operation of Parking Lots and Garages
- 10-21-5 Off-Street Loading Requirements
- 10-21-6 Exceptions

10-21-1 Rules for Computing. In computing the number of required off-street parking spaces, the following rules shall apply:

- A. Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.
- B. Where fractional spaces result, the parking spaces required shall be the nearest whole number.
- C. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- D. Whenever an existing building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking spaces shall be provided on the basis of the enlargement of change.

10-21-2 Location of Required Parking Spaces. All parking spaces required herein shall be located as follows:

- A. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served and located behind the front building line. The parking spaces required for any other building or use may be located on an area within three hundred feet (300') of said building and two (2) or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this Ordinance.
- B. No required parking spaces may be located in a front yard in any R Residential District.

10-21-3 Standards for Parking Lots and Garages. Parking lots and garages shall conform with the following improvement and maintenance standards:

- A. Such lot shall be surfaced with asphalt or concrete for allweather parking.
- B. Adequate provision shall be made for the disposal of storm water so that water will not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
- C. A structurally sound wall or other abutment approved by the City Engineer to insure safety shall be installed around each side of the parking lot wherever necessary to prevent the washing of soil to and from adjoining property, and a wall or screen of

such height and character as are necessary for adequate screening of the parking lot from adjacent property shall also be provided to meet requirements of the City Engineer.

- D. The location and width of entrances and exits to and from the lot or garage shall be as determined by the City Engineer, but there shall not be more than one (1) entrance and one (1) exit, or one (1) combined entrance or exit, along any one (1) street, unless the same is deemed necessary by the Council for the alleviation of traffic congestion and interference of traffic movement along such street.
- E. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing, where required by the City Engineer.
- F. Wherever the parking lots or garages are to be used during darkness, a system of flood lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All flood lights shall be shielded so that minimum glare will extend to adjacent property and shall meet the requirements of the City Engineer.
- G. A sign, the size and character of which shall be approved by the City Engineer, shall be installed showing the ownership of the lot or garage and the permitted use thereof. If the lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the sign.
- H. Landscape planting shall be installed on all parking lots and on or adjacent to all garages. Such planting shall consist of at least one (1) standard tree of three inch (3") diameter or more for each ten (10) parking spaces in the lot or garage.
- I. A temporary shelter for the use of parking lot attendants may be maintained on the lot, provided the location, construction, and design of the same shall first be approved by the City Engineer.
- J. The parking lot or garage shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees, and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes and the City Engineer shall have the authority to prohibit the use of the area for parking purposes, unless and until proper maintenance, repair, or rehabilitation is completed.

10-21-4 Operation of Parking Lots and Garages. Any person operating a parking lot or garage shall either:

- A. File with the City a bond in such form as may be prescribed by the City Attorney and in such amount as required by the Council, which shall be surety for any judgment for damages rendered against the operator of the parking lot resulting to person or property when incurred while using the parking lot; or
- B. Carry public liability insurance in such amount as may be required by the Council.

10-21-5 Off-Street Loading Requirements. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the following requirements:

- A. Office buildings, apartments, apartment hotels, motels, and hotels: One (1) space for each five thousand (5,000) to fifty thousand (50,000) square feet of gross floor area; two (2) spaces for each fifty thousand (50,000) to two hundred thousand (200,000) square feet of gross floor area; one (1) additional space for each seventy-five thousand (75,000) square feet of gross floor area above two hundred thousand (200,000) square feet.
- B. Retail or service establishment or wholesale commercial use: One (1) space for each two thousand (2,000) to twenty thousand (20,000) square feet of gross floor area; two (2) spaces for each twenty thousand (20,000) to one hundred thousand (100,000) square feet of gross floor area; one (1) additional space for each seventy-five thousand (75,000) square feet of gross floor area above one hundred thousand (100,000) square feet.
- C. Manufacturing or industrial use: One (1) dock per ten thousand (10,000) square feet; two (2) docks per twenty thousand (20,000) square feet; and three (3) docks per thirty thousand (30,000) square feet of floor space. For any structure of greater size, an applicant may present, upon his application for a building permit, justification for deviating from this ratio to the Building Official, who may at his or her discretion allow a reduced ration of loading docks.
- D. In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than fifty feet (50') shall be provided on the lot on which the industry is located.
- E. All off-street loading spaces shall be paved and shall be screened from any front yard area, either by the building existing on the lot or by a planting screen or fence.

10-21-6 Exceptions. All nonresidential uses within the C-2 Central Commercial District shall be exempt from off-street parking and loading requirements.

Title 10 – Zoning
Chapter 22 – Administration

SECTION:

- 10-22-1 Conditional Uses
- 10-22-2 Board of Adjustment
- 10-22-3 Enforcement of Ordinance
- 10-22-4 Permits
- 10-22-5 Boundaries of Districts
- 10-22-6 Interpretations
- 10-22-7 Amendments of Ordinance

10-22-1 Conditional Uses. Application for conditional permits for uses specifically authorized for consideration in the district use regulations shall be filed with the Building and Zoning Administrator, together with the appropriate application fee, and upon such filing, the Building and Zoning Administrator shall immediately refer the application to the Board of Adjustment for hearing after publication of a public notice as provided by law.

Before authorizing the issuance of such a conditional use permit, the Board of Adjustment may impose such conditions as will, in the Board's judgment, ensure that:

- A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public's health, safety, morals, comfort, or general welfare.
- B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- C. The conditional use will not substantially diminish and impair property values within the neighborhood.
- D. The conditional use will be compatible with and will not impede adjoining development and the proposed character of the zoned district where it is to be located.
- E. Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
- F. Adequate off-street parking and loading are provided and ingress and egress are so designed as to minimize traffic congestion in the public street.
- G. The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and all other applicable regulations provided in the Zoning Ordinance.
- H. The Zoning Board of Adjustment shall find that there is a public benefit for the conditional use.

10-22-2 Board of Adjustment.

- A. A Board of Zoning Adjustment consisting of five (5) members, all of whom shall be residents and all of whom shall be persons with knowledge of construction, architecture, fine arts, engineering, landscape architecture, or law shall be appointed by the Council. The terms of all members shall be five (5) years and not more than two (2) members of the Board shall be members of the Planning and Zoning Commission. Each member shall serve until his or her successor is appointed. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause by the Council upon written charges having been filed with the

Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Council and shall be for the unexpired term.

- B. The Board shall organize and adopt rules in accordance with the provisions of this Ordinance and with the Iowa Statutes. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his or her absence, the acting chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. All business of the Board shall be transacted at such meetings. The Building and Zoning Administrator shall keep minutes of its proceedings showing the vote of each item in question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Building and Zoning Administrator and shall be a public record.
- C. Appeals to the Board may be taken by any person aggrieved. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, given seven (7) days' notice to the parties in interest by publication of notice of hearing, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. The appropriate fee as established by resolution in Section 5-15-2 of this Code shall be paid to the Building and Zoning Administrator at the time the notice of appeal is filed, which the Building and Zoning Administrator shall forthwith pay over to the Clerk to the credit of the General Revenue Fund.
- D. The powers of the Board are:
 - 1. To interpret the Ordinance, being:
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building and Zoning Administrator in the enforcement of this ordinance.
 - b. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Ordinance.
 - c. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Ordinance where the street layout on the ground varies from the street layout as shown on the map aforesaid.
 - 2. To permit the following three (3) exceptions:
 - a. Use of premises for public utility.
 - b. Reconstruction of a nonconforming building that would otherwise be prohibited by Section 10-18-5 where such action would not constitute continuation of a monopoly.
 - c. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but

only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

3. To permit the following two (2) variations:
 - a. Vary the yard regulations where there is an exceptional, unique, or unusual physical condition of a lot, and which condition, when related to the yard regulations of this Ordinance, would prevent a reasonable or sensible arrangement of buildings on the lot.
 - b. Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance, but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.
4. Exceptions. Interpretations, exceptions, and variations involving the Flood Plain or Flood Channel Districts shall be referred to the Iowa Natural Resources Council.
5. To allow conditional uses pursuant to the provisions of Section 10-22-1 of the City Code.

10-22-3 Enforcement of Ordinance.

A. Building and Zoning Administrator:

1. Duties. It shall be the duty of the Building and Zoning Administrator to enforce this Ordinance. He or she shall receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates. He or she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with. He or she shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, except as may be otherwise provided for. He or she shall, when requested by the City Administrator, or when the interests of the Municipality so require, make investigations in connection with matters referred to in this Ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he or she shall issue such notices or orders as may be necessary.
2. Records. The Building and Zoning Administrator shall keep careful and comprehensive records of minutes, of applications or permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He or she shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the Office of the Building and Zoning Administrator.
3. Cooperation of Other Officials. The Building and Zoning Administrator may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Attorney in prosecuting violations, and of other officials.

10-22-4 Permits.

- A. When Required. It shall not be lawful to construct, alter, repair, remove, or demolish or to commence the construction, alteration, removal, or demolition of a building or structure, without first filing with the Building and Zoning Administrator an application in writing and obtaining a formal permit.
- B. Form. An application for a permit shall be submitted in such form as the Building and Zoning Administrator may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building and Zoning Administrator for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Council may determine from time to time.
- C. Plans. Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations, and structural details as the Building and Zoning Administrator may require.
- D. Plat Diagram. There shall also be filed one (1) copy of a plat diagram in a form and size suitable for filing permanently with the permit record, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.
- E. Amendments. Nothing in this Section shall prohibit the filing of amendments to an application or to a plan or other record accompanying the same at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- F. Completion of Existing Buildings. Nothing contained in this Ordinance shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Ordinance; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Ordinance.
- G. Action on Application. It shall be the duty of the Building and Zoning Administrator to examine applications for permits within a reasonable time after filing. If, after examination, he or she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he or she shall approve such application and issue a permit for the proposed work as soon as practicable. If his or her examination reveals otherwise, he or she will reject such application noting his or her finding in a report to be attached to the application and delivering a copy to the applicant.
- H. Approval in Part. Nothing in this Section shall be construed to prevent the Building and Zoning Administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed

statements have been presented for the same and have been found to comply with this Ordinance.

- I. Condition of the Permit. All work performed under a permit issued by the Building and Zoning Administrator shall conform to the approved application and plans and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
- J. Signature to Permit. Every permit issued by the Building and Zoning Administrator under the provisions of this Ordinance shall have his or her signature affixed thereto; but this shall not prevent him or her from authorizing a subordinate to affix such signature.
- K. Limitation. A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.
- L. Posting of Permit. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same. The Building and Zoning Administrator may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Building and Zoning Administrator shall be given at least twelve (12) hours' notice of the starting of work under a permit.
- M. Revocation. The Building and Zoning Administrator may revoke a permit or approval issued under the provisions of this Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- N. Certificate of Occupancy for a Building. No building shall be occupied before a Certificate of Occupancy has been issued. A Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said Certificate shall be issued with three (3) days after the request for the same shall have been made in writing to the Building and Zoning Administrator after the erection or alteration of such building or part thereof shall have been completed, and in the case of new subdivisions, when all public improvements, including sewers, streets, and utilities, have been accepted in accordance with the provisions of this City Code. Pending the issuance of a regular Certificate, a temporary Certificate of Occupancy may be issued by the Building and Zoning Administrator for a period not exceeding one (1) year during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this Ordinance, and such temporary Certificate shall not be issued, except under such restrictions and provisions as will adequately insure the safety of the occupants.

The process of issuing this Certificate of Occupancy shall be considered the minimum enforcement requirement for the protection of the public health, safety, and welfare of the residents of the City of Muscatine. However, if in the case of a new subdivision, all public improvements are not acceptable prior to request for a regular Certificate of Occupancy, the subdivider or his agent may request a waiver from the City Council of this provision. The developer or his agent must clearly demonstrate that due to peculiar conditions pertaining to his subdivision, the literal enforcement of one or more steps of this process is impractical or will exact undue hardship. The

City Council may waive the requirement for completion of the public improvements prior to issuance of a regular Certificate of Occupancy for a reasonable period of time until the deficiency is corrected by the subdivider or his agent. In allowing a waiver due to a specific situation, the City Council shall not release the performance bond and also shall notify the bonding company of the deficiency and a reasonable period of time for correction to the satisfaction of the City Council. (Any action taken by the City Council under the terms of this process shall give primary consideration to the welfare of the entire community.)

- O. Content of Certificate of Occupancy. A Certificate of Occupancy shall state that the building or proposed use of the building complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Office of the Building and Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. (Note Subdivision Regulations, Title 11.)
- P. Building Permit. No permit for construction of any building shall be issued before application has been made for a Certificate of Occupancy.

10-22-5 Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this Ordinance, the following rules apply:

- A. The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts, unless the boundaries are otherwise indicated on the Map.
- C. In unsubdivided property, the district boundary lines on the Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the Map.

10-22-6 Interpretations. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

10-22-7 Amendments of Ordinance.

- A. The Council may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law and after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established. In case the Commission disapproves the proposed change or in case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof or directly opposite thereto extending the depth of one (1) lot or not to exceed two hundred feet (200') therefrom or two

hundred feet (200') from the street frontage of opposite lots, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all members of the Council. If no report is received from the Commission in sixty (60) days, it may be assumed that said Commission has approved the amendment.

- B. Before any action shall be taken as provided by this Section, the party or parties proposing or recommending a change in the district boundaries or district regulations shall file with the Planning Administrator a petition or application accompanied by the appropriate filing fee as established by resolution in Section 5-15-2 of this Code to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.
- C. Change in Flood Plan or Flood Channel District boundaries shall be referred to the Iowa Resources Council.

Title 10 – Zoning
Chapter 23 – Definitions

SECTION:
10-23-1 Definitions

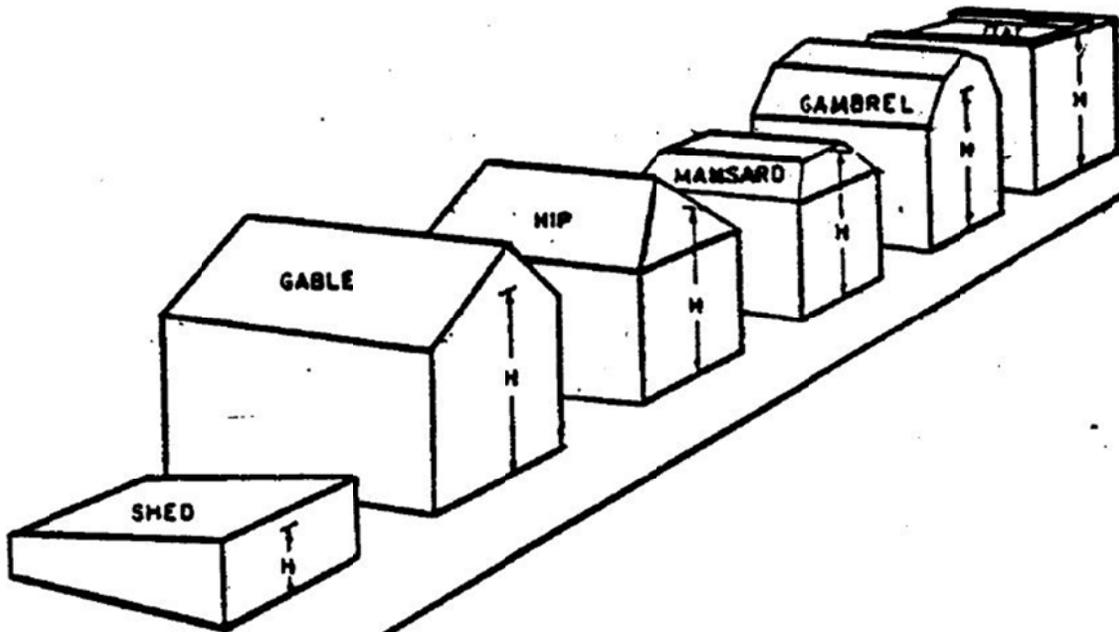
10-23-1 Definitions. For the purpose of this Ordinance, certain terms are hereby defined:

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the words "structure" and "premises"; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, associations, organization, partnership, trust, company, or corporation, as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

- Accessory Building: A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
- Accessory Use: A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
- Agricultural Activity: Agricultural activity, including forests and forest products; harvest and management; dairy farming; livestock grazing and pasturage; truck gardening, the raising of crops, fruit, and nursery stock; fish farms; animal kennels and fur bearing animal farms; the harvesting, processing, packaging, packing, shipping, and selling of products produced on the premises, and incidental farm occupations and uses such as machinery, farm equipment, and domestic repair and construction; excluding commercial feed lots.
- Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.
- Ambient Noise: The all-encompassing noise associated with a given environment for a specified period of time, usually being a composite of sounds from many sources, near and far.
- Amortization: The established process of eliminating nonconforming uses over a period of time.
- Apartment: See Dwelling Unit.
- Assembling: Combining two (2) or more finished products into a single product.
- Automobile Service Station: Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories; but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.
- Basement: A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

- Bed and Breakfast Home:** Means a private residence which provides lodging and meals for guests, in which the owner resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
- Billboard:** Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. (See also Sign Ordinance.)
- Board:** Means Board of Adjustment established in Chapter 21.
- Boarding House:** A building, other than a hotel or apartment hotel, where for compensation and by pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons.
- Buildable Width:** The width of the lot left to be built upon after the side yards are provided.
- Building:** Any structure having a roof supported by columns of walls for the shelter or enclosure of persons or property. For the purposes of this definition "roof" shall include awning or other similar covering, whether permanent in nature or not.
- Building and Zoning Administrator:** The individual designated to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.
- Building Height of:** The vertical distance from the grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points of a shed roof.

See Diagram Below



- Building Line:** A line parallel to the street establishing the closest point to the street at which a house is permitted to be constructed.
- Bulk Storage:** The outdoor storage of a product or material in large quantities.

Cellar:	That part of a building having more than one-half (1/2) of its height below the average grade of the adjoining ground.
Cemetery:	Land used or intended (10 acre minimum) to be used for the burial of deceased humans. A marker or memorial is erected at each gravesite for permanent remembrance of the deceased. Other principal uses permitted on land used or intended for use as a cemetery include columbariums and mausoleums; incidental uses include business designed for the benefit, service, convenience or spiritual uplift of cemetery lot owners or persons visiting the cemetery. Accessory uses include utility buildings, maintenance storage areas, chapels and cemetery administration offices.
	<u>Note.</u> Interior columbariums are permitted ancillary uses within places of worship.
Chapel:	A structure intended for use as a place of worship or nondenominational assembly or visitation.
City:	The City of Muscatine, Iowa.
Clinic:	An establishment where patients are not lodged overnight, but where they may be admitted for examination or treatment or observation by an individual or group of individuals engaged in certain of the healing arts. In order to qualify as a clinic, the establishment must be operated and staffed by an individual or group of individuals who are licensed under the provision of Chapter 147 of the 1989 Code of Iowa to practice medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, and optometry.
Club:	Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.
Columbarium:	A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.
Commercial Feed Lot:	An area of and devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.
Commission:	The City Planning and Zoning Commission of Muscatine, Iowa.
Common Land:	Land held and/or used jointly by two (2) or more owners of other land in proximity to it. Usually established by subdivision regulations.
Conditional Use:	The use allowed in a zoning district after a permit is granted by the Board of Adjustment according to the provisions of Section 10-22-1.
Condominium:	A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.
Council:	The City Council of Muscatine, Iowa.
Court:	An open space more than one-half (1/2) surrounded by buildings.
dBa:	A unit of measure of sound intensity as measured on the "A" scale, such scale being that which is audible to the human ear.
Decibel:	A unit of measure in determining sound intensity.
District:	A part of the City wherein regulations of this Ordinance are uniform.
Drive-In Use:	Any establishment designed for the general public to make use from

	their vehicles of the sales or service provided on the premises.
Duplex:	A building or structure limited to two (2) individual residential units. (See Dwelling Two-Family.)
Dwelling:	Any building or portion thereof which is designated and used exclusively for residential purposes.
Dwelling Single-Family:	A building designed for or occupied exclusively by one (1) family.
Dwelling Two-Family:	A building or structure limited to two (2) individual residential units. (See Duplex.)
Dwelling Multiple:	A building designed for or occupied exclusively by three (3) or more families.
Dwelling Unit:	One (1) or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
Farm:	See Agricultural Activity.
Farm Residence:	A structure utilized as a residence, located on or in conjunction with a crop producing farm property of forty (40) acres or more and housing either the farm owner or tenant who is actively engaged in the farming of said property.
Feedlot:	A tract of land or structure wherein any type of fowl or livestock are maintained in close quarters for the purpose of fattening for final shipment to market.
Fence:	A structure for enclosing or screening.
Flood Channel: (Floodway):	The channel of a river or other watercourse and the adjacent portion of the flood plain required to convey the one hundred (100) year flood without increasing the water surface elevation more than one foot (1') at any point assuming equal conveyance reduction outside the channel from the two (2) sides of the flood plain.
Flood Insurance Rate Map:	The official map prepared by the U.S. Department of Housing and Urban Development - Federal Insurance Administration delineating where flood insurance may be sold and the risk premium zones applicable to such area.
Flood Plain:	The area adjoining a river or other watercourse that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of flood occurrence in every one year), assuming the operation of all existing flood control structures.
Flood Proofing:	Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
Floor Area:	The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.
Floor Area Ratio:	The floor area of the building or buildings on any lot divided by the area of the lot.
Frontage:	That continuous portion of a lot fronting on an improved public street.
Garage, Private:	A detached accessory or portion of a main building housing the motor

	driven vehicles of the occupants of the premises, but not commercial vehicles.
Garage, Public:	A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
Garage, Storage:	Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.
Grade:	The average level of the finished surface of the ground adjacent to the exterior walls of the building.
Group Home:	Any premises, privately or publicly sponsored, where board and supervision are given to persons not related by blood or marriage to the owner or primary occupant thereof, for the purpose of social rehabilitation and/or long-term sheltered care.
Historic Site:	A site, building, or structure which has local, state, or national historical significance, as determined by the appropriate authority.
Home Occupation:	Any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than a name plate, not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling or garage; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is customarily for purely domestic household purposes, provided that cobbler's work or shoe repair work (including the use of such mechanical equipment as is normally used for such repair) shall be considered a home occupation so long as it meets all the other occupation criteria set forth herein.
Hospital:	An establishment providing physical or mental health service, in-patient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.
Hotel:	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house as herein defined.
Institution:	A nonprofit establishment for public use.
Junk:	Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.
Junk Yard:	The use of land, whether inside or outside a structure, for the keeping or abandonment of junk. (Also see salvage.)
Kennel:	An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.
Landscaped Area:	An area that is permanently devoted and maintained to the growing of shrubbery, grass, and other plant material.
Large Scale Retail Development:	A property of twenty (20) acres or more including the main lot and subdivided lot(s), which is used primarily for purposes as defined in Section 10-11-1(A), (B), (F), and (G); and Section 10-11-2(A), (B),

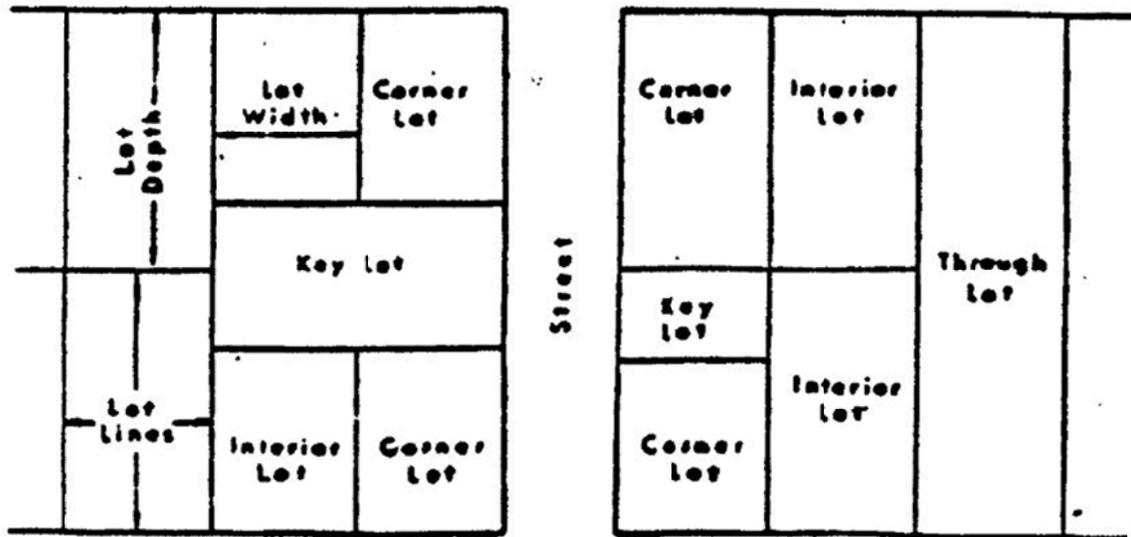
(F), (G), (H), and (I). The Large Scale Retail Development can be one or multiple owners for the entire property or any individual subdivided lot.

Lodging or Rooming House: Same as "Boarding House".

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, open spaces, and parking spaces required by this Ordinance, and having its principal frontage upon an improved road or street.

Lot, Area: The total horizontal area within the lot lines of the lot.

ILLUSTRATION OF LOT DEFINITIONS



Lot, Corner: A lot abutting upon two (2) or more streets at their intersections.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting roads, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot or parcel of land the plat or deed of which has been recorded prior to the adoption of this Ordinance.

Lot, Width: The width of a lot at the front yard line.

Manufacturing: The act of making goods or articles from raw materials or unfinished products. Includes processing and assembling.

Mausoleum: A building or structure designed with vaults to hold many caskets or crematory urns.

Mobile Home (House Trailer): A transportable manufactured structure built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Mobile Home Park: A parcel of land, ten (10) acres or more in area, under single ownership on which two (2) or more mobile homes are occupied as residences, not accessory to a farm, developed in accordance with a site development plan meeting all the requirements of this Ordinance.

Modular Building: A prefabricated transportable building manufactured in whole or in part off the site, designed to be used by itself or to be incorporated

	with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, or sub-elements which are to be incorporated into a structure at the site.
Motel, Motor Court, Motor Lodge, or Tourist Court:	Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.
Nonconforming Use:	The use of any building, structure, or land existing at the time of the enactment of this Ordinance, or any amendments thereto, which does not conform in whole or in part to the provisions of this Ordinance or its amendments.
Noxious Fumes:	Fumes which are in sufficient quantity to be harmful to health.
Nursery School (Child Care):	Any land, building, structure, or premises used for educational instruction and/or supplemental parental care for four (4) or more children, either on an hourly or daily basis, with or without compensation.
Nursing Home:	A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick and injured.
Office:	The building, room, or series of rooms in which the affairs of a business, profession, or branch of government are conducted.
One Hundred (100 Year) Frequency Flood:	That portion of the flood plain of the Mississippi River its tributary streams that would be inundated by the limits established for a hypothetical flood having a recurrence frequency of once in about one hundred (100) years, as determined by the U.S. Corps of Engineers.
Open Area:	That part of a lot on which no part of a building or structure extends above the following elevations: <ul style="list-style-type: none"> A. Two feet (2') above the highest curb elevation of the street or streets that bound the lot; B. One foot (1') above the adjacent curb elevation for each one and one-fourth foot (1 1/4') the building or structure is set back from the street lot line, except that no portion of the structure shall exceed twelve feet (12') above the adjacent curb elevation. This provision shall apply to walls or structures that do not extend more than four feet (4') above the adjacent curb elevation.
Parking Area (Lot):	An open area, other than the street, intended and used for the temporary parking of motor vehicles.
Parking Space:	A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile less than nine feet (9') wide and twenty feet (20') long, together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.
Premises:	A lot, together with all buildings and structures thereon.

- Processing: To prepare a product for sale by either a special treatment or to change it through a series of steps, but not the original manufacture of a component part.
- Salvage or Junk Yard: Any land, building, or other structure used for the storage, collection, processing, or conversion of any worn out, cast off, or discarded metal, paper, glass, or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use. This includes, but is not limited to, such things as automobiles, machinery, farm implements, household appliances, and construction materials. (Also see Junk Yard.)
- Satellite Receiving Dish: An apparatus that allows microwaves to reflect back to an antenna, also commonly referred to as an earth station.
- Setback: The distance between any street line and the nearest point to which any building or structure can be erected. All measurements shall be to the outside edge of the ground floor wall nearest the lot line or street line.
- Sign: A sign is any structure or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business; or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction, or advertisement. For the purpose of this Ordinance, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or political unit, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, moment, or event. (See Sign Ordinance.)
- Sign, Advertising: A sign which directs attention to a business or commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises. (See Sign Ordinance.)
- Sign, Area: The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures and the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.
- Sign, Electronic Message Center: A light emitting diode (LED) sign that is controlled via electronic communication. An electronic message center (EMC) sign has information created on a computer using a software program that allows the user to display static or moving messages consisting of text, graphics, video graphics, and animation, including the use of multiple colors on a contrasting background. Unless otherwise provided herein, EMC's shall not be permitted to change pages or images more frequently than once every two (2) seconds. The use of EMC's shall be restricted to on-site advertising and/or the promotion of not-for-profit communitywide events or activities.
- Sign, Ground: Historic Consideration: The use of Electronic Message Center Signs within any Historic District as approved for listing to the National Register of Historic Places by the National Park Service is prohibited.
Any sign erected, constructed, or maintained for the purpose of

	displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by two (2) or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.
Sign, Marquee:	Any sign affixed to a marquee over the entrance to a building and supported from the building.
Sign, Portable:	A sign, banner, sandwich board, mannequin, or advertising display constructed of cloth, canvas, plastic, blackboard, cardboard, wall board, metal, or other light material as well as any vehicle or trailer, one (1) of the major uses of which is as a fixed or mobile advertising display. Such described signs shall be deemed portable if they are capable of being carried or moved and not affixed in a permanent manner to the ground, a structure, or other supporting device.
Sign, Post:	Any permanent sign supported by one (1) or more uprights or braces in or upon the ground and not attached to any building or wall, but not including a ground sign or billboard.
Sign, Pylon:	A sign which may identify the name of a Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), which must be constructed in accordance with the requirements of Section 10-19-2(D.1)c.
Sign, Roof:	Any sign erected, constructed, or maintained upon the roof of any building.
Sign, Wall:	Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.
Solid Waste Transfer Station:	A site with a permanent enclosed structure for receiving solid waste for the purpose of reducing its volume for transport to other destinations. Activities include, but are not limited to, the sorting and compacting of materials, shredding, and the temporary storage of said materials while awaiting transport to a landfill or recycling destination. Ancillary site activities may include the composting of yard waste material.
Standard Shrub:	A standard shrub is any bush or small evergreen tree occupying a space of at least eighteen (18) cubic feet.
Standard Tree:	A standard tree is a tree with a minimum caliber of two and one-half inches (2 ½"), ten to twelve feet (10' to 12') high, of a deciduous hardwood variety normally capable of attaining a twenty-five foot (25') height when the tree is twenty (20) years old.
Street:	A public way sixty feet (60') in width which affords the principal means of access to abutting property.
Street Center Line:	The street center line is a line halfway between the street lines.
Street Line:	A dividing line between a lot and a contiguous street.
Structural Alteration:	Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other Ordinances.
Structure:	Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or

permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs, whether located on a rock, tree, separate structure, or part of another structure.

- Tourist Home: An establishment used for dwelling purpose in which rooms, with or without meals, are offered to transient guests for compensation.
- Townhouse: A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.
- Yard: An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
- Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot or to the designated street line in cases where the present property line extends to the center line of the abutting street. On corner lots, the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.
- Yard, Rear: A yard extending the full width of the lot between a principal building and the rear lot line.
- Yard, Side: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
- Yard Width and Depth: The shortest horizontal distance from a lot line to the main building.

TITLE 11

SUBDIVISION REGULATIONS

<u>SUBJECT</u>	<u>CHAPTER</u>
Plats, Filing, Approval Process	1
Minimum Standards	2
Documents to be Submitted with Final Plat	3
Enforcement	4

Title 11 – Subdivision Regulations
Chapter 1 – Plats, Filing, Approval Process

SECTIONS:

- 11-1-1 General Procedure
- 11-1-2 Filing Requirements
- 11-1-3 Requirements of Preliminary Plat
- 11-1-4 Preliminary Approval of Plat
- 11-1-5 Final Plat Requirements

11-1-1 General Procedure. The City of Muscatine hereby adopts the following rules and regulations governing the subdivisions of land within its jurisdiction, pursuant to the Code of Iowa, Chapter 409, as amended, and to the City Code of the City of Muscatine, Iowa, as amended. No subdivision of land within the City of Muscatine or within two (2) miles of the Corporate Limits of the City shall be authorized until it has been submitted to and approved by the Planning and Zoning Commission and the City Council.

No subdivision plat or replat of land located within the City or within two (2) miles thereof shall be recorded until it shall have been approved in accordance with the provisions of this Chapter and the Code of Iowa, Section 409.14, and by resolution of the Council. Said approved plat and accompanying certificates and documents shall not be considered valid until they are filed and/or recorded in the County Recorder's, Auditor's, and Assessor's Offices. The provisions of this Chapter shall be construed to be in conformance with Chapter 409 of the Code of Iowa and restrictions set forth in Section 409.14 of said Code are hereby specifically adopted and incorporated by reference within this Chapter.

11-1-2 Filing Requirements.

A.

1. Any tract, lot, or parcel of land within the Corporate Limits of the City of Muscatine which shall hereafter be divided into three (3) or more parts shall be considered a subdivision. This includes resubdivision and the division of a parcel of land held in common and subsequently divided into parts among several owners, with or without a structure, on which a separate business without shared amenities, such as parking, is to be conducted or a separate dwelling erected or used. All such subdivisions shall conform to the applicable requirements set forth in this Chapter. This includes resubdivision or lease of a parcel on which a separate business is to be conducted.
2. Any tract, lot, or parcel of land of record at the time of the adoption of this Ordinance which is located outside the Corporate Limits and which shall hereafter be subdivided into three (3) or more parts for the purpose of making an addition, subdivision, or residential lots shall, pursuant to Section 409.14 of the Code of Iowa, be approved by the City Council.

The plats of any subdivision located outside the Corporate Limits of the City, but within two (2) miles of the Corporate Limits, shall be examined by the City Council and the City Planning and Zoning Commission, with a view to ascertaining whether the same conform to the City Ordinances relating to plats and whether streets, alleys, boulevards, parks, and public places conform to the general plat of the City and are conducive to an orderly development thereof, and do not conflict or interfere with rights-of-way or extensions of streets or alleys already established, or otherwise

interfere with the carrying out of the Comprehensive City Plan. If such plats shall conform to the Statutes of the State and Ordinances of the City and if they shall fall within the general plan for the City and the extensions thereof, regard being had for public streets, alleys, parks, sewer connections, water service, and service of other utilities, then it shall be the duty of the Council and the Planning and Zoning Commission to endorse their approval upon the plat; provided that the City Council may require, as a condition of approval of such plats, that the owner of the land bring all streets to a grade and standard acceptable to the Council and comply with such other improvements as the Council may deem requisite for the protection of the public interest.

All newly constructed roadways providing access to lots within two (2) miles of the Corporate Limits shall be in conformance with the county right-of-way width of sixty-six feet (66') and shall be improved as required by the City Council; the minimum improvements shall provide a twenty-four foot (24') wide roadway surface and shall be constructed with a surface material having an equivalent to a Structural Number (SN) of 4.0, and in accordance with the rural street standards as defined in Title 12, Chapter 2. The City Council may require street and roadway improvements in addition to the minimums as provided in this Section. Also, the City Council may require other improvements as it deems requisite for the protection of the public interest. The approval of any such plat, whether or not such approval requires complete compliance with the provisions of this Title, shall not be construed as requiring the City to maintain any of the improvements required to be installed in the subdivision.

- B. The subdivider shall prepare and file in the Office of the Planning Administrator four (4) copies of the preliminary plat conforming in detail to the requirements set forth herein of any tract, lot, or parcel of land that is subdivided into three (3) or more parts for the purpose of making an addition to the City or a subdivision thereof.
- C. Prior to the City Council approval of a final subdivision plat, the developer shall file a duly completed and executed bond, escrow agreement, or other collateral certified by the City Attorney as valid and enforceable by the City. This guarantee shall be in an amount determined by the City Engineer to be satisfactory for securing and making the installation of all public improvements required by the Planning and Zoning Commission and the City Council.
- D. An application for approval of a subdivision plat shall be filed with the Planning Administrator and accompanied with the required plats and with a filing fee, as established by resolution in Section 5-15-2 in this City Code.

11-1-3 Requirements of Preliminary Plat. Such preliminary plat shall contain the following information:

- A. The scale used on the drawings.
- B. The title under which the proposed addition or subdivision is to be known and recorded.
- C. The dimensions of all platted lots and unplatted areas and contours of a two foot (2') interval.
- D. An application for approval of a subdivision plat shall be filed with the Planning Administrator and accompanied with the required plats and with a filing fee, as specified in the City Code.
- E. The location of all property lines, watercourses, streets, alleys, public grounds, and similar features adjoining the platted area.

- F. The location and dimensions of all areas to be reserved for future use as school sites, parks, playgrounds, or similar features and which are to be dedicated to the public for such use.
- G. The location and size of existing storm or sanitary sewers, water mains, or field drains within or readily accessible to the platted area.
- H. The location and character of all existing easements and those proposed to be provided by the owner for utility purposes.
- I. The location, dimensions, and present use of existing buildings within the platted area.
- J. The bearing and distance from some monumented block or lot corner within the platted area to some corner of a congressional division within the City.
- K. A legal description of the area being platted, together with the name or names of the owners and the name and seal of the registered land surveyor making the plat.
- L. All elevations shown on the plat, profiles, and cross sections shall be referred to City datum.
- M. A general location map showing the proposed subdivision site in relation to the City of Muscatine.
- N. No strip of land shall be reserved by the subdivider, unless the tract is of sufficient size and shape to be of some practical use or service, as determined by the Commission and the Council.
- O. Suitable public right-of-way for bicycle/pedestrian paths shall be carefully considered and required on the preliminary plat when they are compared with the Comprehensive Plan or designated as a part of the Running River Trail system as it may be amended from time to time. All such paths indicated on the final plat shall be installed by the City at such time as funds are available to the City for construction of the paths. All right-of-ways for bicycle/pedestrian paths shall be not less than twenty (20) feet wide.

11-1-4 Preliminary Approval of Plat. Upon the filing of a preliminary plat with the Planning Administrator, the Planning Administrator shall refer one (1) copy of such plat and accompanying papers to the City Engineer, one (1) copy to the Building and Zoning Administrator, and one (1) copy to the Planning Commission at its first regular meeting.

The Planning and Zoning Commission shall review the application and preliminary plat of the subdivision to determine if it conforms to the minimum standards and requirements outlined in Chapter 2 and shall approve or reject the plat within thirty-five (35) days of the initial Commission review. In the event of a large subdivision which is to be developed in a phased sequence over a period of time, the Commission shall refer the overall preliminary plat to the City Council for review and appropriate action.

The approval of the preliminary plat by the Planning and Zoning Commission, and if appropriate by the City Council, shall not constitute final acceptance of the subdivision by the City. The owner shall, within one (1) year following the preliminary approval of the subdivision plat, prepare and file a final plat and other required construction plans and documents.

One (1) copy of the approved preliminary plat shall be retained in the Office of the Planning Administrator and one (1) copy in the Office of the City Engineer. One (1) copy shall be given to the subdivider and its receipt shall be authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in these regulations and with the preparation of the final plat.

11-1-5 Final Plat Requirements.

- A. The final plat shall contain all information required to be shown on the preliminary plat and, in addition, the following information:
1. The proposed names of all streets, public ways, and places dedicated for public use, lot numbers, dimensions, and areas.
 2. The type and location of all permanent monuments at block and lot corners and elsewhere within the platted area.
 3. All radii, arcs, chords, points of tangency, and central angles for curved streets and the radii of all rounded curves shall be shown on the plat.
 4. The certification of the engineer and/or land surveyor preparing the plat with his license number, and seal, signature, and the date of survey.
 5. Certificate of approval for construction of water, electric, and gas service from the respective utility companies, accompanied by a plat showing the easements required.
 6. The subdivider shall file with the City two (2) sets of improvement plans and profile, one (1) set reproducible. All plans and drawings are to be submitted on eighteen inch by twenty-four inch (18" x 24") plan and profile paper.

NOTE: The maximum size sheet for the final plat for recording purposes under the Code of Iowa, Section 409.31., is eighteen inches by twenty-four inches (18" x 24").

7. Building setback lines and dimensions.
 8. In addition to showing the sanitary sewer line, all stub-in laterals to individual lots shall be indicated and a notation on depth shall also be made on the plat.
- B. The subdivider shall file with the Planning Administrator, not less than seven (7) days prior to consideration by the Planning Commission of the final plat, the following:
1. Four (4) copies of the final plat.
 2. One (1) reproducible copy of the final plat shall be submitted.
 3. All utility easements must be indicated, with signature block with approval signatures from the respective utility interests.
 4. Two (2) copies of any agreement to be entered into between the subdivider and the City of Muscatine providing for the grading of streets and the installation of sewer systems and other utilities or improvements as may be required.
 5. Two (2) copies of a proposed resolution to be adopted by the City Council accepting lands to be dedicated for public use.
 6. Two (2) copies of a proposed resolution to be adopted by the City Council accepting the final plat.
 7. The appropriate bond or other collateral approved by the City Attorney and City Engineer to cover the estimated public improvements.
- C. Before submitting the final plat for approval, the owner or subdivider of the land being platted shall cause monuments to be placed within the platted area as follows:
1. One inch (1") galvanized iron pipe monuments, not less than thirty inches (30") in length and driven six inches (6") below the ground surface, shall be placed at each block corner, each end of curves, and each angle or change in direction along lot lines.
 2. One-half inch (1/2") iron rods, not less than twenty-four inches (24") in length, shall be placed at each lot corner and left flush with the ground surface. Equivalent material may be used upon approval of the City Engineer.

3. Each monument shall have the registration number of the land surveyor in charge.
- D. Upon the filing of the final plat, the Planning Administrator shall immediately refer one (1) copy of the final plat and accompanying papers to the City Engineer and one (1) copy to the Building and Zoning Administrator, and report to the Planning Commission.

Title 11 – Subdivision Regulations
Chapter 2 – Minimum Standards: Improvements

SECTIONS:

11-2-1 Minimum Standards; Requirements

11-2-2 Improvements

11-2-1 Minimum Standards; Requirements. In this Section, the phrase "the subdivider shall provide" means the subdivider shall install the facility referred to at his expense and at no cost to the City. All facilities must be installed in accordance with these regulations prior to occupancy of the buildings. No subdivision plat shall be approved by the Planning and Zoning Commission, unless it conforms to minimum standards and requirements established by this Chapter.

- A. Acreage Addition. Whenever an area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be resubdivided, consideration shall be given to the street and lot arrangement so that additional streets can be opened which will permit of a logical arrangement of smaller lots.
- B. Erosion Control. The submitted plan shall be reviewed by the Muscatine County Soil Conservation District. The appropriate recommendations of the Soil Conservation District shall be incorporated into the plan along with a time schedule indicating when ground cover or plantings will be installed.
- C. Blocks. No block shall be longer than one thousand feet (1,000') between street lines, nor less than two hundred twenty feet (220') nor wider than three hundred feet (300'), except for special reasons where deemed necessary. In its discretion and for good cause, the Planning and Zoning Commission may recommend and the City Council may require that a public walkway not less than ten feet (10') wide be installed near the center of the block and that such walkway be dedicated to and properly maintained by the City of Muscatine.
- D. Lots. All subdivided lots shall conform to the dimensions specified in the appropriate Zoning District. The Commission shall not approve a subdivision plat which attempts to create lots which do not meet minimum standards as specified in the Zoning Ordinance.

Corner lots shall have extra width to permit the maintenance of building lines on both front and side streets. The dimensions shall conform to the front yard requirements of the Zoning Ordinance for the specific district.

Lots at street intersections shall have a radius of at least fifteen feet (15') at the street corner.

All lots shall abut an improved public street prior to the issuing of a building permit or if a proper performance bond is submitted for street and other public improvements, a building permit may be issued; however, a Certificate of Occupancy will not be issued until the public improvements are completed.

- E. Building setback lines shall be established as required by the Zoning Ordinance and indicated on the final-plat.

11-2-2 Improvements. A performance bond or other security which will insure to the City that the subdivision public improvements will be completed by the subdivider within two (2) years after City Council acceptance of the plat, and a maintenance bond from the subdivider

or his contractor, which will insure "to the City that said improvements will be maintained in good and suitable condition for a period of two (2) years after City Council acceptance of the construction, shall be filed with the City through the City Planning Administrator. The subdivider shall file a duly completed and executed bond or other security certified by the City Attorney as valid and enforceable by the City. The amount of the bond or other security, as determined by the City Engineer, shall be in an amount satisfactory for securing and-making the installation of all the required public improvements. This guarantee shall be retained by the City until the improvements have been satisfactorily completed and accepted by the City.

It is the responsibility of the subdivider to obtain or insure that liability insurance for both personal injury and property damage are in effect for contractors.

The design standards for rural residential subdivisions as defined in Title 12, Chapter 2, shall apply where appropriate. The following improvements are required of all other City subdividers:

- A. Sidewalks. Sidewalks shall be installed, or caused to be installed, on both sides of streets, places and cul-de-sacs. The subdivider shall install sidewalks according to specifications prescribed by the City and set at the grade established by the City Engineer.
- B. Street Improvements To be Made Upon Approval of Final Plat.
 - 1. Curbs and gutters shall be constructed by the subdivider on both sides of all streets.
 - 2. Minimum right-of-way width for residential streets shall be sixty feet (60').
 - 3. Streets shall be filled or excavated to the grade approved by the City and set by the City Engineer. All streets shall be graded the full platted width and pavement shall be constructed of seven inches (7") of Portland cement concrete pavement or equal. All streets determined by the City Engineer to be local roads or sub- collector streets shall be not less than thirty-one feet (31') or nine and one-half meters (9.5m) in width from back of curb to back of curb. All streets determined by the City Engineer to be collector streets shall be not less than forty-four feet (44') or thirteen and one-half meters (13.5m) in width from back of curb to back of curb. All street improvements shall be in accordance with City specifications.

Commercial and industrial subdivisions shall be reviewed individually by the City Engineer for a determination of the thickness of the Portland cement concrete.

- 4. Inspection and testing of street improvements shall be performed under the direction of the City Engineer or a qualified engineer and a testing laboratory selected by the City Engineer. The subdivider shall bear this expense.
- C. Storm Sewers.
 - 1. Storm Sewers. The plans for installation of a storm drainage system shall be prepared by the subdivider and approved by the City Engineer. Design shall be based on a ten (10) year frequency storm.
 - 2. Storm sewers, if practicable, shall be placed in either the parkway adjacent to the street or where necessary, provided the proper easements are granted.
 - 3. Minimum size of all storm sewers shall be twelve inches (12") reinforced concrete pipe.
- D. Sanitary Sewers.

1. The subdivider shall provide the subdivision with a complete public sanitary sewer system to each lot within the subdivision. In areas where a public sanitary sewer outlet is not available, that is not within one thousand feet (1,000'), the subdivider shall, or his assigns shall, provide a private sanitary disposal system in accordance with the State of Iowa Department of Environmental Quality and local sanitary disposal codes.
 2. The provision of a public sanitary sewer system by the subdivider shall consist of all necessary laterals, pumping stations, manholes, and other appurtenances to provide for the discharge of disposal for the platted area.
 3. All public sanitary sewer systems shall be constructed in accordance with plans and specifications of the City and at sewer grades as established by the City.
 4. The subdivider shall furnish a "Sewage Treatment Agreement" from the Iowa Department of Environmental Quality for the City to execute.
 5. The installation of such sewers shall be under the supervision and inspection of the City Engineer and the subdivider may be required to pay a reasonable charge for such engineering and inspection service.
 6. Prior to acceptance of the installed sanitary and storm sewer line by the City the developer shall be responsible for televising the line and furnishing a VHS video to the Engineering Department for review.
- E. Utilities. All gas, water, electrical, cable television, telephone, or maintenance of any associated structures shall be placed underground. The subdivider shall install, or cause to be installed, all necessary water mains, hydrants, gas mains, and electrical transmission lines and shall make said utilities available to each lot within the subdivision.
- F. Water Supply. The subdivider shall install, or cause to be installed, a common deep well or install the Municipal Water distribution system by extension for all affected subdivision proposals. Subdivisions involving eight (8) or more lots require the developer to obtain approved well permits from the Iowa Department of Water, Air and Waste Management prior to final plat approval. Subdivisions involving less than eight (8) lots require the developer to submit well plans, specifications, and layout information along with the final plat for review during the approval process. Affected subdivisions located south of Hershey Avenue and County Road G-28, between the Mississippi River and the bluffs to the west, commonly referred to as Muscatine Island, shall also have the option of extending Municipal Water service or drilling common deep wells which penetrate alluvial matter and clay strata to the point of bedrock in complying with the requirements of the approval process.

Title 11 – Subdivision Regulations
Chapter 3 – Documents to be Submitted with Final Plat

SECTIONS:

11-3-1 Required Documents

11-3-2 Document Format

11-3-1 Required Documents. Documents to be submitted with final plat. Upon approval of the subdivision, it shall be the responsibility of the subdivider to record the subdivision at the County Court House. When the final plat is submitted to the Council, it shall be accompanied by the following instruments, which will be current within thirty (30) days prior to the date of the Council's approval:

- A. An attorney's legal opinion placing the fee title, free from unbonded encumbrance, in the owner, provided it may show a mortgage or encumbrance if the plat is accompanied by a consent to such platting by the holder of the mortgage or encumbrance of all streets, easements, and other areas to be conveyed or dedicated to the City of Muscatine within which such land is located.
- B. A certificate from the County Recorder placing fee title in the owner and certifying that the land is free from encumbrances or free from encumbrances other than those provided for in an encumbrance bond duly prepared, executed, and recorded by the owner, as required by the Code of Iowa, provided it may show a mortgage or encumbrance if the plat is accompanied by a consent to such platting by the holder of the mortgage or encumbrance of all streets, easements, and other areas to be conveyed or dedicated to the City of Muscatine within which such land is located.
- C. A certificate by the owner of the property and spouse, if any, that the subdivision as it appears on the plat is with free consent and is in accordance with the desire of said owner and spouse, dedicating the streets and other public property shown on the plat, establishing the setbacks, declaring the limitations on easements, and providing for any restrictive covenants needed or requested.
- D. A certificate from the County Treasurer certifying that the land is free from taxes.
- E. A certificate from the Clerk of the District Court certifying that the land is free from all judgments, mechanic's and other liens, or attachments as shown in the records of that office.
- F. One of the following:
 1. A certificate bearing the approval of the City Engineer, stating that all improvements and installations to the subdivision required by this Article have been made or installed in accordance with specifications.
 - a. A performance bond or bonds with the City, which will insure to the City that the subdivision improvements will be completed by the subdivider within two (2) years after Council acceptance of the plat and a maintenance bond or bonds from all the subdivider's contractors with the City, which will insure to the City that said improvements will be maintained in good and suitable condition for a period of two (2) years after Council acceptance of the construction.
 - b. The term "maintain" or "maintained" shall be defined as pertaining to the repairs which shall become necessary because of defective or faulty workmanship or materials in the improvement completed by the subdivider and/or his contractors.
 - c. The form and type of a performance bond or bonds shall be approved by the City Attorney and the amount of any bond shall not be less than the estimated cost of the improvements, as determined by the City

Engineer, and the amount of any performance or maintenance. If the improvements are not completed or maintained within the specified times, the Council may use the bond or bonds or any necessary portion thereof to complete or maintain the improvements.

- G. A certificate from a registered land surveyor, including an accurate metes and bounds description of the addition.
- H. Two (2) resolutions and a certificate for approval by the Council.

11-3-2 Document Format. The forms set out in this Section shall be used, as required, in conjunction with final plats.

DEDICATION CERTIFICATE OF OWNER

Each final plat submitted to the Commission and the Council for approval shall carry a certificate of owner in substantially the following form:

We, the undersigned, _____, owners of the real estate
(Names)
shown and described herein, do hereby certify that we have platted
and subdivided, and hereby lay off, plat, and subdivide, said real
estate in accordance with the within plat. We do further certify
that this plat is made and submitted with our free consent and
desires.

This subdivision shall be known and designated as _____
(Name of
_____, an addition to the City of Muscatine,
Subdivision)
Iowa. All streets and alleys shown and not heretofore dedicated,
are hereby dedicated to the public. Front yard building setback lines
are hereby established as shown on this plat, between which lines
and the property lines of the street there shall be erected or
maintained no buildings or structures.

A perpetual easement is hereby granted to any local public utility
or municipal department, their successors and assigns, within the
area shown on the plat and marked as an easement, to install,
lay, construct, renew, operate, maintain, and remove conduits,
cables, pipes, poles, and wires with all necessary braces, guys,
anchors, manholes, and other equipment for the purpose of serving
the subdivision and other property with the underground
telephone, storm sewer, cable television, electric, gas, sanitary

sewer, water, or other service as a part of the respective utility system; (Further, as an overhead easement is hereby granted for those overhead utilities in existence at the time of this platting); also is granted, subject to the prior rights of the public therein, the right to use the streets and lots with underground service lines to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent buildings shall be placed on said area as shown on the plat and marked "Easement", but same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or the rights herein granted.

Dated at Muscatine, Iowa, this _____ day of _____ 19____.
(Date) (Date) (Year)

(Husband)

(Wife)
or

(Office)

(SEAL)

(Office)

LIEN CERTIFICATE

The certificate reflecting liens on the subdivided property shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

I _____, Clerk of the District Court for County of
 (Name)
Muscatine, State of Iowa, hereby certify that I have examined the records of this Court, and find that the following described real estate, to-wit: _____ is free from all judgments, mechanic's
 (Name of Addition)
or other liens, or attachments as shown by the records of my office.

(SEAL)

Clerk of District Court

Date

ATTORNEY'S CERTIFICATE

The attorney's certificate shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

_____, certify that I have examined the records of Muscatine
(Name)
County, Iowa, and from such examination find title in fee simple to the
real estate identified as _____, an Addition to the
(Name of Subdivision)
City of Muscatine, Iowa, free from encumbrance or from encumbrance
other than that secured by bond or free from encumbrance other than
that shown if the plat is accompanied by a consent to such platting by
the holder of the encumbrance and a release from the encumbrance of all
streets, easements, and other areas to be conveyed or dedicated to the
City, as of this date, to be vested in _____
(Name of Owner)

DATED this _____ day of _____, 19_____.
(Date) (Month) (Year)

By _____
(Name)
Attorney-At-Law

MAINTENANCE BOND

The maintenance bond shall be in the following form:

KNOW ALL MEN BY THESE PRESENTS THAT WE, _____,
(Contractor's Name)
as PRINCIPAL, and _____,
(Surety)
transact business in the State of Iowa, as surety, are held and firmly
bound unto the City of Muscatine, Iowa, as obligee, in the sum of
\$_____ for payment whereof well and truly to be made, the
principal and the surety bind themselves, their heirs, executors,
administrators, successors, and assigns jointly and severally firmly by
these presents.

SIGNED and sealed and dated this _____ day of _____, 19____.
(Date) (Month) (Year)

WHEREAS, the principal has entered into contract for the construction
of _____ to the City of Muscatine, Iowa.
(Improvement to an Addition)

WHEREAS, the obligee has required said principal to furnish a bond
guaranteeing remedy of any defect in material or workmanship within a
period of two (2) years from the date of official acceptance of the
improvements by the City Council of the City of Muscatine, Iowa.

NOW, THEREFORE, the condition of this obligation is such that if the
said principal does and shall at his own cost and expense remedy any
and all defects that may develop in said work, then this obligation

RESOLUTION NO. _____

WHEREAS, there has been presented before the City Council of the City of Muscatine, Iowa, a dedication and plat of a subdivision of the following described real estate situated in the County of Muscatine, and State of Iowa, to-wit:

(Insert Legal Description)

which dedication and plat lay out and subdivide said real estate into (# of lots) lots; and

WHEREAS, said plat has heretofore been approved by the Planning and Zoning Commission of the City of Muscatine, Iowa; and

WHEREAS, said dedication and plat fully conform with all laws of the State of Iowa and all ordinances of the City of Muscatine, Iowa, applicable thereto; and

WHEREAS, the platting of said subdivision is conducive to an orderly development within the City of Muscatine, Iowa; is not in conflict with any extensions of the established street system of the City of Muscatine, Iowa; and is in harmony with the Comprehensive Plan of zoning now in effect within the City of Muscatine, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, as follows:

Section 1. That the dedication and plat of (name of subdivision), be, and the same area, hereby accepted and approved, and that in filing of approved bonds or other security guaranteeing to the City that all of the improvements required by Title 11 of the City Code of the City of

Muscatine, Iowa, will be installed within two (2) years from the date hereof and in accordance with the plans and specifications for the installation thereof now on file in the Office of the Planning Administrator.

Section 2. That said subdivision be, and the same is hereby designated as (name of subdivision) to the City of Muscatine, in Muscatine County, Iowa; and that the descriptions of the lots and parcels of land located therein shall be according to the number and designation thereof as set forth on said plat.

Section 3. That, upon the filing of approved surety bonds, the Mayor and City Clerk of the City of Muscatine, Iowa, be and they are, hereby authorized and directed to certify this resolution in order that the same and all other matters material to said subdivision may be recorded in the Office of the Recorder of Muscatine County, Iowa.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 19__.

BY THE CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA

Mayor

Attest:

City Clerk

CERTIFICATE OF THE MAYOR AND CITY CLERK

The certificate of the Mayor and City Clerk shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

We, _____ and _____, do hereby certify that we are the Mayor and City Clerk, respectively of the City of Muscatine, Iowa; that the dedication and plat of Lots _____ of _____ (Name of Subdivision) to the City of Muscatine, in Muscatine County, Iowa, were presented to the City Council of the City of Muscatine, Iowa, on the _____ day of _____, 19__ that the following resolution was duly adopted by said City Council at a meeting thereof held on the _____ day of _____, 19__, at 7:30 o'clock P.M., at which meeting a quorum was present.

The dedication and plat of said subdivision were thereby accepted and approved by said City Council, approved surety bonds have been filed in accordance with the provisions of said resolution; and that the undersigned were authorized and directed to certify said resolution in order that the same and all other matters material to said subdivision may be recorded in the Office of the Recorder of Muscatine County, Iowa.

Dated at Muscatine, Iowa, this _____ day of _____, 19__.

(SEAL)

Mayor

Attest:

City Clerk

CERTIFICATE OF THE EXECUTIVE SECRETARY
OF THE PLANNING AND ZONING COMMISSION

The certificate of the Executive Secretary of the Planning and Zoning Commission shall be in the following form:

STATE OF IOWA)
) ss:
County of Muscatine)

_____, do hereby certify that I am the Executive Secretary of the Planning and Zoning Commission of the City of Muscatine, Iowa; and that the attached plat of lots (# of lots) inclusive, of _____ (Name of Subdivision) to the City of Muscatine, in Muscatine County, Iowa, was approved by said Commission on the _____ day of _____, 19____, as shown by the records of said Commission now in my possession.

Dated at Muscatine, Iowa, this _____ day of _____, 19____.

(Name)
Executive Secretary of
the Planning and Zoning
Commission of the City
of Muscatine, Iowa

Title 11 – Subdivision Regulations
Chapter 4 – Enforcement

SECTIONS:

- 11-4-1 Approval Required
- 11-4-2 Building; Repair Permits
- 11-4-3 Conformance
- 11-4-4 Changes; Amendments
- 11-4-5 Validity

11-4-1 Approval Required. No plat of any subdivision shall be entitled to record in the County Recorder's Office or be of any validity until it shall be approved in the manner prescribed herein. Upon approval, the subdivider shall be responsible for the recording of all necessary documents and plats.

11-4-2 Building, Repair Permits. No building or repair permits shall be granted for any structure located on a lot in any subdivision within the limits of the City, the plat of which has been prepared after the adoption of this Title, but which has not been approved in accordance with the provisions contained herein.

11-4-3 Conformance. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Title, unless such subdivisions or street has been approved in accordance with the provisions contained herein.

11-4-4 Changes; Amendments. Any regulations or provisions of this Title may be changed, modified, or amended from time to time by the Council, provided, however, that such changes, modifications, or amendments shall not become effective until after study and report by the Planning Commission and until after a public hearing has been held, notice of which shall be given in a newspaper of general circulation in the City at least four (4) days prior to such hearing.

11-4-5 Validity. If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be unconstitutional or void, such shall not effect the validity of the remaining portions of this Title.

TITLE 12

PUBLIC WORKS IMPROVEMENTS

SUBJECT

CHAPTER

Commercial Frontage Roads

1

Rural Street Standards

2

Title 12 – Public Works Improvements
Chapter 1 – Commercial Frontage Roads

SECTIONS:

- 12-1-1 Intent
- 12-1-2 Developer's Responsibilities
- 12-1-3 Design Standards
- 12-1-4 Final Plans

12-1-1 Intent. The purpose of a commercial frontage road is to provide access to real estate located along and adjacent to existing and proposed arterial streets and limited access highways. All proposed commercial frontage roads shall be aligned parallel and adjacent to the existing right-of-way of either the arterial street or limited access highway.

All proposed commercial frontage roads shall be initially reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall make a recommendation to the City Council on the proposed lay out. The City Council will make the determination of whether the proposed frontage road will be accepted as a public street.

All commercial frontage roads providing access to laid out lots of record shall be constructed in accordance with the specifications of the City Engineering Department. Upon completion of the construction and inspection approval by the City Engineering Department, the frontage road shall be dedicated to the City as a laid out public street.

12-1-2 Developer's Responsibilities. The developer shall file a duly completed and executed bond, escrow agreement, or other collateral, the amount to be determined by the City Engineering Department, certified by the City's Corporate Council as valid and enforceable by the City, with the Finance Director at the time of filing final construction plans with the Engineering Department. This performance guarantee shall be retained by the City Clerk until the improvements have been satisfactorily completed in accordance with the specification of the City Engineering Department.

Prior to proceeding with the construction, the developer must show evidence of contractors and public liability insurance for both personal injury and property damage (the amount of such insurance shall be determined by the City Engineering Department), by filing a current certificate of such insurance with the City Clerk. A maintenance bond guaranteeing workmanship and materials for a period of two (2) years from the date of acceptance is required.

12-1-3 Design Standards. All designs shall be based on accepted engineering practices and sound planning principles. The developer shall provide a complete set of reproducible drawings to the City Engineering Department. The design of all proposed frontage roads submitted for approval shall be prepared by a Professional Engineer registered in the State of Iowa. All costs associated with required construction inspections performed by the City Engineering Department shall be paid by the developer. In the event that the workload of the City Engineering Department does not permit timely construction inspections, the inspection may be completed by a qualified independent inspector approved by the City, however, the final inspection and acceptance will be made by the City Engineer.

12-1-4 Final Plans. The following criteria shall be incorporated in the final plans:

- A. The minimum right-of-way for frontage roads shall be fifty feet (50') (15.25 meters), as designated by the Iowa Department of Transportation.
- B. The paved width shall be a minimum of twenty-four feet (24') (7.3 meters), with a surface consisting of seven inches (7") (17.8 centimeters) of concrete, as specified by Iowa DOT standards relating to C-3 mix.
- C. The shoulder adjacent to an existing arterial or limited access highway shall be stabilized for a width of ten feet (10') (3 meters) from the pavement according to Iowa DOT specifications - Class A three-fourths inch (3/4") stone six inches (6") (15.25 centimeters) thick. Normally underground power and/or telephone utilities will be installed within the right-of-way on this side of the pavement, on or established rear/side lot line easements.
- D. The paved portion of the frontage road adjacent to commercial oriented establishments shall be curbed. Normally water lines shall also be installed within the right-of-way on this side of the pavement.
- E. The maximum number of curb cuts per commercial lot fronting on a commercial frontage road is two (2). The maximum width of the cut at the property line shall be twenty-five feet (25') (7.6 meters), the maximum width of the cut at the paved frontage road shall be determined by the City Engineer.
- F. Based on existing and projected development of the general vicinity, sidewalk construction or a surety bond guaranteeing installation 'at a future specified date may be required at the discretion of the City Council.

As applicable, the following criteria may be incorporated in the final plans and shall be installed by the developer:

- A. The final plan should indicate the location of all sanitary sewer installations within the right-of-way.
- B. The final plan should indicate any street lighting fixtures which may be required.
- C. Clearing, grading, replacement of top soil, final seeding, and landscaping will be the responsibility of the developer.
- D. The final plan should indicate any required storm sewers/ culverts for the purpose of handling surface runoff.
- E. A turn around radius shall be provided on dead end frontage roads.

Title 12 – Public Works Improvements
Chapter 2 – Rural Street Standards

SECTIONS:

12-2-1 Intent

12-2-2 Area of Impact

12-2-3 Design Standards

12-2-1 Intent. The purpose of this amendment to the City Code is to establish reasonable rural residential street standards consistent with safe, convenient vehicle and pedestrian circulation. Consideration of appropriate balance among initial construction costs, amortization costs, operating and maintenance costs, and replacement costs were considered in formulating these rural residential street design standards. The adoption of a consistent standard based on rural residential traffic load, subgrade soil, surface drainage and climatic conditions in this area will contribute toward promoting the quality of our residential neighborhoods. Commercial and industrial subdivision streets will be reviewed on a case-by-case basis by the City Engineer.

12-2-2 Area of Impact. The design standards are applicable to new residential streets for the Muscatine Island area, specifically for that portion within the corporate limits west of Highway 61 and south of Sampson Street and east of Highway 61 and south of Maple Grove Road as extended from its intersection at Latham Street toward Highway 61; and for those rural areas outside the corporate limits but within two (2) miles thereof, which are subject to subdivision review by the City of Muscatine as provided by the Code of Iowa, Section 409.14.

12-2-3 Design Standards. For the appropriate locations as specified above, the following minimum design standards shall apply as follows:

- A. The right-of-way width shall be sixty-six feet (66'), except that at the end of a cul-de-sac diameter shall be one hundred feet (100').
- B. Two (2) twelve foot (12') travel lanes are to be provided to serve the residential area. This twenty-four foot (24') travel surface width shall have a four foot (4') stabilized shoulder on each side. The hard surfaced turning radius at the end of a cul-de-sac shall consist of forty feet (40') to the outside of the travel surface.
- C. Drainage shall be provided for by grader ditching parallel to each roadway shoulder. Driveway culverts shall be provided and maintained by the property owner, the diameter of which shall be determined by the City Engineer.
- D. The surface material for travel lanes shall have an equivalent to a structural number (SN) of 4.0. The thickness and type of material for the travel lanes shall be reviewed by the City Engineer for a determination of the SN. This method allows for the substitution of material, such as asphalt, flyash mixtures, and concrete, along with a type of roadway base, to achieve a strength and service life acceptable for rural residential area. NOTE: SN = 4.0, equivalent strength is equal to eight inches (8") concrete.
- E. In the rural residential area defined above, sidewalks shall be installed within the right-of-way on both sides of streets and cul-de-sacs. The subdivider shall install sidewalks according to the following specifications, or as may otherwise be required by the city.
 1. An excavation shall be made a full five feet (5') in width to a depth of four inches (4") below the finished grade of the walk; the subgrade shall be thoroughly compacted by a mechanical means or hand tamping, and in such

excavation shall be placed a concrete mix reaching four thousand (4,000) psi compressive strength in twenty-eight (28) days according to ASTM-39. Concrete sidewalks shall be a minimum of four feet (4') wide and four inches (4") thick.

- F. In the rural residential area defined above, a pipe storm sewer system is not required.

TITLE 13
PUBLIC UTILITIES

<u>SUBJECT</u>	<u>CHAPTER</u>
Utility Connections	1
Water Supply	2
Garbage and Recycling Collection	3
Solid Waste Disposal Landfill and Transfer Station	4
Sewage Rate System	5
Sewer Use Regulations	6

**TITLE 13 – PUBLIC UTILITIES
CHAPTER 1 – UTILITY CONNECTIONS**

SECTIONS:

- 13-1-1 Duty of Abutting Owners Generally
- 13-1-2 Connections After Improvement is Made
- 13-1-3 Connections to be Made by Resolution
- 13-1-4 Publication and Form of Notice of Resolution Requiring Connection
- 13-1-5 Procedure When Abutting Property Owner Fails to Make Connection Generally
- 13-1-6 Cost; Expense Collection; Lien
- 13-1-7 Assessment Resolution; Notice

13-1-1 Duty of Abutting Owners Generally. Whenever the City Council shall order the permanent improvement of any street, highway, avenue, or public ground or place, by paving, graveling, or macadamizing the same, it shall be the duty of the owners of property abutting thereon to make connections from gas, water, sewers, and underground electric connections to the curb line of the abutting property before such ordered improvement is made.

13-1-2 Connections After Improvement is Made. In any case, where connections as referred to in Section 13-1-1 of this Chapter are not made before the improvement is made, no permit shall be permitted which shall require the cutting or displacement of any paving, graveling, or macadamizing as provided in such connections for a period of five (5) years from the date of the notice provided for in Section 13-1-4 of this Chapter, unless such connection is for an emergency or is deemed necessary by the City Engineer.

13-1-3 Connections to be Made by Resolution.

- A. Connections as referred to in Section 13-1-1 of this Chapter shall be made, one for each utility connection required by the resolution of the City Council, for each lot of record owned by each property owner in residential districts and for each lot of record owned by each property owner in business districts; provided, however, that at least one of each utility connection of such connections required by the resolution of the City Council shall be made for each buildable parcel of land abutting upon the street or other public place ordered improved.
- B. Whenever the Council shall have ordered the permanent improvement of any street, highway, avenue, alley, or public ground or place, by paving, graveling, or macadamizing the same and the connections from the gas, water, sewers, and underground electrical connections have not been made therefrom to the curb line for the abutting property to the extent and in the manner required by this Chapter, the Council shall by resolution declare the necessity of making such connections as it deems advisable, which resolution shall require all owners of property abutting upon the streets and other public places to be improved, naming and describing such streets, parts of streets, and public places as accurately as may be, to make the connections required on or before a day to be stated in such resolution and shall require water, electric, and communications connections to be made in the manner required by the rules of the Water, Electric, and Communications Board of Trustees of the City and in the manner required by the laws of the State of Iowa, the provisions of this Code, and other Ordinances of the City relating thereto.

13-1-4 Publication and Form of Notice of Resolution Requiring Connection. Upon the adoption of the resolution provided for in Section 13-1-3, the City Clerk shall give notice to each property owner by certified mail and one publication in some newspaper of general circulation published in the City at least twenty (20) days prior to the time fixed in the resolution and the notice by which the making of such connections must be completed. Such notice shall be substantially in the following form:

NOTICE TO PROPERTY OWNERS

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

You and each of you are hereby notified that the City Council of the City of Muscatine, Iowa, has ordered the permanent improvement of the above named and described public places by paving the same and that you and each of you are required, on or before the _____ day of _____, 20____, to make connections from the____ upon said public places to the curb line of your abutting property, one utility connection for each lot of record if in a residential district and for each lot of record in a business district, but at least one utility connection for each buildable lot or parcel of land.

All connections with water pipes, and electrical and communications lines shall be made in the manner required by the rules of the Water, Electric, and Communications Board of Trustees of the City and all other applicable municipal and state laws.

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

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

Given by order of said City Council this _____day of _____, 20____.

City Clerk

13-1-5 Procedure When Abutting Property Owner Fails to Make Connection Generally.

If the owner of any lot, part of lot, or parcel of land abutting upon any street, highway, avenue, or public ground or place ordered to be improved as provided in the preceding Sections of this Chapter shall refuse, fail, or neglect to make the connections of the kinds and number and in the manner and by the date prescribed in the resolution and the notice thereof, the water, electric, and communications connections required shall be made by the Board of Water, Electric, and Communications Trustees of the City of Muscatine and the actual cost thereof shall be by such Board certified to the Council, and the Council shall cause the actual cost and expense thereof, as hereinafter set out, to be levied and assessed as a special tax against the property in front of which such connections are made as above provided. In the making of such connections the Council may, if it deems best, contract for the making of all such connections as are made necessary by the improvements ordered to be made at any one time. If the Council shall determine to contract for the making of such connections, it may advertise for bids thereon, stating the amount of work to be done and the manner thereof, but reserving the right to reject any and all bids.

13-1-6 Cost; Expense Collection; Lien. The cost and expense of the connections made or caused to be made by the City under this Chapter shall be paid by the City and the Council shall then levy and assess against the several lots, parts of lots, and parcels of land in front of which such connections are made, the cost and expense of making the same. The amount of money so levied and assessed against such lots, parts of lots, and parcels of land, with interest thereon at the rate established by the City Council, shall be a lien upon the real estate so assessed until paid and shall be certified for collection as other special assessments.

13-1-7 Assessment Resolution; Notice. Assessments as referred to in Section 13-1-6 of this Chapter shall be by resolution of the City Council and shall be substantially in the following form:

RESOLUTION

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

Owner	Description of Property	Tax
_____	_____	_____

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

TITLE 13 – PUBLIC UTILITIES
CHAPTER 2 – WATER SUPPLY

SECTIONS:

- 13-2-1 Quality
- 13-2-2 Separation of Distribution Systems
- 13-2-3 Water Service Pipe
- 13-2-4 Flushometers
- 13-2-5 Shut-offs
- 13-2-6 Setting Water Meters
- 13-2-7 Pumps and Hydrants; Surface Water
- 13-2-8 Unauthorized Opening; Use
- 13-2-9 Tapping Water Mains; Distributing Pipes
- 13-2-10 Breaking Seals
- 13-2-11 Throwing Substances into Reservoirs; Water Mains
- 13-2-12 Outlets Kept Closed; Repair of Fixtures
- 13-2-13 Compliance
- 13-2-14 Breaking, Defacing Hydrants
- 13-2-15 Defacing Reservoirs; Tanks
- 13-2-16 Authorized Inspectors; Right of Entry
- 13-2-17 Plumbers Permit

13-2-1 Quality. The quality of water shall meet accepted standards of purity as established by the Board of Water, Electric, and Communications Trustees of the City of Muscatine, by the State of Iowa, and by the Federal Government.

13-2-2 Separation of Distribution Systems. The water supply shall be distributed through a piping system entirely independent of any piping system conveying any other supply.

13-2-3 Water Service Pipe. The water service pipe of any building shall be of sufficient size to permit an ample flow of water on all floors.

13-2-4 Flushometers. No water closet or urinal bowl shall be supplied directly from a water supply system through a flushometer or other valve unless such valve is set at least six inches (6") above the overflow rim of the water closet or urinal or in a manner such as to prevent any possibility of polluting the water supply.

13-2-5 Shut-offs. A main shut-off on the water supply line shall be provided near the curb. Accessible shut-offs shall be provided on the main supply line just inside the foundation wall and ahead of the meter.

13-2-6 Setting Water Meters. Plumbers shall provide for the setting of City water meters in accordance with the policies established by the Board of Water, Electric, and Communications Trustees.

13-2-7 Pumps and Hydrants; Surface Water. All pumps and hydrants shall be protected from surface water and contamination. Yard hydrants to furnish water for human consumption are hereby prohibited.

13-2-8 Unauthorized Opening; Use. No persons, except such as are duly authorized by the Board of Water, Electric, and Communications Trustees shall, except for fire purposes or in case of fire, open any fire hydrant or take or use any water therefrom, or remove the cap or cover of any fire hydrant or any stopgate box; or shall dig out, curb over, or remove any fireplug,

hydrant, stop-cock, valve, valve box, or other fixture appertaining to the waterworks; or use or take water from any part of the water system, or turn the water on or off from or into any water pipe.

13-2-9 Tapping Water Mains; Distributing Pipes. All tapping and inserting ferrules in the street mains or distributing pipes of the water system shall be done by employees of the Board of Water, Electric, and Communications Trustees, under the direction of the Board of Water, Electric, and Communications Trustees.

13-2-10 Breaking Seals. No person shall break any seal connected to any meter, valve, private fire hydrant, or other fixture that may have been sealed by employees of the Board of Water, Electric, and Communications Trustees, except that in case of fire the seals on private fire hydrants and private fire protection valves may be broken, but the breaking of such seals shall be reported to the water department of the Board of Water, Electric, and Communications Trustees within twenty-four (24) hours thereafter.

13-2-11 Throwing Substances Into Reservoirs; Water Mains. It shall be unlawful for any person to throw, place, or deposit any substance, or thing whatsoever, in any reservoir, water main, or pipe of the water system.

13-2-12 Outlets Kept Closed; Repair of Fixtures. All users of water supplied from the City mains shall keep the hydrants, taps, hose, water closets, urinals, baths, or other fixtures in good repair. Consumers of water shall prevent unnecessary waste of water and shall keep all water outlets closed when not in actual use.

13-2-13 Compliance. Consumers of water shall, in all respects, conform to the rules and regulations of the Board of Water, Electric, and Communications Trustees.

13-2-14 Breaking, Defacing Hydrants. Any person who shall, in any way, intentionally or carelessly break, deface, or otherwise injure or destroy any hydrant or other property appertaining to the water works, or property of others used in connection with the water supply, shall be liable for all damage done and shall be deemed guilty of a misdemeanor.

13-2-15 Defacing Reservoirs; Tanks. It shall be unlawful for any person to deface any reservoir or tank.

13-2-16 Authorized Inspectors; Right of Entry. Such inspectors as may be authorized by the Board of Water, Electric, and Communications Trustees may enter, at all reasonable hours, into any premises supplied with water from the City mains, to examine the plumbing, meters, tanks, or other apparatus or for the purpose of placing or carrying away any meter, instrument, pipes, fitting, or other appliance belonging to the Board of Water, Electric, and Communications Trustees.

13-2-17 Plumbers Permit. Plumbers and plumbing firms, desiring to work in connection with the water supply or the pipes, fixtures, and appliances appertaining thereto, shall first obtain a permit in the Office of the Board of Water, Electric, and Communications Trustees and shall subscribe to the rules and regulations of the Board of Water, Electric, and Communications Trustees.

All persons, except plumbers with a proper permit, are prohibited from making any extensions, additions to, or alterations of any pipes, fixtures, or appliances connected with service pipes attached to the City mains, or from, in any manner, intermeddling with the water system.

TITLE 13 – PUBLIC UTILITIES
CHAPTER 3 – GARBAGE AND RECYCLING COLLECTION

SECTIONS:

- 13-3-1 Definitions
- 13-3-2 Sanitation District
- 13-3-3 Deposit, Accumulation, and Burning
- 13-3-4 Preparation of Refuse and Recycling for Collection
- 13-3-5 Refuse Containers
- 13-3-6 Removal of Container Lids
- 13-3-7 Cleaning of Containers
- 13-3-8 Prohibited Materials
- 13-3-9 Containers - Location
- 13-3-10 Collection of Refuse and Recycling
- 13-3-11 Collection Fees
- 13-3-12 Notice of Multiple Dwellings
- 13-3-13 Violation Declared Nuisance
- 13-3-14 Responsibility of Owner to Terminate Service
- 13-3-15 Assessment of Unpaid Charges
- 13-3-16 Preparation of Delinquent List

13-3-1 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them:

- A. "Ashes" shall mean and include the ashes of wood, paper, coal, coke, or charcoal and the residue resulting from the combustion of any material or substance.
- B. "Curbside" shall mean at the lot line abutting a public alley if the property is served by such an alley and shall mean within three feet (3') of the edge of the paved portion of a public street (a public sidewalk shall be excluded from the calculation of said three feet (3')).
- C. "Domestic refuse" shall mean garbage, ashes, and miscellaneous rubbish originating from a building or buildings containing exclusively dwelling units or accessory uses to a dwelling unit and shall be divided into the following three (3) classes:
 - 1. Class I-Domestic (single family and multi-family up to five (5) units) refuse permitted to be stored in trash cans.
 - 2. Class II-Domestic (six (6) or more dwelling units) and commercial refuse permitted to be stored in trash cans.
 - 3. Class III-Domestic refuse consisting entirely of miscellaneous rubbish.
- D. "Dumpster" shall mean any container with at least a one (1) cubic yard capacity and a maximum of one and one-half (1 1/2) cubic yard capacity and shall be equipped with a hinged lid, wheels, and such other equipment as is needed for mechanical dumping.
- E. "Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

(Iowa Admin. Code r. 567-100.2[455B,455D])

- F. "Hazardous materials" shall include explosive materials; drugs; poisons; radioactive materials; highly combustible materials; solid dressings, clothing, bedding, or other wastes which are contaminated by infection or contagious disease; other wastes which present an unreasonable risk of injury to collection personnel or equipment or to the public; and material as defined by the Iowa Department of Environmental Quality as hazardous.
- G. "Household hazardous waste" shall mean toxic and/or corrosive products, e.g. oil-based paints, insecticides, thinners, solvents, cleaners, turpentine, furniture stripper, nail polish remover, etc.
- H. "Industrial waste" shall mean wastes such as acids, oils, chemicals, grease, tires, vehicle and aircraft parts, ashes, cinders, and other wastes, including construction wastes, such as earth, plaster, metals, wood, plastics, tile, brick, concrete, terra cotta, slate, marble, minerals, and other similar wastes.
- I. "Miscellaneous rubbish" shall mean materials or substances discarded as worthless, such as paper, rags, cardboard, wearing apparel, excelsior, sticks, chips, leaves, straw, bottles, crockery, metals, plastics, tin cans, and other household items.
- J. "Recycling" means any process by which waste, or materials which would otherwise become waste, are collected, separated, or processed and revised or returned to use in the form of raw materials or products. "Recycling" includes but is not limited to the composting of yard waste which has been previously separated from other waste, but does not include any form of energy recovery.

(Code of Iowa, Section 455D.1)

- K. "Refuse" means putrescible and nonputrescible wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

(Iowa Admin. Code r. 567-100.2[455B,455D])

- L. "Residential premise" shall mean a single family dwelling, a multiple family dwelling consisting of up to and including five (5) units, or a property used by the City of Muscatine.

- M. "Rubbish" means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(Iowa Admin. Code r. 567-100.2[455B,455D])

- N. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the Code of Iowa, Subsection 90. This definition does not prohibit the use of rubble at places other than a sanitary disposal project. Solid waste does not include toxic and hazardous wastes as defined by the Iowa Department of Natural Resources.

(Code of Iowa, Section 455B.301)

O. "Trash can" shall mean any container with not less than twenty (20) gallon capacity and not more than forty (40) gallon capacity, which container may be made of metal or plastic but shall be watertight. Plastic trash bags, provided they are of sufficient capacity and are at least one and one-half (1 1/2) mils thick, may be used in lieu of other containers.

P. "Yard waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

(Iowa Admin. Code r. 567-100.2[455B,455D])

Q. "Yard waste bag" shall mean a special degradable bag supplied by the City with not less than fifteen (15) gallon capacity nor more than twenty-five (25) gallon capacity. This bag shall be capable of decomposing within 60 days of exposure to aerobic bacteria or ultraviolet light.

13-3-2 Sanitation District. There is hereby established in the City a sanitary district, such district to comprise and embrace all the area within the Corporate Limits of the City, for the collection and disposal of garbage and such other waste material as may become dangerous to the public health or detrimental to the best interests of the community, such provision being in compliance with the Code of Iowa.

13-3-3 Deposit, Accumulation, and Burning.

A. Unless otherwise provided, no person shall burn, place, throw, deposit, drop, dump, spill, or store, or cause to be burned, placed, thrown, deposited, dropped, dumped, spilled, or stored on any public or private property any refuse or hazardous material.

B. Unless otherwise provided, no owner shall allow to be accumulated on their premises any refuse or hazardous material.

13-3-4 Preparation of Refuse and Recycling for Collection. No person shall place refuse out for collection unless properly prepared for collection. Garbage shall be thoroughly drained and wrapped or placed in disposal containers before being placed into containers for collection. Recycling should be placed in the recycling container provided for collection. Yard waste that is not composted on the premises shall be prepared as follows:

A. Grass clippings shall only be placed in specially marked yard waste bags that are distributed by the City through retail outlets.

B. Tree limbs and trimmings, clippings, and other similar waste from shrubs or trees shall be bundled with degradable string or cord in four foot (4') lengths.

C. Leaves not collected by the City's leaf vacuum units shall be placed in yard waste bags distributed by the City through retail outlets.

D. Other yard wastes shall be placed in yard waste bags distributed by the City through retail outlets.

13-3-5 Refuse Containers. It shall be unlawful for any person to keep refuse on his premises except in the appropriate containers as prescribed in this Section. The required containers shall be as follows:

A. Type of Building.

1. Residential Buildings of Five (5) Units or Less. The owner or agent of the owner shall provide or shall require the occupant of each dwelling unit to provide a minimum of two (2) trash cans for a building containing five (5) or fewer dwelling units.
2. Commercial and Industrial Buildings. The owner, agent of the owner, or the occupant of any multi-family units of six (6) units or more or commercial or industrial building shall provide a sufficient number of dumpsters or trash cans so that all commercial rubbish can be contained therein during the interval between collections.

B. Type of Refuse.

1. Garbage, Ashes, and Commercial Rubbish. This type of refuse shall be placed in either trash cans or dumpsters as required in (A) above.
2. Miscellaneous Rubbish. Miscellaneous rubbish shall be placed in suitable containers for handling and shall not exceed a loaded weight of fifty (50) pounds. Large discarded household articles shall be less than ten (10) cubic feet in volume and shall not weigh more than fifty (50) pounds. Yard waste shall be prepared and placed for collection as set forth in Section 13-3-4.

C. Separation of Yard Wastes Required. All yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises, collected by leaf vacuum units, or placed in degradable bags supplied by the City and set out for collection by the City.

D. Recycling. All items set out for recycling shall be placed in the recycling container provided to each resident.

13-3-6 Removal of Container Lids. No person shall remove a container lid or allow to remain uncovered a trash can or dumpster except for the purpose of depositing refuse therein, for collection thereof, or for the cleaning thereof.

13-3-7 Cleaning of Containers. The owner of a trash can, recycling container, or dumpster shall clean and maintain such in a sanitary condition.

13-3-8 Prohibited Materials. No person shall place or cause to be placed in containers for refuse any of the following materials:

- A. Material contaminated by infectious or contagious disease. Such materials may be disposed of only according to applicable State and/or Federal Law.
- B. Hazardous materials. Such materials may be disposed of only according to applicable State and/or Federal Law. However, household hazardous wastes are exempted.
- C. Waste motor oil. Such material shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.
- D. Lead acid batteries. Such materials shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.

- E. Tires. Such materials shall only be disposed of at drop-off points designated by the City or in accordance with applicable State and/or Federal regulations.
- F. Appliances. Such material shall only be disposed of at drop-off points designated by the City or in accordance with applicable State and/or Federal regulations.

13-3-9 Containers—Location

- A. Refuse and recycling containers shall be placed for City collection pursuant to Subsections (B) and (C) at or before 5:00 o'clock A.M. on collection days, but in no case, earlier than 4:00 o'clock P.M. the day before collection. Empty containers on curb setouts shall be returned to the container storage area within twelve (12) hours after collection. The storage area shall be either within a building or to the rear or side of the residence. The owner and tenant/occupant are jointly and severally responsible for compliance with this Chapter.
- B. Where City collections are made from alleys, refuse and recycling containers shall be placed adjacent to and in back of the property line abutting the alley. Special arrangements may be made with the City to permit containers or dumpsters in the alley if the owner's building is on the property line.
- C. Where City collections are made from streets, refuse and recycling collection containers shall be placed within three feet (3') of the back of the curb line or the shoulder of the street without causing the container to be placed on any public street or sidewalk.
- D. Recycling containers must be three (3') from any structure.
- E. Owners may set out refuse to be collected in bags if the bags are completely intact and tightly sealed.
- F. Any handicapped or senior citizen owner who is unable to set out their refuse containers pursuant to Subsections (B) and (C) may petition the Solid Waste Manager to collect their refuse at their regular storage area. The Solid Waste Manager may grant the request if reasonable grounds for the request exist.

13-3-10 Collection of Refuse and Recycling.

- A. The City of Muscatine shall collect and dispose of weekly only Class I and Class III domestic refuse, but only if said domestic refuse is properly prepared for collection and disposal, is within an authorized container (if required), and is at curbside or adjacent to the alley.
- B. The City of Muscatine will collect and dispose of Class II domestic and commercial refuse upon request by the owner, provided such refuse is within authorized containers.
- C. The City shall adopt rules and regulations concerning what materials within Class III domestic refuse cannot practically be collected as part of the weekly scheduled City collection. Those rules and regulations shall be filed with the City Clerk. All such materials listed as not practical for weekly collection shall be collected by the City by special collection arranged through the Solid Waste Manager during the City's "cleanup" week in the spring.

- D. All refuse other than Class I, II, and III domestic and commercial refuse picked up by the City of Muscatine shall be collected and disposed of at the expense of the occupant, tenant, owner, or agent of the owner of the premises upon which the refuse is located. The collection and disposal shall be performed by a licensed refuse hauler pursuant to Title 5, Chapter 15 of the City Code, or by equipment owned by the occupant, tenant, owner, or the agent of the owner of the premises upon which the refuse is located. Said collection and disposal shall be in accordance with this Code, all other ordinances of the City, and with state and federal laws and regulations and shall be performed or done as often as the need requires but in no case less often than once per week.
- E. Recycling is collected on a biweekly basis as determined by the Solid Waste Manager and contracted vendor. An updated schedule will be published annually.
- F. Collection schedules for refuse and recycling may vary from one another during holiday schedules. The Solid Waste Manager will publish the holiday schedule prior to the holiday.

13-3-11 Collection Fees. The City Council shall establish by resolution monthly collection fees for Class I and III domestic waste and establish the guidelines for collection fees for Class II domestic and commercial accounts. The fees shall be set by resolution of City Council and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

The City Council hereby delegates the billing of all refuse collection charges to the Board of Water, Electric, and Communications Trustees, except those customers without a utility account with the Board of Water, Electric, and Communications Trustees. The authority to accept payment of the same is also delegated to the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa.

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

13-3-12 Notice of Multiple Dwellings. It shall be the duty of the owners of multiple dwellings to notify the City of the persons occupying the premises for which the services of this Chapter shall be required. The City shall keep a list of all persons occupying multiple dwellings and shall notify all owners thereof of delinquent accounts owed by the occupants of such premises, when such account shall be delinquent for more than three (3) months.

13-3-13 Violation Declared Nuisance. The presence on any premises of any garbage or refuse in violation of any Section of this Chapter is hereby declared a nuisance and it is hereby provided that either the owner or occupant, or both, of such premises shall be subject to the provisions as set forth in Title 9, Chapter 3 of the City Code.

13-3-14 Responsibility of Owner to Terminate Service. Charges shall be made against all premises and it shall be the responsibility of the owner or occupant to notify the City when service is not desired when the building is vacant.

13-3-15 Assessment of Unpaid Charges. The collection of garbage and refuse by the City, as provided by this Chapter, is hereby declared a benefit to the property so served and in case of failure to pay the monthly collection fee heretofore provided, then the monthly charge shall be assessed against the property benefited in the manner provided by special assessment.

(Code of Iowa, Section 364.12[3][h])

13-3-16 Preparation of Delinquent List. On or before April 1st of each year, the Director of Finance shall prepare a delinquent list of persons failing to pay the monthly charge required by this Chapter, which list shall show the property to which the service was rendered and the amount due therefrom. The City Clerk shall thereupon prepare a resolution assessing the delinquent charges to the property so benefited, and which resolution having passed by an affirmative vote of the Council, shall be certified for collection as provided by law in cases of special assessment.

TITLE 13 – PUBLIC UTILITIES
CHAPTER 4 – SOLID WASTE DISPOSAL LANDFILL AND TRANSFER STATION

SECTIONS:

- 13-4-1 Definitions
- 13-4-2 Disposal Permit Required
- 13-4-3 Depositing Refuse
- 13-4-4 Use of Authorized Disposal Sites
- 13-4-5 Supervision of Disposal
- 13-4-6 Hours for Disposal
- 13-4-7 Removal of Refuse
- 13-4-8 Dumping in Public Places
- 13-4-9 Responsibility of Owner; Occupant
- 13-4-10 Garbage; Waste; Depositing on Riverfront
- 13-4-11 Disposal Charges
- 13-4-12 Prohibited Waste

13-4-1 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them:

- A. "Disposal site" shall mean any public property operated by the City under permit by the Iowa Department of Natural Resources (IDNR). It shall include the transfer station, any landfill operated by the City under contractual agreement with the Muscatine County Solid Waste Management Agency, or any privately operated landfill under contractual agreement with the City, which has proper permit approval of IDNR.
- B. "Rules" shall mean such rules, procedures, and regulations as established by the IDNR pursuant to the operation of sanitary and solid waste disposal sites and as required by Section 567-101 of the Administrative Code of Iowa.
- C. "Solid waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including, but not limited to, such materials resulting from industrial, commercial, or domestic activities. Nothing herein shall be construed as prohibiting the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal site.

(Code of Iowa, Section 455B.300)

13-4-2 - Disposal Permit Required. No person owning or occupying any premises, and no officer controlling or in charge of City premises, shall cause any ashes, refuse, or other solid waste material to be placed thereon or shall allow such premises to be used as a public landfill or disposal site for ashes, refuse, or other solid waste material, without a permit from the IDNR, and only then in accordance with the rules prescribed by the IDNR.

13-4-3 Depositing Refuse. No person shall, without permission from the City of Muscatine and the Iowa Department of Natural Resources, throw or deposit in or upon any street, way, public place, or vacant lot, or throw into or deposit in any pond or body of water within the limits of the City any dead animal, dirt, sawdust, wastewater, rubbish, filth, or any refuse material or substance whatsoever.

13-4-4 Use of Authorized Disposal Sites. All of the materials mentioned herein and/or as defined by Section 567-113 of the Administrative Code of Iowa, shall be deposited and/or dumped at authorized disposal sites in accordance with Iowa Code Chapter 455B.

13-4-5 Supervision of Disposal. All disposal at the authorized landfill disposal site shall be under the supervision of the City and shall be performed in accordance with the rules and regulations established by Section 567.113 of the Administrative Code of Iowa.

13-4-6 Hours of Disposal. No refuse materials or substances shall be dumped at the public disposal site outside the hours of operation as posted at the site unless by permission of the City.

13-4-7 Removal of Refuse. It shall be unlawful for any person or commercial hauler to remove, haul, or carry away, or cause to be removed, hauled, or carried away refuse, rubbish, waste matter, garbage, debris, and solid waste of any nature and description from the City disposal site, except for authorized recycling personnel.

13-4-8 Dumping in Public Places. It shall be unlawful for any person to deposit upon any of the streets, alleys, or other public places any offensive material or solid waste which cause or will cause offensive odors and sights.

13-4-9 Responsibility of Owner; Occupant. Every person owning or occupying premises is hereby required to keep such premises clean and free from all offensive materials and solid waste which cause or are likely to cause offensive odors and sights.

13-4-10 Garbage, Waste: Depositing on Riverfront. No person shall deposit any garbage or solid waste matter whatsoever at any place along the riverfront or levee.

13-4-11 Disposal Charges. The City Council shall establish by resolution fees for the disposal of solid waste. The fees shall be as set by resolution of City Council and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. Where applicable, unpaid disposal charges thirty (30) days past due from the date of billing will be assessed an interest penalty on the unpaid balance. This penalty will be as follows:

<u>Unpaid Balance</u>	<u>Interest Penalty</u>
0 - \$100	0%
Over \$100	1 1/2% per month

13-4-12 Prohibited Waste. There shall be no disposal of solid waste or refuse which is defined by the IDNR as hazardous or that is otherwise prohibited, upon any public or private land or sanitary landfill without the approval of the IDNR and the City of Muscatine. Prohibited wastes shall include, but are not limited to, lead acid batteries, waste motor oil, yard wastes, and tires.

**TITLE 13 – PUBLIC UTILITIES
CHAPTER 5 – SEWAGE RATE SYSTEM**

SECTIONS:

- 13-5-1 Purpose
- 13-5-2 Definitions
- 13-5-3 Analytical Requirements
- 13-5-4 Unit Rates
- 13-5-5 Sewerage Rate System
- 13-5-6 General Provisions
- 13-5-7 Collection

13-5-1 Purpose. The City of Muscatine, hereinafter called the "City", has undertaken to construct, expand, and operate a publicly owned treatment works (POTW) consisting of interceptor and trunk sewers, pumping stations, pressure pipe transmission mains, and secondary waste water treatment facilities to provide adequate and proper treatment of sewage and wastewater generated from all properties within the Corporate Limits of the City and to maintain required compliance with federal and state regulations.

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

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

13-5-2 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. Biochemical Oxygen Demand (BOD). Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C.), expressed in terms of mass and concentration (milligrams per liter (mg/L)).
- B. Domestic Strength Wastewater Customer. Shall mean a customer whose wastewater strength approximates an average daily concentration of two hundred fifty milligrams per liter (250 mg/L) BOD and an average daily concentration of two hundred fifty milligrams per liter (250 mg/L) SS, or less but does not exceed an average daily standard strength units of a customer class 1 as defined in Section 13-5-5(A).
- C. Industrial User (I.U.) or User. The source of non-domestic waste. The source of any direct or indirect discharge.
- D. Significant Industrial User (S.I.G.). Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 gallons per day or more of process wastewater, ii) contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- E. Operation and Maintenance Expenses. Shall mean those expenses incurred in the collection, pumping, and treatment of wastewater in the POTW of the City of Muscatine.

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

13-5-3 Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the IDNR proficient in the analysis of wastewater following EPA 40 CFR 136.

- A. Sampling and Analytical Fees. The City shall adopt by resolution reasonable charges and fees for sampling and analytical services which will be assessed to all users that the City is required to monitor as a requirement of a State or Federal Permit, the City's Pretreatment Program or that the City monitors to assess user charges. Such fees shall be periodically reviewed and adjusted as required by City personnel and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances

13-5-4 Collection and Drainage. To provide for the recovery of costs associated with the operation of the collection and drainage system, the following per bill charge shall be assessed to all users of the POTW, except for users provided by special agreement, on the following basis:

- A. From September 1, 2013 through June 30, 2014, \$11.20 per bill.
- B. From July 1, 2014 through June 30, 2015, \$11.45 per bill.
- C. From July 1, 2015 through June 30, 2016, \$11.70 per bill.
- D. From July 1, 2016 through June 30, 2017, \$11.90 per bill
- E. From July 1, 2017 through June 30, 2018, \$12.15 per bill.

These unit rates may be reviewed and adjusted by Resolution adopted by the City Council and published per Section 362.3 of the Iowa Code and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

13-5-5 Sewage Rate Component.

A. The sewage rate system shall be determined on the basis of a monthly customer charge and a sewer user charge for a domestic strength wastewater customer (Class 1 customer). The sewage rate components shall be as follows:

1. From September 1, 2013 through June 30, 2014:
 - a. Customer charge, \$7.06 per bill
 - b. Volume, \$2.42 per 100 cubic feet
2. From July 1, 2014 through June 30, 2015:
 - a. Customer charge, \$7.27 per bill
 - b. Volume, \$2.49 per 100 cubic feet
3. From July 1, 2015 through June 30, 2016:
 - a. Customer charge, \$7.49 per bill
 - b. Volume, \$2.57 per 100 cubic feet
4. From July 1, 2016 through June 30, 2017:
 - a. Customer charge, \$7.71 per bill
 - b. Volume, \$2.64 per 100 cubic feet
5. On and after July 1, 2018:
 - a. Customer charge, \$7.94 per bill
 - b. Volume, \$2.72 per 100 cubic feet

These sewage rate components may be reviewed and adjusted by resolution adopted by the City Council and published per Section 362.3 of the Iowa Code and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

6. The minimum charge for service shall be determined based on the customer charge and the unit rate for up to a minimum quantity of three hundred (300) cubic feet per month of normal domestic strength wastewater. The minimum charge for service for each month or fraction thereof shall be:

- a. From September 1, 2013 through June 30, 2014, \$14.32
- b. From July 1, 2014 through June 30, 2015, \$14.74
- c. From July 1, 2015 through June 30, 2016, \$15.20
- d. From July 1, 2016 through June 30, 2017, \$15.63
- e. On and after July 1, 2017, \$16.10

The minimum charge for sewerage rates as set forth in this Section shall be in addition to the per bill charge for collection and drainage as set forth in Section 13-5-4.

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

These minimum charges for service may be reviewed and adjusted by resolution adopted by the City Council and published per Section 362.3 of the Iowa Code and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

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

B. Customer Class System.

1. All customers shall be considered a standard classification customer except those customers that are subject to a special agreement. All customers shall be considered non-monitored customers, except the Director of the Water Pollution Control Plant may designate industrial users as monitored customers. Monitored customers shall be subject to the requirements for sampling and analytical testing in accordance with the schedule determined by the Director of the Water Pollution Control Plant. Any monitored customer shall be subject to the charges for analytical requirements as set forth in Section 13-5-3.
2. The classification system defines the relative Water Pollution Control Facilities cost associated with the wastewater strength for each class. The user charge shall be calculated from metered water use times the sewerage rate stated in Section 13-5-5(A) per 100 cubic feet times the factor presented in the following table, plus the customer charge per bill and the collection and drainage charge as stated in Section 13-5-4.

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

3. The City Administrator of the City of Muscatine and Director of the Water Pollution Control Plant shall be responsible for assigning customer classes to each type of customer. Customer class assignments of users will be given to the Board of Water, Electric, and Communications Trustees for implementation on the sewer user charges that are billed by the Board of Water, Electric, and Communications Trustees on behalf of the City. Customer class assignments shall be reviewed on an annual basis.
 4. For each customer designated as a Class 10, the City Administrator and the Director of the Water Pollution Control Plant shall establish the appropriate classification rate which shall be at a rate of 5.0 or greater.
- C. Senior Discounts. A discount of \$1.00 per month shall be given to all metered dwellings where the customer as the occupant is a qualifying senior citizen sixty-five (65) years of age and older.
- D. Summer Rates. User charges for Class 1 domestic residential users will be based on water usage during the winter quarter months of December, January and February of each year. Subsequent monthly sewer bills will be no more than 115% of the billed usage during the previous winter quarter. The City Administrator and the Director of the Water Pollution Control Plant will be responsible for implementing specific procedures in effecting this rate.

13-5-6 General Provisions.

- A. The monthly service charges, rates, or rentals as specified in Sections 13-5-4 and 13-5-5 hereof, shall be increased by ten percent (10%) for all users of the treatment works who are located outside of the Corporate Limits of the City and who have been granted permission by the City to discharge to the POTW.
- B. At the request of an industrial user and with the approval of the City Council, the City and customer may enter into a separate agreement that provides for sewer user charges. The agreement shall establish the charges that would otherwise be due and payable under the provisions of Section 13-5-4 and Section 13-5-5. Such agreement shall include provisions for the establishment of sewer user charge rates, the method of payment and the method of sampling and analytical analysis. The special agreement shall provide for the method of determining the sewer user charges provided the revenue generated under a special agreement shall not be less than the established rates for a Class 1 domestic customer.
- C. Any customer may provide separate water and/or wastewater meters as approved by the Director of the Water Pollution Control Department and the water department of the Board of Water, Electric, and Communications Trustees at their own expense to determine that volume of their total water usage which discharges to the Water Pollution Control Facilities.
- D. The rates and classifications provided in this Ordinance shall be reviewed annually to determine that the same are fair and equitable and may be changed periodically at the discretion of the City Council.
- E. The Director of Water Pollution Control and other authorized representatives of the Department of Water Pollution Control shall be entitled to access to the premises of any contributor in accordance with Chapter 6, Section 13-6-7.1 and 13-6-7.2.

13-5-7 Collection.

- A. The City Council hereby delegates the billing of all sewer use charges except those subject to special agreements under the provisions of Section 13-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Water, Electric, and Communications Trustees and the authority to accept payment of the same to the Board of Water, Electric, and Communications Trustees, in accordance with the foregoing schedule and said schedule shall be certified to the Board of Water, Electric, and Communications Trustees by the City.

As part of the duties delegated to the Board of Water, Electric, and Communications Trustees, an accurate and complete record of such collections will be maintained and at least once a week, all funds so collected shall be deposited in a bank or banks specified by the Finance Director in the Sewer Fund. The City Council authorizes the Board of Water, Electric, and Communications Trustees to charge the City a service charge for the cost of billing and collecting the sewerage rate system. As a part of the duties delegated to the Board of Water, Electric, and Communications Trustees, an accurate and complete list of delinquent accounts shall be sent to the Finance Director on at least a monthly basis, in addition to regular monthly sewer revenue reports.

- B. The City Council hereby delegates the billing of sewer use charges for those users subject to a special agreement under Section 13-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Water, Electric, and Communications Trustees, and the authority to accept payment of same to the Finance Director of the City of Muscatine, Iowa.
- C. The service charge, rate, or rental as provided in Section 13-5-5 hereof, shall be applied to the quantity of water used or wastewater discharged by each contributor of sewerage and other wastewater or liquid for each individual water or wastewater meter contributing to said Water Pollution Control Facility as determined by the monthly water or wastewater meter readings of the Board of Water, Electric, and Communications Trustees. Quantities of wastes originating from users with privately owned water supplies or unmetered water supplies will be determined to the satisfaction of the City at the expense of the owner of the system.
- D. The service charge, rate, or rental herein established for all users, except those subject to a special agreement under Section 13-5-6(B), users with separate wastewater meters and users without a water meter account with the Board of Trustees shall be due and payable to Board of Water, Electric, and Communications Trustees at the Muscatine Power and Water business office with the billing schedule for water service.
- E. Unpaid service charges, rates, or rentals not paid within the billing schedule shall be delinquent. Such charges, rates, or rentals which are delinquent may be certified by the Finance Director to the County Auditor of Muscatine County, Iowa, for collection in the same manner as property taxes as provided in Iowa Code, Section 384.84.
- F. Unpaid service charges, rates, or rentals thirty (30) days past due may be assessed an interest penalty on the unpaid balance. This interest penalty will be as follows:

<u>Unpaid Balance</u>	<u>Interest Penalty</u>
\$0 - \$1,000	0% per month
Over \$1,000	1 1/2% per month

TITLE 13 – PUBLIC UTILITIES
CHAPTER 6 – SEWER USE REGULATIONS

SECTIONS:

- 13-6-1.0 General Provisions
 - 13-6-1.1 Purpose & Policy
 - 13-6-1.2 Administration
 - 13-6-1.3 Definitions
 - 13-6-1.4 Abbreviations

- 13-6-2.0 General Sewer Use Requirements
 - 13-6-2.1 Use of POTW Required
 - 13-6-2.2 Private Sewer Systems
 - 13-6-2.3 Prohibited Discharge Standards
 - 13-6-2.4 Federal Pretreatment Standards
 - 13-6-2.5 State Requirements
 - 13-6-2.6 Specific Pollutant Limitations
 - 13-6-2.7 City's Right of Revision
 - 13-6-2.8 Special Agreements
 - 13-6-2.9 Dilution

- 13-6-3.0 Pretreatment of Wastewater
 - 13-6-3.1 Pretreatment Facilities
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 - 13-6-3.5 Tenant Responsibility
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- 13-6-4.0 Wastewater Discharge Permit Eligibility
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 - 13-6-4.3 Wastewater Discharge Permitting, Existing Connections
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- 13-6-6.0 Reporting Requirements
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 - 13-6-6.2 Compliance Schedule Progress Report

- 13-6-6.3 Report on Compliance with Categorical Pretreatment Standard Deadline
- 13-6-6.4 Periodic Compliance Reports
- 13-6-6.5 Report of Changed Conditions
- 13-6-6.6 Reports of Potential Problem Discharges
- 13-6-6.7 Reports from Nonsignificant Industrial Users
- 13-6-6.8 Notice of Violation/Repeat Sampling and Reporting
- 13-6-6.9 Notification of the Discharge of Hazardous Waste
- 13-6-6.10 Analytical Requirements
- 13-6-6.11 Monitoring and Sample Collection Facilities
- 13-6-6.12 Timing of Reports
- 13-6-6.13 Record Keeping

- 13-6-7.0 Compliance Monitoring
- 13-6-7.1 Inspection and Sampling
- 13-6-7.2 Search Warrants

- 13-6-8.0 Confidential Information

- 13-6-9.0 Publication of Industrial Users in Significant Noncompliance

- 13-6-10.0 Administrative Enforcement Remedies
- 13-6-10.1 Notification of Violation
- 13-6-10.2 Consent Orders
- 13-6-10.3 Show Cause Hearing
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- 13-6-11.0 Judicial Enforcement Remedies
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- 13-6-16.0 Fats, Oils, and Grease Control

- 13-6-16.1 Scope and Purpose
- 13-6-16.2 Definitions
- 13-6-16.3 Grease Traps and Interceptors
- 13-6-16.4 Food Service Establishment Permitting Program
- 13-6-16.5 Grace Period
- 13-6-16.6 Fees
- 13-6-16.7 Schedule of Fees

- 13-6-17.0 Separate Storm Sewers and Watercourses
- 13-6-17.1 Control of Pollutant Discharges to Separate Storm Sewers and Watercourses
- 13-6-17.2 Prohibited Discharges to Separate Storm Sewers and Watercourses
- 13-6-17.3 Flow Obstruction Prohibited
- 13-6-17.4 Prohibition of Illicit Connections

13-6-1.0 GENERAL PROVISIONS. This Ordinance regulates the use of residential and non-residential public and private sewers, drains, and wastewater pretreatment and treatment systems, and the discharge of waters and wastes into the City's wastewater system, stormwater system, drainage facilities, watercourses, and outfalls; and provides for penalties for the violation thereof.

13-6-1.1 Purpose and Policy. This Ordinance sets forth uniform requirements for users of the wastewater collection and wastewater treatment system of the City of Muscatine, Iowa and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (1977) and the General Pretreatment Regulations (40 CFR 403). The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the publicly owned treatment works (POTW) which will interfere with the operation of the system or contaminate the sludges;
- B. To prevent the introduction of pollutants into the POTW which will pass through the system, inadequately treated, into the receiving stream, atmosphere or otherwise be incompatible with the system;
- C. To protect the personnel who may be affected by wastewater, sewer sludges and biosolids in the course of operating the POTW;
- D. To ensure that the quality of the wastewater treatment biosolids are maintained at a level to allow for its use, recycle, reclamation, or disposal in compliance with applicable statutes and regulations;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- F. To enable the City of Muscatine to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, biosolids use and disposal, and any other State or Federal laws to which the POTW is subject.

This Ordinance provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires users reporting, establishes administrative review procedures, and provides for the setting of fees for the equitable distribution of cost resulting from the program hereby established.

The provisions of this Ordinance shall apply to all direct or indirect contributors to the wastewater collection and treatment system in the City of Muscatine or by contract or agreement outside of the City of Muscatine.

13-6-1.2 Administration. Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this Ordinance. Any of the powers granted or duties delegated upon the Director, may be delegated by the Director to other city personnel.

13-6-1.3 Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
2. Approval Authority. The Executive Director of the Iowa Department of Natural Resources is the Approval Authority.
3. Authorized Representative of the Industrial User.
 - a. If the industrial user is a corporation, authorized representative shall mean:
 - i. the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
 - ii. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
 - c. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
 - d. The individuals described in paragraphs a-c above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Muscatine.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/L)).
5. Biosolids. Treated sewage sludge that meets the EPA pollutant and pathogen requirements for land application and surface disposal. Nutrient rich material, that is solid or semi-solid, obtained from wastewater, that is treated and stabilized and can be used for fertilizer.
6. Building Sewer. The piped extension from the building drain to the public sewer or other place of disposal.

7. ByPass. The intentional diversion of waste streams from any portion of a user's sewer system, treatment facility or pretreatment facility or other control facility.
8. Carbonaceous Biochemical Oxygen Demand (CBOD). A quantitative measure of the amount of dissolved oxygen required for the biological oxidation of carbon-containing compounds in a sample.
9. Categorical Industrial User. An industrial user subject to national categorical pretreatment standards.
10. Categorical Pretreatment Standard or Categorical Standard. Limitations on pollutant discharges to publicly owned treatment works promulgated by EPA in accordance with Section 307 of the Clean Water Act (CWA) that apply to specified process wastewaters of particular industrial categories [40 CFR 403.6 and Parts 405-471].
11. Combined Sewer. A pipe or conduit designed and intended to receive and convey wastewater, stormwater including roof and street drainage, unpolluted water and cooling water.
12. Combined Sewer Overflow (CSO). A discharge that occurs from a combined sewer into waters of the State when the flow in the combined sewer exceeds the capacity of the combined sewer or flow regulation facility due to wet weather conditions.
13. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
14. Control Authority. The Director is the Control Authority.
15. Cooling Water. Water discharged from any use such as air conditioning cooling or refrigeration to which the only pollutant added is heat.
16. Director. The person designated by the City of Muscatine, Iowa, to direct the operation of the publicly owned treatment works (POTW) who is charged with certain duties and responsibilities by this Ordinance, or his or her duly authorized representative.
17. Direct Discharge. The discharge of treated or untreated water directly into the waters of the State of Iowa.
18. Discharge or Indirect Discharge. The discharge or indirect discharge of any pollutant from any source (including holding tanks) regulated under Section 307 (b) or (c) of the Act (33 U.S.C. 1317) into the POTW.
19. Discharge Permit. Means a permit issued by the City to a user for a discharge of wastewater or stormwater into the City system.
20. Dry Weather Flow. In a combined sewer means flow which is a combination of sanitary flow, industrial flow and infiltration with no contribution from stormwater runoff.
21. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
22. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

23. Grab Sample. A sample which is taken from a waste stream on a onetime basis without regard to the flow in the waste stream and without consideration of time.
24. General Permit-An NPDES permit issued under 40 CFR 122.28 that authorizes a category of discharges under the CWA within a geographical area. A general permit is not specifically tailored for an individual discharger.
25. General Pretreatment Standards. Means any regulations containing pollutant discharge limits or requirements applicable to all industrial users, promulgated by EPA in 40 CFR Chapter One, Subchapter N, Parts 401 through 403 (as amended), in accordance with Section 307(b) and (c) of the Clean Water Act.
26. Industrial User (I.U.) or User. The source of nondomestic waste. The source of any direct or indirect discharge.
27. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and 2) therefore is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
28. Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, disease causing etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
29. Municipal Separate Storm Sewer System (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
 - a. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States;
 - b. Designed or used for collecting or conveying stormwater;
 - c. Which is not a combined sewer.
30. Naics. North American Industry Classification System. An industry classification system that groups establishments into industries based on the activities in which they are primarily engaged.
31. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake or any other body of surface or ground water.
32. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

33. New Source.

- a. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - i. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - ii. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - iii. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Section (a) (ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - i. Begun, or caused to begin as part of a continuous on-site construction program; or
 - ii. Any placement, assembly, or installation of facilities or equipment; or
 - iii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - iv. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

34. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

35. Outfall. Means any point of discharge into a watercourse, or other body of surface or groundwater.

36. Pass Through. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

37. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.

38. pH. A measure of the acidity or alkalinity of a substance expressed in standard units.

39. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of

discharging or otherwise introducing such pollutants into a publicly owned treatment works [40 CFR 403.3(q)].

40. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.
41. Pretreatment Standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.
42. Private Sewer. Means a sewer within the boundaries of the City but not owned or controlled by the City.
43. Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13-6-2.3 of this Ordinance.
44. Pollutant. Means any substance which, alone or in combination with other substances, if discharged to waters of the State in sufficient quantities, causes or is reasonably certain to cause any alteration of the physical, chemical or biological properties of such waters; or to create a nuisance; or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses or to any organism, aquatic life, plant or animal.
45. Publicly Owned Treatment Works or POTW. A treatment works, as defined by Section 212 of the CWA that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, storm sewers, pipes, and other conveyances and devices used in the collection and transport of wastewater, stormwater or the combination of both.
46. Sanitary Sewer. Means a pipe or conduit designed and intended to receive and convey wastewater as defined herein.
47. Sanitary Sewer Overflow (SSO). Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.
48. Sanitary Wastewater. Means wastewater emanating from the sanitary conveniences, including toilet, bath, laundry, lavatory, and/or kitchen sink, of residential and non-residential sources, as distinct from industrial waste.
49. Separate Storm Sewer. Means a pipe, conduit, conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, roof runoff, condensate, non-contact cooling water or storm drains) designed and intended to receive and convey stormwater, as defined herein and which discharges to waters of the State and which is not part of the combined sewer system.
50. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
51. Sewage. Human excrement and gray water (household showers, dish washing operations, etc.).
52. Shall is mandatory. May is permissive.

53. Significant Industrial User. Shall apply to: a) industrial users subject to categorical pretreatment standards; and b) any other industrial user that i) discharges an average of 25,000 Gallons Per Day (gpd) or more of process wastewater, ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
54. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 13-6-2.3 of this Ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.
55. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget, 1972.
56. Standard Methods. The latest edition of "Standard Methods for the Examination of Water and Wastewater" as published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.
57. State. The State of Iowa.
58. Storm Sewer. A sewer which carries stormwater, surfacewater, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, non-contact cooling water, but excludes all pollutants, sewage or wastewater.
59. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt.
60. Stormwater System. The entire system of combined sewers and separate storm sewers, operated by the City, for the collection, storage and treatment of stormwater to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements made thereto or as may be acquired by the City.
61. Surface Water. All water appearing on the land surface as distinguished from groundwater and including water appearing in watercourses, lakes, and ponds.
62. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
63. Total Suspended Solids (TSS). All matter in water, wastewater, or other liquids; that is retained on a filter as determined by Standard Methods and expressed in milligrams per liter.
64. Total Toxic Organics (TTO). The summation of all quantifiable values greater than .01 mg/l for the applicable toxic organics included in the listing in 40 CFR 401.15 of toxic pollutants identified pursuant to Section 307(a)(1) of the Clean Water Act as determined using the analytical techniques specified in 40 CFR136 and expressed in milligrams per liter. For discharges subject to categorical pretreatment standards, the list of organics to be included in the local TTO limit specified in this Ordinance and in the Industrial

Discharge Permits, the organics to be included in the TTO are all of those from the list in 40 CFR 401.15 which are or may be present in the discharge.

65. Toxic Pollutant. Any substance which alone or in combination with other substances, when discharged to a wastewater system, stormwater system or watercourse in sufficient quantities, interferes with any biological wastewater treatment process, or, either through direct exposure or through indirect exposure by ingestion through the food chain, interferes with the normal life processes of any organism, aquatic life, plant or animal or causes adverse human health impacts. Toxic substances include, but are not limited to pollutants listed as toxic in 40 CFR 401.15 pursuant to section 307(a)(1) of the CWA and those listed as toxic in sludge pursuant to section 405(d)(2) of the CWA.
66. Treatment. The reduction or elimination of pollutants in wastewater or stormwater prior to discharge to waters of the State.
67. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment or treatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment or treatment facilities, lack of preventive maintenance, or careless or improper operation.
68. User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
69. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
70. Wastewater Treatment Plant or Water Pollution Control Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.
71. Watercourse. A natural or manmade surface drainage channel or body of water (including a lake or pond) in which a flow of water occurs, either continuously or intermittently.
72. Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
73. Wet Weather Flow. In a combined sewer means flow which is a combination of sanitary flow, industrial flow, infiltration and stormwater runoff.
74. Whole Effluent Toxicity (WET). The total toxic effect of an effluent measured directly with a toxicity test.

13-6-1.4 Abbreviations. The following abbreviations shall have the designated meanings:

1. BMR - Baseline Monitoring Report
2. BOD - Biochemical Oxygen Demand
3. C - Celsius
4. CBOD - Carbonaceous Biochemical Oxygen Demand
5. CFR - Code of Federal Regulations

6. COD - Chemical Oxygen Demand
7. CSO - Combined Sewer Overflow
8. CWA - Clean Water Act
9. EPA - U.S. Environmental Protection Agency
10. F - Fahrenheit
11. FOG - Fats Oils and Grease
12. gpd - Gallons per day
13. IAC - Iowa Administrative Code
14. IDNR - Iowa Department of Natural Resources
15. L – Liter
16. lbs/day - Pounds per day
17. mg – Milligrams
18. mg/L or mg/l - Milligrams per Liter or Parts Per Million (ppm)
19. MGD - Million gallons per day
20. NAICS - North American Industry Classification System
21. nm - Nanometer
22. NPDES - National Pollutant Discharge Elimination System
23. O&G or O/G - Oil and Grease
24. O&M - Operation and Maintenance
25. POTW - Publicly Owned Treatment Works
26. ppm - Parts Per Million or Milligrams per Liter (mg/L)
27. RCRA - Resource Conservation and Recovery Act
28. SIC - Standard Industrial Classifications
29. SSO - Sanitary Sewer Overflow
30. SWDA - Solid Waste Disposal Act (42 U.S.C. 6901, et seq.).
31. TSS - Total Suspended Solids
32. USC - United States Code
33. WET - Whole Effluent Toxicity

34. WPCP - Water Pollution Control Plant

13-6-2.0 GENERAL SEWER USE REQUIREMENTS

13-6-2.1 Use of POTW Required.

- A. No unauthorized person shall uncover, make any connections with, or open into, use, alter, or disturb any public sewer or appurtenance thereof without obtaining a written permit from the City in accordance with the Schedule of Fees and Charges Fees in Appendix C to this Code of Ordinances.
- B. It shall be unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, private vat, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting any street, alley, or right-of-way in which there is now located or may in the future be located, a public sanitary or combined sewer of the City, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within two hundred fifty feet (250') of the property line. Any septic tank, cesspool, lagoon, or other residential, or non-residential wastewater treatment facility shall be abandoned and filled with suitable material as per applicable City Ordinances and/or State or local regulations or shall be removed unless such system is to be used for pretreatment or control of wastewater prior to discharge to the City wastewater system.
- E. All multiple stack connections shall be prohibited. Every structure within the City which is required to connect to the public sewer, as provided in Section 13-6-2.1(D), shall have an independent connection made or caused to be made at no expense to the City unless specifically approved in writing by the City.

13-6-2.2 Private Sewer Systems.

- A. Where a public sanitary sewer is not available under the provisions of Section 13-6-2.1(D), the sewers as therein provided shall be connected to a private sewage disposal system complying with the provisions of this Section.
- B. No private sewage disposal system shall be constructed without first obtaining a permit to so construct in accordance with the provisions of this Chapter.
- C. Before issuance of a permit to construct a private sewage disposal system, the owner or applicant shall submit to the City plans, specifications, or other information as deemed necessary by the City. The fee for such a permit shall be as set by resolution of City Council and is set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. Any percolation test must be made and certified by a licensed engineer.

- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Iowa. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
- E. In addition to complying with the provisions of this Code, all commercial and industrial facilities utilizing a private disposal system shall obtain a permit from the IDNR when employing more than fifteen (15) persons and/or discharging other than sanitary waste to the private disposal system.
- F. At such time as a public sewer becomes available to a property serviced by a private sewage disposal system as provided in Section 13-6-2.1(D), a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- G. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- H. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by any health officer.

13-6-2.3 Prohibited Discharge Standards. No user shall introduce or cause to be introduced either directly or indirectly into the POTW any pollutant or wastewater which will interfere with the operation or performance or cause pass through or interfere with the POTW. These prohibitions, both general and specific, apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standard or requirement. Furthermore, no user may contribute the following substances to the POTW:

- A. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, and other flammable or explosive fuels.
- B. Any wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive damage to the POTW or equipment, or endangering City personnel.
- C. Solid or viscous substances which may cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch (1/2") in any dimension. Included, but not limited to, bones, hide or fleshings, entrails, feathers, ashes, sand, spent lime, metal, glass, straw, shavings, grass clippings, diapers, rags, spent grains, wastepaper, wood, plastics, tar, asphalt, grease, or garbage.
- D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

- E. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 88 degrees F (31 degrees C).
- F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- G. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with Section 13-6-3.6.
- I. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- J. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable State or Federal regulations.
- K. Storm water, surface water, ground water, artesian well water, roof runoff, interior and exterior foundation drains, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Director.
- L. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- M. Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
- N. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- O. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- P. Any wastewater causing the treatment plant's effluent to fail an effluent toxicity test, violate its NPDES permit or the receiving stream water quality standards.
- Q. Any discharge of fats, oil, or grease of animal or vegetable origin is limited to 100 mg/L.
- R. Any discharge of waste that interferes with the UV disinfection system which absorbs light or will cause interference with the transmittance of light at 254nm.

Wastes prohibited by this Section shall not be stored or processed in such a manner that they could be discharged to the POTW. All floor drains located in such process or material storage areas must discharge to the user's pretreatment facility before connecting to the POTW. When it is determined that a user or users are contributing to the POTW, any of the above listed substances in amounts to interfere with the proper operation of the POTW, the Director shall: 1) advise the user(s) of the impact on the POTW; and 2) develop a limitation for the user(s) to correct the interference on the POTW; or 3) proceed with remedies contained in Sections 13-6-10.0 through 13-6-12.0.

13-6-2.4 Federal Pretreatment Standards

- A. The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- B. Upon promulgation of Federal categorical pretreatment standards for a particular industry subcategory, the Federal Standard if more stringent than stated in this Ordinance, shall immediately supersede the limitations imposed by this Ordinance.

The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

13-6-2.5 State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements or limitations or those in this Ordinance.

13-6-2.6 Specific Pollutant Limitations. Specific local limitations will be established by resolution and published per Section 362.3 of the Iowa Code. These local limits shall be periodically reviewed for any substance which would cause the POTW to be in noncompliance of the requirements of its NPDES permit, the receiving streams water quality standards, Federal or State sludge regulations, the City's Biosolids Recycle Program, the City's Pretreatment Program, or any other local, State or Federal regulations. Current limitations are hereby established as a composite loading of all users contributing the following specific pollutants to the POTW:

- A. Not to exceed the following 30 day average mass loading in the influent to the POTW:

CBOD	21,500 lbs/day
TSS	13,700 lbs/day
TKN	1,670 lbs/day
E. Coli	126 MPN/100ml Geometric Mean

- B. Not to exceed the following respective loadings in the influent to the POTW:

Arsenic	1.84 lbs/day	Nickel	4.27 lbs/day
Cadmium	1.36 lbs/day	Selenium	8.60 lbs/day
Chromium	16.33 lbs/day	Zinc	40.0 lbs/day
Copper	11.12 lbs/day	Silver	3.61 lbs/day
Lead	4.61 lbs/day	Cyanide	1.21 lbs/day
Mercury	0.38 lbs/day	Phenol	599 lbs/day
Molybdenum	0.66 lbs/day		

- C. Any specific local pollutant limitation, including allocations contained in a wastewater discharge permit, may be adjusted by the Director as necessary to meet current composite loading limits or such composite loading limits that may become necessary as a result of changes in Federal, State or local regulation or POTW capacity.

13-6-2.7 City's Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 13-6-1.1 of this Ordinance or the general and specific prohibitions in Section 13-6-2.3 of this Ordinance.

13-6-2.8 Special Agreements. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

13-6-2.9 Dilution. No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 13-6-3.0 PRETREATMENT OF WASTEWATER

13-6-3.1 Pretreatment Facilities. Industrial users shall provide the necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 13-6-2.3 above within the time limitations specified by the EPA, the State, or the Director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans and/or written description of the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The installation and activation of any required pretreatment facility shall be in accordance with a specified schedule approved by the City. The City may require regular progress reports of required changes to an industrial user's pretreatment facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Ordinance.

13-6-3.2 Additional Pretreatment Measures

- A. When deemed necessary, the Director may require users to restrict discharge during peak flow periods, designate certain wastewaters be discharged into specific sewers, or separate sewage waste streams from industrial waste streams. Suitable flow control and storage may be required to provide flow equalization and regulation.
- B. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand. Such interceptors shall not be required of residential users. All interceptor units shall be of a type and capacity approved by the Director and shall be located so as to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired by the owner at his expense.

- C. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13-6-3.3 Accidental Discharge. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before construction. Such facilities shall be provided and maintained at the owner's or user's own cost. Review and approval of such plans and procedures shall not relieve the user from any responsibility to modify the user's facility as necessary to meet the requirement of this Ordinance. In the case of any accidental discharge or slug load, it is the responsibility of the user to immediately notify the POTW in accordance with Section 13-6-6.6 of this Ordinance.

13-6-3.4 Accidental Discharge/Slug Control Plans. The Director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every five years the Director shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 13-6-2.3 of this Ordinance.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

13-6-3.5 Tenant Responsibility Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this Ordinance.

13-6-3.6 Hauled Wastewater

- A. Permitting Requirements. In accordance with Section 13-6-4.2, commercial septic tank cleaners, including industrial waste haulers, must apply for and obtain a permit from the City of Muscatine Water Pollution Control Plant (WPCP) before disposing of septage or wastewater from any private waste facility, septic tank, industry or non-residential source.
- B. Permitting Procedures
 - 1. Application for permit. Commercial septic tank cleaners, including industrial waste haulers, shall apply for a permit by completing an application form provided by the City of Muscatine (WPCP) and submitting it to the Pretreatment Coordinator, Muscatine Water Pollution Control Plant, 1202 Musser Street, Muscatine, Iowa 52761-1645. In the case of a commercial septic tank cleaner, including an industrial waste hauler, which is a corporation, partnership, association, or any other business entity, the entity itself must apply as provided in this Ordinance. The entity shall designate

one person in accordance with Section 13-6-1.3 (C) to act as its authorized representative for the purpose of applying for a permit. Individuals employed by a commercial septic tank cleaner business, including industrial waste haulers, are not required to be separately permitted. Each cleaning unit (vehicle or tank) must have the state license and city permit number prominently displayed and a copy of the current state license and city permit with each vehicle.

2. Permit Fee. The initial permit application and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order made payable to the City of Muscatine. The fee shall be determined annually by the Director.
3. Permit Renewal. A commercial septic tank cleaner or industrial waste hauler permit must be renewed annually by the expiration date specified on the permit. Renewal application must be made on an application form provided by the Muscatine WPCP, and must be received by the WPCP Pretreatment Coordinator or postmarked at least thirty (30) days prior to the expiration date. The renewal application form must be accompanied by the permit fee specified in Section 13-6-3.6 (B) (2).
4. Change in Ownership. Within thirty (30) days of a change in ownership of any commercial septic tank cleaner or industrial waste hauler, the new owner shall furnish the Muscatine WPCP with the following information in writing: 1) name of business and permit number; 2) name, address, and telephone number of new owner; and 3) the date the change in ownership takes place. The permit will transfer with the ownership with no additional fee due until the next renewal date.
5. Suspension, Revocation, and Denial of Permit. The City may suspend, revoke, or deny a commercial septic tank cleaner permit for any of the following reasons:
 - a. Material misstatement of facts in a permit application.
 - b. Failure to provide the adequate permit application fee.
 - c. Failure to satisfy the obligations of a commercial septic tank cleaner and standards as provided in the Code of Iowa and the Muscatine City Code.
 - d. Failure to maintain state commercial septic tank cleaner license.
6. Appeal. A commercial septic tank cleaner or industrial waste hauler may appeal the suspension, revocation, or denial of a permit under Section 13-6-5.3 of this Ordinance.
7. Reinstatement In the case of a denial, revocation, or suspension pursuant to Section 13-6-3.6 (B) (5) (b) or (c), the City may immediately reinstate or issue a permit after receipt of the requisite fee or confirmation that the commercial septic tank cleaner or industrial waste hauler is fulfilling the requirements of this Ordinance. In the case of a denial, revocation, or suspension pursuant to Section 13-6-3.6 (B) (5) (a) or (d), the City may reinstate or issue a permit no sooner than sixty (60) days after the denial, revocation, or suspension, if the City is satisfied the commercial septic tank cleaner or industrial waste hauler has corrected the deficiency and will comply with the City ordinances in the future.
8. Continuation. An expired permit will continue to be effective and enforceable until the permit is reissued if:
 - a. The permittee has submitted a complete permit application at least 30 days prior to the expiration date of the users existing permit; and
 - b. The failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

C. Standards for Discharge to the Muscatine Water Pollution Control Plant

1. Disposal of wastes from private waste facilities shall be carried out in accordance with the rules established by the Iowa Department of Natural Resources (IDNR), the Muscatine City Code and any such laws, regulations, standards, or requirements that may become effective.
 - a. Any tanks or equipment used for hauling from private waste facilities shall not be used for hauling hazardous or toxic wastes as defined in the Code of Iowa 567, Chapter 131, or other wastes detrimental to wastewater treatment plants; and shall not be used in a manner that would contaminate a potable water supply or endanger the food chain or public health.
 - b. The name and address of the permit holder shall be prominently displayed on the side of the tank or vehicle.
 - c. All vehicles shall display the state commercial septic tank cleaner license and city permit numbers assigned to the commercial septic tank cleaner on the vehicle as to be readable by WPCP electronic monitoring equipment.
 - d. Waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities may be disposed of by discharging, with proper approval, to the Muscatine Water Pollution Control Plant.
 - e. Waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities shall only be discharged at a designated structure within the treatment plant area, and only at such times as are established by the Director, provided such wastes do not violate any requirements established or adopted by the City.
 - f. Fees for discharging waste from private sewage disposal systems, holding tanks for wastes, impervious vaults, portable or chemical toilets, or other similar types of private waste facilities shall be established as part of the industrial user fee system as authorized in Section 13-6-15.1.
 - g. All vehicles shall be equipped with appropriate discharge equipment as to be compatible with the facilities provided at the Muscatine WPCP discharge station.

13-6-3.7 Vandalism. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 13-6-10.0, 13-6-11.0, and 13-6-12.0.

SECTION 13-6-4.0 WASTEWATER DISCHARGE PERMIT ELIGIBILITY

13-6-4.1 Wastewater Survey. When requested by the Director all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the Ordinance.

13-6-4.2 Wastewater Discharge Permit Requirement

- A. It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 13-6-10.0, 13-6-11.0, and 13-6-12.0. Obtaining a

wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

- B. The Director may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.

13-6-4.3 Wastewater Discharge Permitting, Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the City for a wastewater discharge permit in accordance with Section 13-6-4.6 below, and shall not cause or allow discharges to the POTW to continue after one hundred and eighty (180) days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Director.

13-6-4.4 Wastewater Discharge Permitting, New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin.

13-6-4.5 Wastewater Discharge Permitting, Extra Jurisdictional Industrial Users.

- A. Any existing significant industrial user located beyond the City limits shall submit a wastewater discharge permit application, in accordance with Section 13-6-4.6 below, within ninety (90) days of the effective date of this Ordinance. New significant industrial users located beyond the City limits shall submit such applications to the Director ninety (90) days prior to any proposed discharge into the POTW.
- B. Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

13-6-4.6 Wastewater Discharge Permit Application. In order to be considered for a wastewater discharge permit, all users required to have a permit must submit an application, in the form required by the City, accompanied by the proper fee as set by resolution of City Council and is set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances.

The application must contain the information required in Section 13-6-6.1(B) of this Ordinance. In addition the following information shall be supplied:

- A. Name, address, and location if different from address.
- B. NAICS industry classification number
- C. Wastewater constituents and characteristics including, but not limited to, those in Section 13-6-2.3 of this Ordinance as determined by a certified laboratory. Sampling and analysis performed in accordance with Section 13-6-6.10 of this Ordinance.
- D. Number and type of employee and hours of operation of the facility including operation of a pretreatment facility.

- E. Description of activities, facilities, and plant processes on the premises, including a list of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- F. The current site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- G. Time and duration of the discharge to the POTW.
- H. Average daily flows including fifteen (15) minute peak flows, and any daily, monthly or seasonal flow variations.
- I. Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State or Federal Pretreatment Standards and a statement regarding whether or not pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet pretreatment standards.
- J. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the applicant for revision.

13-6-4.7 Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

13-6-4.8 Wastewater Discharge Permit Decisions. The Director will evaluate the information supplied by the industrial user in the application for a wastewater discharge permit and may require additional information. After evaluation and acceptance of the information supplied, the Director shall determine whether or not to issue a wastewater discharge permit subject to the terms of this Ordinance.

SECTION 13-6-5.0 WASTEWATER DISCHARGE PERMIT

13-6-5.1 Wastewater Discharge Permit Duration. Wastewater discharge permits shall be issued for a period less than, but not longer than, five (5) years. Each permit will indicate the specific time and date of expiration. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- A. The permittee has submitted a complete permit application at least 90 days prior to the expiration date of the users existing permit; and

- B. The failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

13-6-5.2 Wastewater Discharge Permit Contents. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

- A. Wastewater discharge permits must contain the following information:

1. A statement of duration not to exceed five (5) years.
2. A statement of nontransferability without prior notification to and approval from the Director and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
3. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
4. Specifications for monitoring programs which include sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
5. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and, any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

- B. Wastewater discharge permits may contain, but need not be limited to, the following:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges
5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

6. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
7. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

13-6-5.3 Wastewater Discharge Permit Appeals. Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the City fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition with the Iowa District Court for Muscatine County within thirty (30) days of the decision.

13-6-5.4 Wastewater Discharge Permit Modification. The Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.
- B. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the City's POTW, city personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

13-6-5.5 Wastewater Discharge Permit Transfer. Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner and/or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
- B. Identifies the specific date on which the transfer is to occur.
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

13-6-5.6 Wastewater Discharge Permit Revocation. Wastewater discharge permits may be revoked for the following reasons:

- A. Failure to notify the City of significant changes to the wastewater prior to the changed discharge.
- B. Failure to provide prior notification to the City of changed conditions pursuant to Section 13-6-6.5.
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- D. Falsifying self-monitoring reports.
- E. Tampering with monitoring equipment.
- F. Refusing to allow the City timely access to the facility premises and records.
- G. Failure to meet effluent limitations.
- H. Failure to pay fines.
- I. Failure to pay sewer charges.
- J. Failure to meet compliance schedules.
- K. Failure to complete a wastewater survey or the wastewater discharge permit application.
- L. Failure to provide advance notice of the transfer of a permitted facility.

- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the Ordinance.

Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

13-6-5.7 Wastewater Discharge Permit Reissuance. A permitted industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 13-6-4.6 a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

SECTION 13-6-6.0 REPORTING REQUIREMENTS

13-6-6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraph B, below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- B. The industrial user shall submit the information required by this Section including:
 - 1. Identifying Information. The name and address of the facility including the name of the owners, operator, and contact in direct responsible charge.
 - 2. Wastewater discharge permits. A list of any environmental control permits held by or for the facility.
 - 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications (SIC number) of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - 5. Measurement of Pollutants.
 - a. Identify the categorical pretreatment standards applicable to each regulated process.

- b. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13-6-6.10.
 - c. Sampling must be performed in accordance with procedures set out in Section 13-6-6.11.
6. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the industrial user will define the shortest schedule which will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 13-6-6.2 of this Ordinance.
8. All baseline monitoring reports must be signed and certified in accordance with Section 13-6-4.7.

13-6-6.2 Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by 13-6-6.1(B)(7). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Director.

13-6-6.3 Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section 13-6-6.1(B). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13-6-4.7.

13-6-6.4 Periodic Compliance Reports

- A. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 13-6-4.7.
- B. All wastewater samples must be representative of the industrial user's discharge. Wastewater sampling, monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.
- C. If an industrial user subject to the reporting requirement in and of this Section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 13-6-6.11 of this Ordinance the results of this monitoring shall be included in the report.

13-6-6.5 Report of Changed Conditions. Each industrial user is required to notify the Director in writing of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

- A. The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13-6-4.6.
- B. The Director may issue a wastewater discharge permit under Section 13-6-4.8 or modify an existing wastewater discharge permit under Section 13-6-5.4.
- C. No industrial user shall implement the planned changed conditions(s) until and unless the Director has responded to the industrial user's notice.
- D. For purposes of this requirement flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

13-6-6.6 Reports of Potential Problem Discharges

- A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 13-6-2.3 of this Ordinance), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

- B. Within five (5) days following the beginning of such discharge, the industrial user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to stop the discharge and to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this Ordinance.
- C. Failure to notify the City of potential problem discharges shall be deemed a separate violation of this Ordinance.
- D. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

13-6-6.7 Reports from Nonsignificant Industrial Users. All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Director may require.

13-6-6.8 Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

13-6-6.9 Notification of the Discharge of Hazardous Waste

- A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 13-6-6.5, above. The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of Sections 13-6-6.1, 13-6-6.3, and 13-6-6.4, above.
- B. Dischargers are exempt from the requirements of paragraph (A) of this Section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous

wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

13-6-6.10 Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

13-6-6.11 Monitoring and Sample Collection Facilities

- A. The Director may require any industrial user of the POTW to provide and operate at the user's expense, sampling or monitoring facilities to allow inspection sampling and flow measurement of a building sewer or any internal drainage system. The monitoring facility will normally be situated on the user's property, but the Director may, when such a location is impractical or would cause undue hardship, allow the facility to be located in a public street, right-of-way, or sidewalk, provided there is no safety hazards or interference with the normal use of the public area.
- B. Except as indicated in Section C, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- C. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.
- D. The Director may use a grab sample(s) to determine noncompliance with pretreatment standards.

13-6-6.12 Timing of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid into a mail facility serviced by the U.S. Postal Service, and for reports which are electronically submitted, the date of receipt of the report shall govern.

13-6-6.13 Record Keeping. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this Ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Ordinance, or where the industrial user has been specifically notified of a longer retention period by the Director.

SECTION 13-6-7.0 COMPLIANCE MONITORING

13-6-7.1 Inspection and Sampling. The City shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Director and/or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- B. The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The City may require the industrial user to install sampling and monitoring equipment. Such equipment and facilities shall be maintained at all times in safe and proper operating condition. All devices used to measure wastewater flow and quality shall be calibrated periodically, but at a minimum six (6) month interval. Calibration records shall be maintained with each instrument. The City may require additional calibration or repairs or replacement to assure accurate and continuous sampling and monitoring. All cost for installation, operation, calibration, and repair/replacement shall be at the industrial user's expense.
- D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the industrial user.
- E. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this Ordinance.

13-6-7.2 Search Warrants. If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has demonstrated probable cause to believe that there may be a violation of this Ordinance or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Magistrate of Muscatine County shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

SECTION 13-6-8.0 CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction - unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 13-6-9.0 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];
- C. Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Interference with the operation of the lift stations and collection system;

- I. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 13-6-10.0 ADMINISTRATIVE ENFORCEMENT REMEDIES

13-6-10.1 Notification of Violation. Whenever the Director finds that any user has violated or is violating this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Director or his agent may serve upon said user a written Notice of Violation. Within seven (7) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

13-6-10.2 Consent Orders. The Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 13-6-10.4 and 13-6-10.5 below and shall be judicially enforceable.

13-6-10.3 Show Cause Hearing. The Director may order any user which causes or contributes to violation(s) of this Ordinance, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

13-6-10.4 Compliance Orders. When the Director finds that a user has violated or continues to violate the Ordinance, wastewater discharge permits or orders issued hereunder or any other pretreatment standard or requirement, he or she may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

13-6-10.5 Cease and Desist Orders. When the Director finds that a user is violating this Ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements.
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

13-6-10.6 Administrative Fines.

- A. Notwithstanding any other section of this Ordinance, any user that is found to have violated any provision of this Ordinance, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement shall be fined in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Assessments may be added to the user's next scheduled sewer service charge and the Director shall have such other collection remedies as may be available for other service charges and fees.
- C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of one and one-half percent (1 1/2%) per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.
- D. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within twenty (20) days of being notified of the fine. Where a request has merit, the Director shall convene a hearing on the matter within twenty (20) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.
- E. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

13-6-10.7 Emergency Suspensions. The Director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 13-6-10.8 are initiated against the user.

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director, prior to the date of any show cause or termination hearing under Sections 13-6-10.3 and 13-6-10.8.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

13-6-10.8 Termination of Discharge. In addition to those provisions in Section 13-6-5.6 of this Ordinance, any user that violates the following conditions of this Ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

- A. Violation of wastewater discharge permit conditions.
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
- E. Violation of the pretreatment standards in Section 13-6-2.0 of this Ordinance. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13-6-10.3 of this Ordinance why the proposed action should not be taken.

SECTION 13-6-11.0 JUDICIAL ENFORCEMENT REMEDIES

13-6-11.1 Injunctive Relief. Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this Ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Director may petition the Iowa District Court for Muscatine County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

13-6-11.2 Civil Penalties

- A. Any user which has violated or continues to violate this Ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be subject to a civil penalty as established by City Council and set out in the Schedule of Penalties in Appendix A to this Code of Ordinances. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

13-6-11.3 Criminal Prosecution

- A. Any user that willfully or negligently violates any provision of this Ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable as provided in Section 1-2-14 of the Code of Ordinances.
- B. Any user that willfully or negligently introduces any substance into the POTW which causes, or is capable of causing, personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty as provided in Section 1-2-14 of this Code of Ordinances. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished as provided in Section 1-2-14 of this Code of Ordinances.
- D. In the event of a second conviction, a user shall be punished as provided in Section 1-2-14 of this Code of Ordinances.

13-6-11.4 Remedies Nonexclusive. The provisions in Sections 13-6-9.0 through 13-6-12.0 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

SECTION 13-6-12.0 SUPPLEMENTAL ENFORCEMENT ACTION

13-6-12.1 Performance Bonds. The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

13-6-12.2 Liability Insurance. The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13-6-12.3 Water Supply Severance. Whenever a user has violated or continues to violate the provisions of this Ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

13-6-12.4 Public Nuisance. Any violation of this Ordinance, wastewater discharge permits or storm water discharge regulations, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code Title 9, Chapter 3 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating or remedying said nuisance.

SECTION 13-6-13.0 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13-6-13.1 Upset

- A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C) are met.
- C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the industrial user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - 3. The industrial user has submitted the following information to the POTW and treatment plant operator within twenty-four (24) hours of becoming aware of the upset. Information may initially be provided orally. However, if this information is provided orally, a written submission must be provided within five (5) days:
 - a. A description of the indirect discharge and cause of noncompliance
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue
 - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or

failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

13-6-13.2 General/Specific Prohibitions. An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 13-6-2.3 of this Ordinance if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City of Muscatine was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13-6-13.3 Bypass

- A. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.
- B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- C. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraphs (C) and (D) of this Section. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass, The POTW may waive the written report on a case-by-case basis if the oral report has been received with twenty-four (24) hours.
- D. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless;
 - 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The industrial user submitted notices as required under paragraph (C) of this Section.
- E. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in paragraph (D) of this Section.

SECTION 13-6-14.0 SURCHARGE COSTS (RESERVED)

SECTION 13-6-15.0 MISCELLANEOUS PROVISIONS

13-6-15.1 Pretreatment Charges and Fees. The City may implement and periodically review reasonable charges and fees for the recovery of the costs of setting up and operating the City's Pretreatment Program. These fees and charges shall be adopted by resolution of City Council and is set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. These fees and charges may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for the filing and review of appeals.
- E. Fees for the dumping of hauled wastewater.
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City.

13-6-15.2 Severability. If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

13-6-15.3 Conflicts. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance, are hereby repealed to the extent of the inconsistency or conflict.

SECTION 13-6-16.0 FATS, OILS, AND GREASE CONTROL

13-6-16.1 Scope and purpose: The scope and purpose of this Section shall be to establish uniform permitting, maintenance, and monitoring requirements to aid in the prevention of sanitary sewer blockages and obstructions that result from the discharge and accumulation of fats, oils, and grease into the City of Muscatine Publicly Owned Treatment Works (POTW) from industrial or commercial establishments, particularly food preparation and serving establishments.

- A. The objectives of this Ordinance are to:
 1. Prevent the introduction of excessive amounts of grease into Muscatine's POTW.

2. Prevent clogging or blocking of the City's sewer lines due to grease build-up causing sewer line backup and flooding of streets, residences and commercial buildings, resulting in potential liability to the City.
 3. Implement a procedure to recover the costs incurred in cleaning and maintaining sewer lines and disposing of grease blockages,
 4. Implement a procedure to recover costs for any liability incurred by the City for damage caused by grease blockages resulting in the flooding of streets, residences or commercial buildings.
 5. Issue Grease Discharge Permits (GDPs) to food service establishments to require maintenance, monitoring, compliance, and enforcement activities.
 6. Establish administrative review procedures and reporting requirements.
 7. Establish fees for the recovery of costs resulting from the program established herein.
 8. Establish enforcement procedures for violations of any part or requirement of this Section.
- B. **Applicability:** The provisions of this Section shall apply to all existing food service establishments that are located within the municipal boundaries of the City of Muscatine and to all food service establishments that begin operations within the municipal boundaries of the City of Muscatine on or after the effective date of this Ordinance.

13-6-16.2 Definitions: The following terms, when used in this Section, shall have the meanings ascribed to them below:

- A. **Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. For purposes of this Ordinance, Best Management Practices include procedures and practices that reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and to the POTW.
- B. **Fats, Oils, and Grease:** means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".
- C. **Food Service Establishment:** A commercial facility engaged in preparing and/or serving food for consumption by the public, such as a convenience store, restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution.
- D. **Grease Discharge Permit (GDP):** A permit issued by the City of Muscatine authorizing the discharge of grease laden wastewater to the POTW from a food service establishment.
- E. **Grease Interceptor:** A tank that serves one or more fixtures and is remotely located. Such grease interceptors include, but are not limited to tanks that capture wastewater from dishwashers, floor drains, pot and pan sinks and trenches. For purposes of this Ordinance, a grease interceptor is an outside, underground, multi-compartment tank that reduces the amount of FOG in wastewater prior to discharging into the POTW.

- F. Grease Trap: A device designed to retain grease from one to a maximum of four fixtures. A grease trap is not appropriate for use on heated water (e.g., dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and grinders). For purposes of this Ordinance, a grease trap is a small, indoor device.
- G. Minimum design capability means the design features of a grease interceptor or grease trap and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the POTW.
- H. Non-cooking establishments mean those food service establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include coffee shops, cold dairy and frozen foodstuffs preparation, and serving establishments.
- I. POTW means the Publicly Owned Treatment Works in Muscatine, Iowa and includes the collection and drainage system, the pumping stations, and the wastewater treatment plant.
- J. Restaurant fixture means sinks, dishwashers, garbage grinders, floor drains, trenches, or other equipment discharging wastewater to a grease interceptor or grease trap.
- K. User means any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute wastewater from mobile sources, such as those who discharge hauled wastewater.

13-6-16.3 Grease Traps and Interceptors:

- A. Requirements: All food service establishments are required to have a grease interceptor or grease trap. The requirements in this Section are in addition to any applicable requirements of the City of Muscatine Plumbing Code as adopted by the City.
 - 1. New Establishments: On or after the effective date of this Section, food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service establishment, where such establishment did not previously exist, shall be required to install, operate and maintain a grease interceptor or grease trap according to the requirements contained in this Section. Grease interceptors or grease traps shall be installed and permitted prior to the issuance of a certificate of occupancy.
 - 2. Existing Establishments: All food service establishments existing within the City prior to the effective date of this Section shall be permitted to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition.

On or after the effective date of this Section, the City may require an existing food service establishment to install, operate, and maintain a new grease interceptor or grease trap that complies with the requirements of this Section or to modify or repair any noncompliant plumbing or existing interceptor or trap within ninety (90) days of written notification by the City when any one or more of the following conditions exist:

- a. The establishment is found to be contributing oils and grease in quantities greater than one hundred milligrams per liter (100mg/L).
- b. The establishment does not have and is not maintaining a grease interceptor or grease trap.
- c. The establishment has an undersized, irreparable, or defective grease interceptor or grease trap.
- d. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the City of Muscatine.
- e. The existing establishment does not have plumbing connections to a grease interceptor or grease trap in compliance with the requirements of this Section
- f. The establishment fails to submit a completed GDP Application within sixty (60) days after the date of the receipt of an application form from the City of Muscatine.
- g. The establishment has not operated as a food service facility for twelve (12) consecutive months prior to receiving the GDP application form.

B. Grease interceptors and grease traps shall be installed by users as follows:

1. Grease interceptors or grease traps shall be installed at the user's expense, when such user operates a food service establishment. Grease interceptors or grease traps may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when it is deemed necessary by the Director or his/her designee for the proper handling of liquid wastes containing grease.
2. Grease interceptors shall conform to the standards outlined in the Plumbing Code adopted by reference in Title 8 of this Code of Ordinances.
3. Grease interceptors shall provide access manholes with a minimum diameter of twenty-four (24) inches over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.
4. Grease interceptors and grease traps shall be equipped with an accessible sampling port on the effluent side of the interceptor or trap.

C. Users who are required to pass wastewater through a grease interceptor or grease trap shall:

1. Operate the grease interceptor or grease trap in a manner so as to maintain such device such that attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken from such grease interceptor or trap shall meet the numerical limit of one hundred milligrams per liter (100mg/L).
2. Remove any accumulated grease cap and sludge pocket as required when FOG and solids reach twenty-five percent (25%) of the unit's capacity, at the user's expense. Grease interceptors and grease traps shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor or grease trap.
3. Not reintroduce skimmed or pumped wastes or other materials removed from the grease interceptor or grease trap that are treated in any fashion on-site back into the grease interceptor or grease trap as an activity of or after such on-site treatment.

4. Understand and agree that use of hot water as a grease abatement method is prohibited and the use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this method of grease abatement shall maintain the interceptor or trap in such a manner that attainment of the grease wastewater discharge limit, as measured from the outlet, is consistently achieved.
5. Understand and agree that the use of an automatic grease removal system is conditionally permissible, upon prior written approval by the Director or his/her designee. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.
6. Maintain a written record of grease interceptor or grease trap maintenance, including dates and means of disposal, for three (3) years. All such records will be available for inspection by the City at all times.

13-6-16.4 Food Service Establishment Permitting Program

- A. Permitting requirements for food service establishments: Each food service establishment shall be evaluated to determine whether it falls within the definition of a Significant Industrial User (SIU). Establishments classified, as SIUs shall be subject to permitting as provided in Section 13-6-4.0 et. seq. All other food service establishments shall be required to apply for and obtain a Grease Discharge Permit from the City. The City shall approve, deny, or approve with special conditions all applications for GDPs in accordance with the policies and regulations established in this Section. The GDP shall be in addition to any other permits, registrations, or occupational licenses that may be required by Federal, State or local law. It shall be unlawful for any food service establishment identified by the City to discharge wastewater containing fats, oils and grease to the City's POTW without a current GDP.
- B. Application form: The City shall provide an application form for a GDP. The appropriate form shall be provided to all food service establishments identified by the City. All food service establishments required under the terms of this program to obtain a GDP shall submit a completed application form for a GDP to the City at the address shown on the form within thirty (30) calendar days of receipt of the form. Each application form shall include the following information:
 1. Name, address, telephone number and location, (if different from the address) of applicant, owner of the premises (if different from the tenant when property is leased) from which fats, oils, and grease are discharged, and the name of a representative duly authorized to act on behalf of the food service establishment.
 2. A description of the activities, facilities, and processes on the premises, including a list of all equipment, raw materials and chemicals used or stored at the facility. Safety Data Sheets (SDSs) of all such chemicals shall be included.
 3. A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors, and appurtenances in the user's premises, if known.
 4. The number of employees, the number and times of shifts, and the hours and days of facility operation.
 5. Copies of recent water bills.

6. Details of all grease interceptor maintenance conducted within the past year.
 7. A signed statement certifying that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this Section, as well as any other applicable Federal, State or local regulations governing the food service establishment.
 8. Any other information determined by the Director to be necessary in order to evaluate the GDP application.
- C. Application procedure: Once a completed application form has been returned to the City, the food service establishment will be inspected prior to the issuance of the GDP. During the pre-permit inspection, the information contained in the application form will be verified and the grease interceptor or grease trap will be inspected. If all information is verified and the grease interceptor or trap is in proper working condition, a GDP will be issued together with a copy of the City's information document entitled "*Fats, Oil and Grease Best Management Practices Manual*".

If the grease interceptor or grease trap requires any maintenance or repairs, or incorrect information has been given, the inspector shall provide a *Notice to Correct* any deficiencies. The Notice shall include a required time schedule for repairs to be effected prior to a second pre-permit inspection. Second pre-permit inspections shall be performed after a minimum of thirty (30) calendar days have elapsed to allow for corrective action by the food service establishment. If the facility is not in compliance at the second pre-permit inspection, charges and fees will be levied.

An application for a permit shall be granted with conditions or denied within sixty (60) days after the date of the last pre-permit inspection in which the applicant's facility is in compliance.

- D. Grease Discharge Permit: The following criteria apply to all GDPs:
1. Each GDP shall be effective for a one-year period and shall have an effective and an expiration date.
 2. The GDP must be posted for public view and a copy of the GDP must be kept in the establishment's records file.
 3. The GDP shall be issued to a specific user for a specific operation. A GDP shall not be transferred or sold to a new owner under any circumstances. A new owner is required to apply for a new GDP.
 4. An application for renewal of the GDP shall be submitted at least sixty (60) days prior to the expiration date of the existing GDP by each applicant wishing to continue to discharge wastewater to the POTW. Failure to submit applications in a timely manner shall be a violation of this Section.
 5. An expired permit will continue to be effective and enforceable until the permit is reissued if a) the permittee has submitted a complete permit application at least thirty (30) days prior to the expiration date of the user's existing permit; and b) the failure to reissue the permit prior to expiration of the previous permit is not due to any act or failure to act on the part of the permittee.

6. The terms and conditions of the GDP are subject to modification by the City during the term of the permit, if limitations or requirements in this program are modified. The permit holder shall be informed of any proposed changes in the issued permit at least sixty (60) days prior to the effective date of the change(s). Any changes or new conditions in the GDP shall include a reasonable schedule for achieving compliance
- E. Entry: Each food service establishment shall allow the Director or his/her designee or other duly authorized employees or agents of the City bearing proper credentials and identifications access at all reasonable times to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of this Section. The refusal of any food service establishment to allow entry to or upon the establishment's premises for purposes of inspection, sampling effluents or inspecting and copying records or performing such other duties as shall be required by this Section shall constitute a violation of this Section. The Director may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge his duties pursuant to this Section.
- F. Inspection: All food service facilities shall be inspected as follows:
1. Pre permit inspections: Pre-permit inspections shall be conducted by City officials as outlined in Section 13-6-16.4(C).
 2. Inspections: The inspector shall inspect food service establishments on both an unscheduled and unannounced basis or on a scheduled basis after a GDP has been issued to verify compliance with the requirements of this Section. The Inspector shall also determine if the practices contained in the "Fats, Oil and Grease Best Management Practices Manual" issued to the establishment have been implemented. All food service establishments with a current GDP shall be inspected. Inspections shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor or grease trap. The inspector shall also inspect the interceptor or trap maintenance logbook and file, other pertinent data, the grease interceptor or grease trap, and may check the level of the interceptor or trap contents and/or take samples as necessary. The Inspector shall record all observations on a Compliance Inspection Checklist. Any deficiencies shall be noted, including but not limited to:
 - a. Failure to properly maintain the grease interceptor or grease trap in accordance with the provisions of the GDP and this Section.
 - b. Failure to report changes in operations or wastewater constituents and characteristics.
 - c. Failure to report pumping activities or keep copies of manifest forms or receipts.
 - d. Failure to maintain logs, files, records, or access for inspection or monitoring activities.
 - e. Failure to obtain or renew the GDP in a timely manner.
 - f. Any other inconsistency with the program that requires correction by the food service facility concerned.
 - g. If any deficiencies are recorded by the Inspector during an inspection, the inspector shall provide the food service establishment a written Notice to Correct within twenty-one (21) calendar days and a tentative date for a re-inspection.
 3. Re-inspections: The Inspector shall re-inspect food service establishments that receive a *Notice to Correct*. The Inspector shall inspect any repairs or other deficiencies and shall note compliance on the Compliance Inspection Checklist. In the event that the food service establishment has returned to compliance with all of the deficiencies, there shall be no charge for the re-inspection. In the event of continuing

non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the food service establishment. A first re-inspection shall be performed after a minimum of twenty-one (21) calendar days have elapsed to allow for corrective action by the food service establishment to be completed.

- G. Monitoring: The City shall have the right to sample and analyze the wastewater from any food service establishment at any time to determine compliance with the requirements of the Sewer Use Regulations. If violations of the oil and grease limit are detected, enforcement action may be initiated and monitoring costs may be billed to the food service establishment.

13-6-16.5 Grace Period

- A. Except as provided herein, for a period of ninety (90) days after the effective date of this Section, although installation of grease interceptors or grease traps will be required, no enforcement actions will be taken under this Section for failure to achieve limits on grease discharges from grease interceptors or grease traps.
- B. If, during this grace period, an obstruction of a City sewer main(s) occurs that causes a sewer overflow to the extent that a hazard to human health or the environment is realized and that such overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the City's sewer main(s), the City will take appropriate enforcement actions, as stipulated in the City's Industrial Pretreatment Program Enforcement Response Plan and Sewer Use Regulations, against the generator or contributor of such grease.

13-6-16.6 Fees

- A. The charges and fees provided for in this Section are separate and distinct from all other fees chargeable by the City. The City shall adopt and periodically review reasonable charges and fees for the recovery of the costs of operating the City's Fats, Oils, and Grease Control Program. These fees and charges shall be adopted by resolution of City Council and are set out in the Schedule of Permit and Licensing Requirements in Appendix B to this Code of Ordinances. These charges and fees may include:
1. Fees for a Grease Discharge Permit application including the cost of processing such applications.
 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing a food service establishment's wastewater discharge and reviewing monitoring reports.
 3. Fees and charges for reviewing construction and responding to accidental discharge.
 4. Fees for filing and review of appeals.
 5. Other charges and fees as the City may deem necessary to carry out the requirements contained herein.

13-6-17.0 SEPARATE STORM SEWERS AND WATERCOURSES

13-6-17.1 Control of Pollutant Discharges to Separate Storm Sewers and Watercourses. Discharges to the City's separate storm sewers enter waters of the State directly or after conveyance through the City's system and are or may be subject to NPDES permit regulations. All users shall comply with the provisions of this Section to ensure that discharges from the City's separate storm sewers do not violate conditions of any of City NPDES permits, now or later adopted, or of any NPDES permit regulations, including stormwater discharge regulations, or cause any violations of State or Federal water quality standards.

13-6-17.2 Prohibited Discharges to Separate Storm Sewers and Watercourses.

- A. No person shall discharge any wastewater treatment plant effluent, cooling water, stormwater or unpolluted water into any separate storm sewer or watercourse unless such discharge is authorized by an NPDES permit or is exempt from NPDES permit regulations and is not otherwise prohibited by this Ordinance.
- B. No person shall discharge or cause to be discharged into any separate storm sewer any stormwater associated with industrial activity as defined in 40 CFR 122.26(b) unless the discharge is in compliance with all applicable provisions of the NPDES stormwater regulations in 40 CFR 122.26 and any applicable State regulations and is in compliance with the terms and conditions of any system-wide stormwater discharge permit issued to the City pursuant to those regulations.
- C. No person shall place or deposit into any outfall, drainage facility, storm sewer or watercourse within the City any pollutant of concern. A pollutant of concern may include, but is not limited to paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. The following discharges are exempt from discharge prohibitions established by this Ordinance:
 - 1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
 - 2. Discharges specified in writing by the control authority as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to the control authority prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Iowa Department of Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

10.6.17.3 Flow Obstruction Prohibited.

- A. No person shall place any dam or other flow restricting structure or device in any drainage facility or watercourse without first having obtained approval from the Director.
- B. No person shall place or deposit into any outfall, drainage facility, storm sewer or watercourse within the City any garbage, trash, yard waste, soil, rock or similar material, or any other substance which obstructs flow in the system or damages the system or interferes with the proper operation of the system or which constitutes a nuisance or a hazard to the public. In the event that such an obstruction occurs, the Director may cause such obstruction to be removed or cause such damage to be repaired and to recover applicable costs pursuant to the provisions of Section 13-6-12.4 of this Ordinance.

13-6-17.4 Prohibition of Illicit Connections.

- A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

TITLE 14

FRANCHISES AND OTHER SERVICES

SUBJECT

CHAPTER

Gas Franchise

1

Cable Television Systems

2

TITLE 14 - FRANCHISES AND OTHER SERVICES
CHAPTER 1 – GAS FRANCHISE

SECTIONS:

14-1-1 Granting of Franchise

14-1-2 Non-Exclusive

14-1-1 Franchise Granted. INTERSTATE POWER & LIGHT COMPANY (hereinafter called the "Company"), its successors and assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years¹ from and after the adoption and approval of the ordinance codified by this Chapter, as provided by law, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City of Muscatine, Muscatine County, Iowa as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

14-1-2 Non-exclusive. The franchise granted by this Ordinance shall not be exclusive.

¹ Ordinance No. 91191-0410, adopting a natural gas franchise for the City, was passed and adopted on the 15th day of April, 2010.

TITLE 14 - FRANCHISES AND OTHER SERVICES
CHAPTER 2 – CABLE TELEVISION SYSTEMS

14-2-1 Board of Trustee. The management of the City's Cable Telecommunications Utility is the responsibility of the Utility Water, Electric, and Communications Board of Trustees established and operated as described in Title 2, Chapter 8 of this Code of Ordinances.

TITLE 15
FIRE REGULATIONS

<u>SUBJECT</u>	<u>CHAPTER</u>
Fire Department	1
Fire Prevention Codes	2
Fire Inspections	3
Explosives	4
Open Burning	5
Smoke Detectors	6
Private Hydrants	7

**TITLE 15 – FIRE REGULATIONS
CHAPTER 1 - FIRE DEPARTMENT**

SECTIONS:

15-1-1 Establishment and Purpose

15-1-2 Organization

15-1-3 Duties

15-1-4 Departmental Authority

15-1-5 False Information

15-1-6 Outside City Limits

15-1-7 Priorities

15-1-8 Fire in Public Places; Notice

15-1-9 Required Training

15-1-1 Establishment and Purpose. A Fire and Rescue Department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, to answer all emergency calls for which there is no other established agency, and to provide emergency rescue and ambulance service resulting from fire, accident or illness; and to undertake all other duties imposed upon said Fire and Rescue Department either by the Council or the laws of the State.

(Code of Iowa, Sec. 364.16).

15-1-2 Organization. The Department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

(Code of Iowa, Sec. 372.13[4])

15-1-3 Duties.

- A. The Fire Chief, or other authorized officer of the Fire Department, shall perform all duties required by law or ordinance, including but not limited to the following:

(Code of Iowa, Sec. 372.13[4])

1. Command. The Chief of the Fire Department shall be the executive head of the Fire Department and shall be charged with the duty of maintaining the efficiency, discipline, and control of the Fire Department. The members of the Fire Department shall, at all times be subject to the direction of the Fire Chief.
2. Investigation. The Chief of the Fire Department or the Chief's designee shall investigate into the cause, origin and circumstances of every fire occurring in the City by which property has been destroyed or damaged or which results in bodily injury to a person, and determine whether the fire was the result of natural causes, negligence or design.

(Code of Iowa, Section 100.2)

3. Notification. When death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, the fire official required by Section 100.2 of the Code of Iowa to make fire investigations, shall notify the state fire marshal's division

immediately. For all other fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the fire service, the fire official required by Section 100.2 to investigate shall file a report with the fire marshal's division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring which have an estimated damage of fifty dollars (\$50.00) or more and state for each incident the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, the origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incident. The report on each emergency response shall include the nature of the incident and other facts, statistics and circumstances concerning the emergency response.

(Code of Iowa, Section 100.3)

4. Duty to Order Corrections. The Fire Chief or an authorized subordinate who conducts an inspection under Section 100.12 of the Code of Iowa shall order the correction of a condition found to be in violation of any state, county or City fire safety ordinance.

(Code of Iowa, Section 100.12)

5. Duty at Fires. No member of the Fire Department shall resign at the time of an emergency or shall willfully fail or neglect to discharge his/her duty at such time.
6. Maintenance of Records. The Fire Chief shall keep a record of all emergency calls and all the facts concerning the same, including statistics, as to the circumstances surrounding such emergencies and the injuries or damage caused thereby.
7. Maintenance and Control of Property. The Fire Chief shall have exclusive supervision and control of engines, machinery, or apparatus used by the Fire Department. It shall be the duty of the Fire Chief to make inspections as often as deemed necessary, to carefully examine the condition of all such property, including buildings, and see that the same is at all times in good repair and condition, and to report to the City Administrator any major defect in the same, or any major repairs, attention, alterations, or additions required, and shall, with the consent of the Mayor and Council, cause all such major repairs to be made without delay.

15-1-4 Departmental Authority.

The Fire Chief or other authorized officer of the Fire Department shall have all authority granted by law or ordinance, including but not limited to the following:

(Code of Iowa, Sec. 372.13[4])

- A. Enforce Laws. The Fire Chief or other authorized officer of the Fire Department may enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
- B. Technical Assistance. The Fire Chief is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety specialty organization

acceptable to the Fire Chief and the owner and shall analyze the fire-safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes.

- C. Authority at Fires. The Fire Chief or other authorized officer of the Fire Department in charge of a fire scene which involves the protection of life or property, may direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action as deemed necessary in the reasonable performance of the Department's duties.

(Code of Iowa, Section 102.2)

- D. Control of Fire Scene. The Fire Chief or other authorized officer of the Fire Department in charge of a fire scene which involves the protection of life or property, may prohibit an individual, vehicle, or vessel from approaching a fire scene and may remove from the scene any object, vehicle, vessel, or individual that may impede or interfere with the operations of the Fire Department.

(Code of Iowa, Section 102.2)

- E. Barricade. The Fire Chief or other authorized officer of the Fire Department may place or erect ropes, guards, barricades, or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Section 102.3)

- F. Demolition of Buildings. The Fire Chief or designated Officer in Charge shall have the power to tear down, demolish, destroy, or otherwise remove any building or erection of any kind or to order the same to be done whenever, in his/her opinion and judgment, it is necessary to do so in order to arrest the progress of or to extinguish any conflagration.

- G. Control of Evidence. If any fire results in loss or injury to life or destruction or damage to property and appears of suspicious origin, the Fire Department is authorized to take immediate charge of all physical evidence relating to the cause of the fire.

- H. Investigation of Release of Hazardous Material. The Chief, Officer in Charge, or designated representative is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials.

- I. Authority to Inspect. The Fire Chief or an authorized subordinate who is trained in fire prevention safety standards may enter a building or premises at a reasonable hour to examine the building or premises and its contents.

(Code of Iowa, Section 100.12)

- J. Fire Prevention Rules. The Chief, with the approval of the City Administrator, is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of all local fire prevention laws and ordinances.

15-1-5 False Information. No person shall, without reasonable cause therefore, for the purpose of either misleading or deceiving, give any alarm of fire, or give or circulate false information as to the location of any bomb, explosive, or other hazardous device or dangerous instrument upon the premises of any building or property or permit said false alarm or information to be given verbally or through any alarm or communication system.

15-1-6 Outside City Limits. The fire fighting equipment owned by the City shall not leave the Corporate Limits of the City except under the following conditions:

- A. In response to calls where specified fire or Haz Mat (Hazardous Materials) agreements have been approved by the City Council.
- B. In response to a call for properties owned by the City outside the City limits.
- C. In case of emergencies other than buildings, Fire Department trucks and equipment may respond if deemed advisable by the Fire Chief, or his/her designated representative; provided, however, that there is no present demand from within the City.
- D. Where mutual-aid auto-aid agreements exist with other governmental units, a City truck may respond to that call; provided, however, that there is no present demand from within the City and the response will not substantially reduce the availability of the equipment and manpower needed for adequate protection within City limits.
- E. In response to calls from Lock and Dam No. 16.
- F. For special events or activities as may be approved by the City Administrator and City Council.

(Code of Iowa, Sec. 364.4 [2 & 3])

15-1-7 Priorities. For the purpose of clarification, the priority of calls shall be as follows:

- A. Calls within the Corporate Limits of the City.
- B. Calls listed in Subsections (A) through (G) of Section 15-1-6 of this Chapter, as prioritized by the Fire Chief.

15-1-8 Fire in Public Places; Notice.

- A. No person, by smoking or attempting to light or to smoke cigarettes, cigars, pipes, or tobacco in any manner, in which lighters or matches are employed, shall in a careless, reckless, or negligent manner whatsoever, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, or any household fittings in any sleeping room, lodging house, or room of any hotel, rooming house, or other place of public abode, so as to endanger life or property in any way or to any extent.

- B. In each sleeping room of all hotels, rooming houses, lodging houses, and other places of public abode, a plainly printed notice shall be posted in a conspicuous place advising tenants of the provisions of this Section.

15-1-9 Required Training. All members of the Fire Department shall have completed the training required by law prior to engaging in structural fire fighting. Any member of the Fire Department who serves in a capacity other than structural fire fighting at an emergency incident shall have received training based on the duties the member might perform at an emergency incident as required by law. All members of the Fire Department shall also meet the minimum annual in-service training as required by law.

(IAC, 661-251.101(100B), 661-251.102(100B), and 661-251.10(100B))

**TITLE 15 – FIRE REGULATIONS
CHAPTER 2 – FIRE PREVENTION CODES**

SECTIONS:

- 15-2-1 Adoption of Fire Prevention Codes
- 15-2-2 Establishment and Duties of Bureau of Fire Prevention
- 15-2-3 Definitions
- 15-2-4 Amendments Made in the International Fire Code
- 15-2-5 Appeals
- 15-2-6 Penalties
- 15-2-7 Hazardous Materials

15-2-1 Adoption of Fire Prevention Codes. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Fire Code”, 2015 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Fire Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said Code is on file in the office of the City Clerk.

15-2-2 Enforcement. The fire prevention codes adopted by the City Council shall be enforced by the Fire Chief or the Fire Chief’s designated representative in the Fire Department of the City of Muscatine, Iowa.

15-2-3 Definitions. Wherever the word “jurisdiction” is used in any of the fire prevention codes, it is the City of Muscatine, and all properties outside the corporate City limits which are owned by, or have signed contracts for the provision of Fire Department Services with, the City of Muscatine.

15-2-4 Amendments Made to the International Fire Code. The International Fire Code is amended and changed in the following respects:

- A. Delete Section 5601.1.3 (fireworks)
- B. Delete Section 5602.1 definition of fireworks Delete Section 307 in its entirety (open burning) Delete Section 401 in its entirety (false reporting)

15-2-5 Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of a provision of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within 30 days from the date of the decision.

15-2-6 Penalties.

- A. No person shall violate any of the provisions of this Code or standards hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or shall operate or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or shall fail to comply with such an order of the Fire Chief as affirmed by the City Council or by a court of competent jurisdiction, within the time fixed therein, or shall severally for each and every such violation and noncompliance, respectively, be guilty, and subject to penalties as provided in Title 1 of this Code of Ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

15-2-7 Hazardous Materials.

- A. Definitions of terms pertaining to the prevention, control and mitigation of dangerous conditions related to the storage, dispensing, use, handling, and transportation of hazardous materials shall be as defined in Chapter 50, Section 5001.2.2.1 and 5001.2.2.2 of the International Fire Code, as adopted in Section 1 of this Chapter.
- B. The person, firm, or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the Fire Chief, cleanup may be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.
- C. Costs associated with the response of the City of Muscatine to any unauthorized discharge shall be borne by the owner, operator or other person responsible for the unauthorized discharge.
- D. In the absence of an assignment of responsibility for costs to an owner, operator or other responsible person, the costs associated with cleanup or response shall be borne by the owner of the hazardous material.

**TITLE 15 – FIRE REGULATIONS
CHAPTER 3 – FIRE INSPECTIONS**

SECTIONS:

- 15-3-1 Inspections
- 15-3-2 Fees
- 15-3-3 Notice of Violation
- 15-3-4 Nationally Recognized Standards
- 15-3-5 Alternate Materials and Methods
- 15-3-6 Technical Assistance
- 15-3-7 Liability
- 15-3-8 Knox Box; Requirements, Definition, and Costs
- 15-3-9 Validity

15-3-1 Inspections. The Fire Department shall inspect, as often as the Fire Chief deems necessary, buildings and premises, including such other hazards or appliances as the Fire Chief may designate for the purpose of ascertaining and causing to be corrected any conditions or violations of provisions of this Code or of any other law or standard affecting fire safety.

15-3-2 Fees. The inspection fees shall be in the amount as set by resolution of City Council and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. Fees shall be remitted to the City of Muscatine Fire Department no later than 30 days following the date of inspection. Failure to pay the inspection fee within 30 days of the inspection shall be deemed a violation of this Code of Ordinances and is punishable as provided in 15-3-3.

15-3-3 Notice of Violation. When the Fire Chief finds that inspection fees have not been paid within 30 days of the inspection, the Fire Chief is authorized to prepare a written notice of violation describing the facts constituting violation of this Chapter. If a recipient of a notice of violation does not pay the inspection by the due date set out in such notice, or request a trial before a judge or magistrate, a municipal infraction citation will be issued to the recipient by certified mail from the Fire Department. Said municipal infraction citation will result in a mandatory court appearance by the recipient as well as imposition of state mandated court costs if a finding of guilty is made by the court.

15-3-4 Nationally Recognized Standards. Where no applicable standards or requirements are set forth or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Fire Chief shall be deemed as prima facie evidence of compliance with the intent of this Ordinance. Nothing contained in this Title shall derogate from the power of the Fire Chief to determine compliance with codes or standards for those activities or installations within the Fire Chief's jurisdiction or responsibility.

15-3-5 Alternate Materials and Methods.

- A. **Practical Difficulties.** The Fire Chief is authorized to modify any of the provisions of local fire prevention laws and ordinances upon application in writing by the owner, a lessee or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of said law or ordinance, provided that the spirit of the law or ordinance shall be complied with, public safety secured and substantial justice done. The particulars of such modification and the decision of the Fire Chief shall be entered

upon the records of the department and a signed copy shall be furnished to the applicant.

- B. Alternate Materials. The Fire Chief, with the concurrence of the Building Official, is authorized to approve alternate materials or methods, provided that the Fire Chief finds that the proposed design, use or operation satisfactorily complies with the intent of the local law or ordinance and that the material, method of work performed or operation is, for the purpose intended, at least equivalent to that prescribed in quality, strength, effectiveness, fire resistance, durability and safety. Approvals under the authority herein contained shall be subject to the approval of the Building Official whenever the alternate material or method involves matters regulated by the Building Code.
- C. Proof of Compliance. The Fire Chief is authorized to require tests as proof of compliance with the intent of this Code. Such tests shall be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

15-3-6 Technical Assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the Department, the Fire Chief is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory, or fire-safety specialty organization acceptable to the Fire Chief and the owner and shall analyze the fire-safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes.

15-3-7 Liability. The Fire Chief and other individuals charged by the Fire Chief with the control or extinguishments of any fire, the enforcement of this Chapter, any fire prevention law or ordinance, or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Fire Chief or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Chapter or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Chapter or any permits or certificates issued.

15-3-8 Knox Box; Requirements, Definition, and Costs.

- A. Knox Box Required. A Knox Box must be installed in commercial or industrial buildings which have fire detection, fire alarm, or fire suppression systems and are not occupied 24 hours a day 7 days week when access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life saving

or firefighting purposes or as required by the Fire Chief or his designee. A Knox Box is also required for residential property consisting of six (6) or more residential dwelling units.

- B. Definition. A Knox Box is a key box placed on the exterior of a commercial or industrial building for rapid entry use by fire department personnel.
- C. Costs. The cost of purchase and installation of each Knox Box shall be paid by the building owner.

15-3-9 Validity. If any provision of any chapter of this Title or the application thereof to any person or circumstance is held invalid, the remainder of City Code and the application of such provision to other persons or circumstances shall not be affected hereby.

**TITLE 15 – FIRE REGULATIONS
CHAPTER 4 - EXPLOSIVES**

SECTIONS:

15-4-1 Explosives

15-4-2 Storage Requirements, Explosive Gunpowder

15-4-3 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited

15-4-1 Explosives. Retail sales, storage, handling, and display of sporting gunpowders, primers, percussion caps and ammunition shall be in accordance with the provisions of the International Fire Code, Article 56. A permit from the Fire Department is required for storage, handling, display and sales of such explosives.

15-4-2 Storage Requirements, Explosive Gunpowders. Other than as provided for Retail Sales in Section 15-4-1, no person shall be permitted to keep more than twenty-five (25) pounds of gunpowder or five (5) pounds of black powder in any building. Powder shall be kept in closed kegs or metallic canisters in a place secure from fire, and where it can easily and safely be removed in case of fire. Nothing in this Section shall be so construed as to prevent persons from keeping powder in smaller quantities for common hunting purposes, or the legal transportation thereof, as permitted by State or Federal authorities.

15-4-3 Establishments of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the corporate City limits of the City of Muscatine, except as specifically allowed by the Fire Chief, such as, but not limited to, what is permitted in 6-3-2, Fireworks Defined. The City Council shall have power to adopt reasonable rules and regulations for granting of permits for use of explosives.

**TITLE 15 – FIRE REGULATIONS
CHAPTER 5 – OPEN BURNING**

SECTIONS:

15-5-1 No Open Burning; Permit Required

15-5-2 Open Burning Permit Purposes

15-5-3 Permit Fees

15-5-4 Hours Open Burning Permitted

15-5-5 Open Burning Restrictions

15-5-1 No Open Burning; Permit Required. There will be no open burning within the corporate City Limits without a permit having been issued by a representative of the Fire Department or by special exception of City Council. Non-permitted burning may be allowed in disaster situations as declared by the Fire Chief or Mayor. Disaster burning will require notification of the Fire Department and may include an onsite review prior to burning.

15-5-2 Open Burning Permit Purposes. Permits for open burning may be issued for the following purposes:

- A. Bon fires by organizations such as the Muscatine High School, Boy Scouts, Girl Scouts, churches, etc., with the purpose of these bon fires being directed towards raising school spirit, ceremonial events and so on.
- B. Wiener roasts or cooking fires, which would be limited to the actual purpose of cooking food and not for the intent of burning large quantities of brush or other combustible material.
- C. Burning of actual prairie grass fields.
- D. Individuals who have property of one acre or more be issued permits to burn landscape waste, which commonly consists of leaves, organic matter, brush and trees gathered from that property. Building materials shall not be burned under this permit. Prior to the permit being issued, the Fire Department representative will attempt to insure the fire poses no problem with relation to smoke obscuring roadways, creating a nuisance or of the fire spreading beyond the control of the responsible individual. Such burning shall be done in piles that are easily controlled and extinguishable. Large piles cannot be used for open burning purposes.
- E. Fire Department training activities including fires in structures and small fires started for fire extinguisher classes. Verbal approval of the burn may be obtained in lieu of a written permit for this purpose only. Any training fire that involves the destruction of a structure shall be in accordance to Iowa Code Chapter 23, and all required paperwork and forms will be completed and submitted prior to such a burn.
- F. Outdoor fireplaces, including fire pits, fire rings, chimneys, and permanent outdoor campfire like structures. Liquefied petroleum gas fueled decorative devices are exempt from the permit requirement.
- G. Commercial burning of organic materials gathered on site, for clearing, grubbing and construction operations. Any such burning shall be limited to areas located at least one-fourth of a mile from any building inhabited by other than the landowner or tenant

conducting the burning. The controlled burning of any demolished building shall be in accordance with Iowa Code 23.2(3)j.

15-5-3 Permit Fees. The fee for the issuance of a permit under this Chapter shall be set by resolution of the City Council and is listed in the Schedule of Permit and Other Licensing Requirements in Appendix B of this Code of Ordinances.

15-5-4 Hours Open Burning Permitted. Open burning, when permitted by Section 15-5-2(D), shall be done only between the hours of 7:00 a.m. and 9:00 p.m. on the days stipulated on the permit. Fires shall not be allowed to burn or smolder outside that time period. Permits issued in accordance to 15-5-2(F) allow for burning of materials between the hours of 7:00 a.m. and 12:00 midnight on the days stipulated on the permit.

15-5-5 Open Burning Restrictions.

- A. Open burning permitted by 15-5-2(D) shall not be conducted within 50 feet (50') of any structure or other combustible material. Conditions which could cause the fire to spread to within 50 feet (50') of a structure shall be eliminated prior to ignition.
- B. Permits issued in accordance with 15-5-2(F) shall not be conducted within 10 feet (10') of any structure or other combustible material. Conditions which could cause the fire to spread to within 10 feet (10') of a structure shall be eliminated prior to ignition.
- C. A hose connected to an adequate water supply or other approved fire-extinguishing equipment shall be readily available for use at open burning sites.
- D. Burning material shall be constantly attended by a person knowledgeable of the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished. Supervision means the burning is within eyesight of the knowledgeable person. It is not permissible for a fire to be supervised from within a structure.
- E. Open burning permitted by 15-5-2(D) may be for approved purposes to burn leaves, organic matter, brush, and trees gathered from that property but not for building construction materials, trash, decomposing organic material (including composting material), or other refuse.
- F. Outdoor fireplaces will burn only natural wood or charcoal – no construction materials (including dimensional lumber), trash, leaves, grass, or other organic materials are allowed to be burned.
- G. The Fire Chief or designee is authorized to require that permitted burning be immediately discontinued if they determine that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined to constitute a hazardous condition.
- H. Open burning on any street or alley within the City is prohibited.
- I. All permits will be on file with the dispatch agency, Muscatine Joint Communications (MUSCOM). Permit holders, under 15-5-2(D), shall call MUSCOM and report that they are burning prior to beginning such activity.

- J. Failure to adhere to all rules may result in revocation of permits and denial of future permits for open burning or outdoor fireplace, and/or a municipal citation.
- K. The burning of residential waste is not allowed, including the burning of residential waste in an outdoor fireplace. At no time are tires allowed to be burned.
- L. All open burning must meet applicable State and Federal codes and regulations, as applicable.

**TITLE 15 – FIRE REGULATIONS
CHAPTER 6 – SMOKE DETECTORS**

SECTIONS:

15-6-1 Detectors Required

15-6-2 General Requirements

15-6-3 Non-compliance

15-6-1 Detectors Required. All residential buildings shall be equipped with operating smoke detectors.

15-6-2 General requirements. Smoke detectors used to meet the requirements of this Chapter shall meet or exceed the requirements of Iowa Code 661-210.3(100).

15-6-3 Non-compliance. Any violation of this Chapter shall be considered a simple misdemeanor or municipal infraction as provided for in Title 1 of this Code.

**TITLE 15 – FIRE REGULATIONS
CHAPTER 7 – PRIVATE HYDRANTS**

SECTIONS:

- 15-7-1 Purpose
- 15-7-2 Inspections
- 15-7-3 Winterization
- 15-7-4 Penalty Provision

15-7-1 Purpose. It is hereby determined and declared to be necessary and proper for the regulation of the public health, safety and welfare to regulate the maintenance of those fire hydrants on private property which are connected to water lines that are connected to the City of Muscatine water lines.

15-7-2 Inspections. The City of Muscatine through its utility, water, and fire departments may inspect each fire hydrant annually, to determine if it is in proper working condition. Any qualified employee of the Department shall at all reasonable hours have the right to enter the premises where such hydrants are installed for the purpose of testing, removing, or inspection the same. No person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his or her duties in relation to the care and maintenance of such fire hydrants. If the hydrant needs repair, the City of Muscatine will notify the owner of the property in writing by certified mail requesting that the hydrant be fixed within ten (10) days of receipt of the letter. If the hydrant is not repaired within ten (10) days, the City of Muscatine will fix the hydrant and bill the owner of the property for the cost of the labor and materials necessary to put the hydrant back in proper working condition.

15-7-3 Winterization. The owner of the property that has fire hydrants that require winterization shall perform maintenance during the month of October. The property owner may do this themselves or hire it done by a reputable firm knowledgeable in the winterizing of fire hydrants.

15-7-4 Penalty Provision. The violation of any provision of this Ordinance shall be deemed a municipal infraction and deemed to be a nuisance. Each and every day during which any section hereof is violated shall be deemed a separate offence. At the request of the Fire Chief, the City may institute an injunction, mandamus, abatement, or other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove an unlawful violation of this Ordinance. The rights and remedies herein are cumulative and in addition to all other remedies prescribed by law.

APPENDIX A
Schedule of Penalties

I. Municipal Infractions

A. Standard Civil Penalties:

1. First Offense: Not to exceed \$500
2. Each Repeat Offense: Not to exceed \$750

B. Special Civil Penalties:

1. 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.
2. 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:
 - i. 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.
 - ii. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - iii. The violation does not continue in existence for more than eight (8) hours.

C. Specified Civil Penalties:

Code Section No.	Offense	First Offense	Repeat Offenses
5-3-9	Sale of Tobacco to Minors, penalties as provided in Iowa Code 453A.22	\$300 + 14 day suspension of permit	2 nd : \$1,500 + 30 day suspension 3 rd : \$1,500 + 30 day suspension 4 th : \$1,500 + 60 day suspension 5 th : Revocation.
5-2-5 [P] and 5-2-12	Amateur fighting and boxing	\$750	\$1,000
5-2-6	Amateur fighting and boxing	\$750	\$1,000
5-10	Violation of Peddlers, Solicitors, and Transient Merchant Ordinance	Not to Exceed \$100	Not to Exceed \$100
5-11-3[C] and 5-11-5	Residential sales - signs placed on public way	\$10	Second: \$25 Third and Subsequent: Not more than \$50 not less than \$75

Code Section No.	Offense	First Offense	Repeat Offenses
6-2-32	More than 4 False Alarms in 12 month period	5 False Alarms: \$50	6-8 False Alarms \$100 9 and more: Suspension of Alarm permit
6-2-32	Violation of Alarm Ordinance Generally	\$100	\$200
6-6	Parental Responsibility Violation	\$50	Second: \$100 Third and Subsequent: \$200
6-9	Failure to Comply with Pit Bull Requirements	\$300	\$300
13-6-10.6	Administrative fine; Failure to Comply with Sewer Use Regulations	Not to Exceed \$1,000	Not to Exceed \$1,000
13-6-11.2	Failure to Comply with Sewer Use Regulations	Not to Exceed \$1,000	Not to Exceed \$1,000

II. Notice of Fine/Violation

Code Section No.	Offense	First Offense	Repeat Offenses
7-1 et seq.	Parking violations generally.	\$10 first 20 citations	\$25 after 20 citations have been issued.
	Over time parking and expired meter violations.	\$10 first 20 citations. If not paid within 30 days, \$5 increase.	\$25 after 20 citations have been issued. If not paid within 30 days, \$5 increase.
	Snow emergency parking violations.	\$35. If not paid within 30 days, \$5 increase.	\$35. If not paid within 30 days, \$5 increase.
	Junk or Obsolete violations.	\$20. If not paid within 30 days, \$5 increase.	\$20. If not paid within 30 days, \$5 increase.
	Improper use of a persons with disabilities parking permit	\$200	\$200

Code Section No.	Offense	First Offense	Repeat Offenses
7-5	ATE: Over speed limit 1 through 10 mph	\$0	Same as first offense
	ATE: Over speed limit 11 through 20 mph	\$75, \$35 late fee if not paid within 30 days	Same as first offense
	ATE: Over speed limit 21 through 25 mph	\$100, \$35 late fee if not paid within 30 days	Same as first offense
	ATE: Over speed limit 26 through 30 mph	\$250, \$35 late fee if not paid within 30 days	Same as first offense
	ATE: Over speed limit more than 30 mph	\$350, \$35 late fee if not paid within 30 days	Same as first offense
7-12-3	Storing Vehicles on City Streets	\$10	Same as first offense
7-12-6	Junked Vehicles	\$20	Same as first offense

III. Simple Misdemeanor

A. Standard Penalty:

A person convicted of a simple misdemeanor under this Code of Ordinances shall be subject to a fine of no less than \$65.00 and no more than \$625.00. The court may also order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.

B. Specified Penalties:

CODE SECTION NO.	OFFENSE	FIRST OFFENSE	REPEAT OFFENSES
3-8	Failure to Comply with Levees Ordinance	\$100	\$100
3-9-2	Failure to Comply with Notice to Trim	\$100	\$100
5-2-8 [c]	Violation of Persons Under legal age punishable as provided in Iowa Code Section 123.47.	Not to Exceed \$100	Not to Exceed \$100
5-10	Violation of Peddlers, Solicitors, and Transient Merchant Ordinance	Not to Exceed \$100	Not to Exceed \$100

Code Section No.	Offense	First Offense	Repeat Offenses
5-15-7	Failure to License; salvage or junk yard or refuse or garbage collector	Not to Exceed \$100	Not to Exceed \$100
6-3	Violations of Chapter 6.3 are punishable as provided in Iowa Code Section, 903.1(a)		
6-5	Violations of Chapter 6-5 are punishable as provided in Iowa Code Section, 903.1(a).		
6-8	Failure to Comply with Animal Regulations	\$65	\$100, unless animal is altered within 30 days, then \$35 shall be waived.
6-11	Violations of Noise Regulations	Not to Exceed \$100	Not to Exceed \$100
Title 7.1 et seq.	All State of Iowa Traffic Violations that are incorporated by reference in the City Code shall be prosecuted as criminal offenses and all State Code scheduled fines shall apply		
Title 7.1 et seq.	Speed regulations shall be prosecuted as simple misdemeanors with scheduled fines adopted from State Code		
7-11	Violation of Load and Weight Restrictions	\$65	Second: \$75 Third and subsequent: \$100
13.6.11.3[A]	Willful or negligent violation of Sewer Use Regulations	Not to Exceed \$100	Not more than \$100
13.6.11.3[B]	Willful or negligent Introduction of substance into POTW	No less than \$100	Not more than \$100
13.6.11.3[C]	False Statements or representation	Not More than \$100	Not more than \$100

Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Sidewalk (P)	3-1-2	Community Development	\$ 20.00						General Liability; \$100,000 Bodily Injury & Property Damage - Each Occurrence; \$100,000 Personal Injury & Advertising Injury Per Occurrence; \$200,000 General Aggregate on above \$200,000 Products & Completed Operations General Aggregate
Commercial Use of City Property in Commercial Zone (P)	3-1-5	Finance/Clerk	Application required						Dependent on scope of event
Outdoor Restaurant Seating (L) - On Streets	3-1-6	Community Development					\$ 20.00		General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 - Work Comp Benefits - Statutory Part 2 Employers Liability Limits: \$100,000 Bodily Injury Each Accident; \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury by Disease Each Employee Dram Shop Liability - if applicable \$1,000,000 Each Common Cause Limit
Outdoor Restaurant Seating (L) - On Sidewalks	3-1-6	Community Development					\$ 20.00		Same requirements as above for City Streets; lower limits may be considered for outdoor seating on City sidewalks.

**Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)**

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Excavation (P)	3-2-2	Community Development	\$ 20.00					\$5,000	General Liability; \$100,000 Bodily Injury & Property Damage - Each Occurrence; \$100,000 Personal Injury & Advertising Injury Per Occurrence; \$200,000 General Aggregate on above \$200,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident
Parade (P)	3-3-3	Finance/Clerk	\$30.00 (Non-Profit Exempt from Fee)						General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate
Public Assemblies (P)	3-3-3	Finance/Clerk	Application required						
Public Demonstration/Picketing (P)	3-4-2	Finance/Clerk	Application required						
Amusements in Parks (P)	3-5-5	Parks	Application required					Bond, if any, dependent on scope of event	
Assemblies in Parks (P)	3-5-6	Parks	Application required					Bond, if any, dependent on scope of event	

**Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)**

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Use of Levees (P)	3-8-1	Community Development	Application required; fee dependent on use						
Tree Removal Business (L)	3-9-5	Finance/Clerk					\$ 75.00	\$5,000	General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident
Street Tree Removal, Existing (P)	3-9-8	Parks	Application required						
Street Tree Planting, New (P)	3-9-9	Parks	Application required						
Liquor/Wine/Beer Permits and Licenses	5-2-1	Finance/Clerk	Per State Code						
Dancing (L)	5-2-10 (B)	Finance/Clerk					\$50.00 per calendar year		
Cigarette Permit (P)	5-3-2	Finance/Clerk	Per State Code						
Tobacco Permit (P)	5-3-2	Finance/Clerk	Per State Code						
Amusement Licenses:									
Roller Skating Rink (L)	5-4-2	Finance/Clerk					\$ 125.00		
Shooting Gallery (L)	5-4-2	Finance/Clerk					\$ 125.00		
Theatre (L)	5-4-2	Finance/Clerk					\$ 125.00		

**Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)**

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Pinball Machines/Video Games (L)	5-4-2	Finance/Clerk					\$30.00 each device		
Juke Boxes (L)	5-4-2	Finance/Clerk					\$30.00 each device		
Billiards/Pocket Billiards	5-5-1	Finance/Clerk					\$25.00 each table		
Bowling Alley (L)	5-5-1	Finance/Clerk					\$15.00 per lane		
Outdoor Commercial Entertainment (P)	5-6-1	Finance/Clerk					\$ 20.00		
Bill Posting (P)	5-7-2	Finance/Clerk		\$ 5.00	\$ 10.00	\$ 25.00	\$ 100.00		
Circus (L)	5-8-2	Finance/Clerk	\$250.00 (non-profit sponsor \$125)					\$ 5,000	General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident

**Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)**

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Carnival (L)	5-8-4	Finance/Clerk	\$250.00 (non-profit sponsor \$125)					\$ 5,000	General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident
Pawnbroker (L)	5-9-1	Finance/Clerk					\$ 100.00	\$ 5,000	
Peddler (L)	5-10-2	Finance/Clerk		\$ 25.00	\$ 50.00	\$ 100.00	\$ 250.00	\$ 5,000	Insurance requirements if on public property General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident

**Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)**

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Solicitor (L)	5-10-2	Finance/Clerk	\$15.00 (non-profit exempt)					\$ 5,000	Insurance requirements if on public property General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident
Transient Merchant (L)	5-10-2	Finance/Clerk		\$ 25.00	\$ 50.00	\$ 100.00	\$ 250.00	\$ 5,000	Insurance requirement if on public property General Liability; \$1,000,000 Bodily Injury & Property Damage - Each Occurrence; \$1,000,000 Personal Injury & Advertising Injury Per Occurrence; \$2,000,000 General Aggregate on above \$2,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident

**Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)**

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Massage Business (L)	5-13-4	Finance/Clerk					\$100.00 (3 rooms or less); \$150.00 (more than 3 rooms)		
Massage Technician (L)	5-13-6	Finance/Clerk					\$ 25.00		
Taxicab (L)	5-14-3	Finance/Clerk					\$50.00 per vehicle	\$ 5,000	General Liability; \$500,000 Bodily Injury & Property Damage - Each Occurrence; \$500,000 Personal Injury & Advertising Injury Per Occurrence; \$1,000,000 General Aggregate on above \$1,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident
Salvage, Junk Dealers, and Refuse Haulers/Collection Vehicles (L)	5-15-3 and 5-15-5	Finance/Clerk					\$100.00 (business) plus \$25.00/truck		
Ambulance (L)	5-16-2	Finance/Clerk					\$ 250.00		Automobile Liability - owned, non-owned hired Vehicles 3,000,000 CSL - limit can be met with an umbrella or excess policy EMT Professional Liability 1,000,000 Per Occurrence/2,000,000 Aggregate Workers Compensation - part 1 Statutory Benefits Part 2 - Employers Liability Limit 100,000 Bodily Injury Each Disease/300,000 Bodily Injury Policy Limit/100,000 Bodily Injury Each Employee

**Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)**

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Alarm Business (L)	6-2-5	Police					\$ 100.00		
Alarm Agent (L)	6-2-6	Police	\$25.00; one-time fee						
Alarm System (P)	6-2-7	Police	\$25.00; one-time fee						
Central Station System (L)	6-2-8	Police					\$ 100.00		
Modified Central Station (L)	6-2-9	Police					\$ 100.00		
Telephone Answering Service (L)	6-2-10	Police					\$ 100.00		
Fireworks (P)	6-3-2 & 15-4-1	Fire	\$ 200.00					\$5,000 if on City property	
Animal Registration/Licenses (L):									
Altered	6-8-3(A)	Finance/Clerk					\$ 5.00		
Unaltered	6-8-3(A)	Finance/Clerk					\$ 25.00		
Senior Owner 65 or over (Altered)	6-8-3(A)	Finance/Clerk					\$ 3.00		
Senior Owner 65 or over (Unaltered)	6-8-3(A)	Finance/Clerk					\$ 15.00		
Commercial Breeders (L)	6-8-4	Finance/Clerk					\$ 40.00		
Keeping of Pit Bull Dogs (L)	6-9-9	Finance/Clerk	Prohibited after July 1, 2003						
Right-of-Way Parking Request (P)	7-7-4	Community Development	\$50.00 Application fee plus annual lease amount						
Bicycle License	7-14-1	Police	\$1.00 one-time fee						
Building Regulations Permits (P)	Title 8; All Chapters	Community Development	See Appendix D for all Title 8 permits and fees						

Appendix B - Schedule of Permit and Licensing Requirements
(See Appendix D for Building-Related Permit Requirements)

Permits (P)/Licenses (L)	Code Section	Location	Each	Daily	Weekly	Fees Monthly	Annually	Bond	Insurance
Hauled Wastewater (P)	13-6-3.6	Water Pollution Control					\$ 100.00		
Industrial Wastewater Discharge (P)	13-6-4.2	Water Pollution Control					\$300.00 (for each permit period)		
Grease Discharge Permit (P)	13-6-16.2 (D)	Community Development					\$ 50.00 (Less than \$50,000 annual gross sales) \$ 85.00 (\$50,000 to less than \$100,000) \$ 175.00 (\$100,000 to less than \$250,000) \$ 200.00 (\$250,000 to less than \$500,000) \$ 225.00 (\$500,000 or more)		
Open Burning (P)	15-5-3	Fire					\$25.00 for calendar year		
Outdoor Fireplace, Fire Pits, etc. (P)	15-5-3	Fire					Annual calendar year permit required; no fee		
Commercial Burning (Contractor) (P)	15-5-3	Fire					\$200.00 for 30-day period		

Appendix C
Schedule of Fees and Charges Approved by Resolution of City Council

Title 13, Chapter 3 – GARBAGE AND RECYCLING

13-3-11 Collection Fees.

Resolution 91540-0211 dated February 17, 2011 established the following monthly fees for Class I and III domestic refuse collection services effective April 1, 2011:

- (A) Class I and III. Twenty dollars and no cents (\$20.00) per month for each single-family dwelling, except persons sixty-five (65) years of age and over shall be charged fifteen dollars and no cents (\$15.00) per month for each single-family dwelling. However, yard waste fees shall be charged on a per bag basis.
- (B) Class I and III. Twenty dollars and no cents (\$20.00) per month for each dwelling unit or apartment unit in a multi-family dwelling or apartment building with up to five (5) units, except persons sixty-five (65) years of age and over shall be charged fifteen dollars and no cents (\$15.00) per month for each dwelling unit in a multi-family dwelling or apartment building with up to five (5) units. However, yard waste fees shall be charged on a per bag basis.

Title 13, Chapter 4 – SOLID WASTE DISPOSAL LANDFILL AND TRANSFER STATION

13-4-11 Disposal Charges.

Resolution 90772-0409 dated April 16, 2009 established the following fees effective July 1, 2009:

- (A) Refuse disposal fees shall be changed to sixty dollars (\$60.00) per ton effective July 1, 2009. Of the refuse disposal fee, forty dollars (\$40.00) per ton will be paid from the Transfer Station Fund to the Landfill Fund for the material deposited in the Landfill. This landfill rate includes the surcharge required by the Iowa Department of Natural Resources.
- (B) Tires to be disposed of at the Transfer Station shall be at a rate of:
 - (1) Two dollars (\$2.00) per tire for automobile tires;
 - (2) Two dollars fifty-cents (\$2.50) per tire for light truck and implement tires;
 - (3) Seven dollars (\$7.00) per tire for truck tires;
 - (4) Twelve dollars (\$12.00) per tire for tractor tires.
- (C) Solid waste which needs special hauling, or where refuse or waste is being disposed of under a special handling permit issued by the Iowa Department of Natural Resources, shall be charged a fee of sixty-two dollars (\$62.00) per ton.

Appendix C
Schedule of Fees and Charges Approved by Resolution of City Council

Title 13, Chapter 5 – SEWER RATE SYSTEM

13-5-4 Collection and Drainage.

- A. From September 1, 2013 through June 30, 2014, \$11.20 per bill.
- B. From July 1, 2014 through June 30, 2015, \$11.45 per bill.
- C. From July 1, 2015 through June 30, 2016, \$11.70 per bill.
- D. From July 1, 2016 through June 30, 2017, \$11.90 per bill
- E. From July 1, 2017 through June 30, 2018, \$12.15 per bill.

13-5-5 Sewage Rate Component.

- A. The sewage rate system shall be determined on the basis of a monthly customer charge and a sewer user charge for a domestic strength wastewater customer (Class 1 customer). The sewage rate components shall be as follows:
 - 1. From September 1, 2013 through June 30, 2014:
 - a. Customer charge, \$7.06 per bill
 - b. Volume, \$2.42 per 100 cubic feet
 - 2. From July 1, 2014 through June 30, 2015:
 - a. Customer charge, \$7.27 per bill
 - b. Volume, \$2.49 per 100 cubic feet
 - 3. From July 1, 2015 through June 30, 2016:
 - a. Customer charge, \$7.49 per bill
 - b. Volume, \$2.57 per 100 cubic feet
 - 4. From July 1, 2016 through June 30, 2017:
 - a. Customer charge, \$7.71 per bill
 - b. Volume, \$2.64 per 100 cubic feet
 - 5. On and after July 1, 2018:
 - a. Customer charge, \$7.94 per bill
 - b. Volume, \$2.72 per 100 cubic feet
 - 6. The minimum charge for service shall be determined based on the customer charge and the unit rate for up to a minimum quantity of three hundred (300) cubic feet per month of normal domestic strength wastewater. The minimum charge for service for each month or fraction thereof shall be:
 - a. From September 1, 2013 through June 30, 2014, \$14.32
 - b. From July 1, 2014 through June 30, 2015, \$14.74
 - c. From July 1, 2015 through June 30, 2016, \$15.20
 - d. From July 1, 2016 through June 30, 2017, \$15.63
 - e. On and after July 1, 2017, \$16.10

Appendix C

Schedule of Fees and Charges Approved by Resolution of City Council

Title 13, Chapter 5 – SEWER RATE SYSTEM (CONTINUED)

The minimum charge for sewerage rates as set forth in this Section shall be in addition to the per bill charge for collection and drainage as set forth in Section 13-5-4.

See City Code section 15-5-5 (B) (2) for rate factors applied to the above domestic sewer rates based on wastewater strength of non-domestic customers.

13-6-15.1 Pretreatment Charges and Fees.

These fees and charges currently include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications is \$300.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users shall be determined by frequency of service required and shall follow posted laboratory testing fees for each parameter as amended. Laboratory fees may be adjusted as needed to reflect cost variables as they arise. See separate laboratory rates below.
- C. Fees for reviewing and responding to accidental discharge procedures and construction will be based on \$50/hour plus any additional labor cost accrued by the City for work performed in responding to accidental discharges. Review of procedures shall be included in the permit application process.
- D. Fees for the filing and review of appeals shall be \$50/hour.
- E. Fees for the dumping of hauled wastewater will be \$0.03/gallon for standard domestic discharge and \$0.06/gallon for other wastes accepted at the treatment plant. Hazardous wastes or any wastes not accepted at the treatment plant will be charged fees as determined by the receiving party.
- F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City. These fees shall be determined by the cost of labor for work performed.

13-5-3 (A) Sampling and Analytical Fees.

The sampling and analytical services charges are listed in the following rate sheet.

Appendix C
Schedule of Fees and Charges Approved by Resolution of City Council

Muscatine WPCP Laboratory Billing Sheet				
Services or Analyses		Unit Cost	#	Total
Miscellaneous	Sampler Placement	15.00		
	Trip Charge	20.00		
	Sampler Rental	47.00		
Routine Analyses	% Solids	12.00		
	% Volatile Solids	12.00		
	Aldehydes	30.00		
	Alkalinity	20.00		
	Ammonia	18.00		
	BOD, CBOD	20.00		
	Chlorides	20.00		
	COD	15.00		
	Cyanide	40.00		
	E. coli / Coliform Testing	18.00		
	Fluoride	20.00		
	Hex. Chrome	30.00		
	O & G, Total	40.00		
	Ortho-Phosphorus	16.00		
	Nitrites	20.00		
	Nitrates	20.00		
	pH	5.00		
	Phenols	30.00		
	Phosphorous	27.00		
	Settleable Solids	5.00		
	Sulfate	20.00		
	Sulfides	54.00		
	Total Dissolved Solids	12.00		
Total Kjeldahl Nitrogen	20.00			
Total Suspended Solids	12.00			
Total Volatile Suspended Solids	12.00			
Volatile Organic Acids	25.00			
Metals Analysis ICP EPA 200.7	Metals Digestion	4.00		
	Copper	12.00		
	Lead	12.00		
	Nickel	12.00		
	Silver	12.00		
	Zinc	12.00		
	Chromium	12.00		
	Arsenic	12.00		
	Selenium	12.00		
	Molybdenum	12.00		
	Cadmium	12.00		
	Mercury	12.00		
				Total

Appendix C

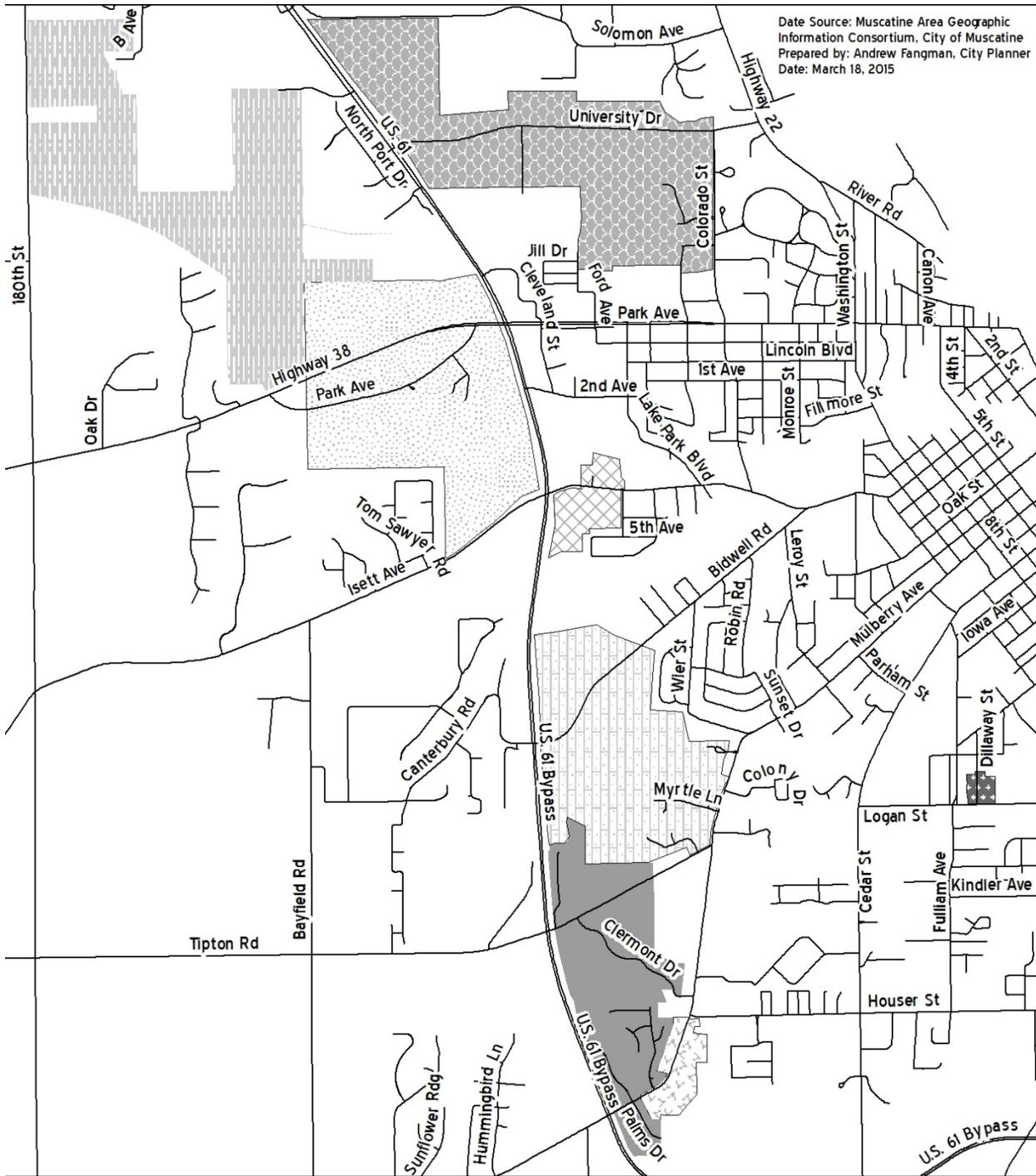
Schedule of Fees and Charges Approved by Resolution of City Council

13-6-2.1 (A)

See Appendix D for permits to make any connections with, or open into, use, alter, or disturb any public sewer sewer or appurtenance thereof.

Additional sewer connection fees are required in the Sewer Extension Benefit Districts listed below and shown on the map which follows. More detailed descriptions of the benefit districts are available in the Community Development department.

1. North Crescent Sanitary Sewer (2013)
Fee: \$913.00 per acre
2. Mad Creek Sanitary Sewer Connection (1979)
Fee: \$556.00 per acre
3. Dillaway Street Sanitary Sewer Connection (1981)
Fee: \$7.85 per lineal foot of lot adjacent to Dillaway
4. Champ De Reves – Tipton Road Sewer Connection (1992)
Fee: \$600.00 per dwelling
5. Northeast Sanitary Sewer Connection (1996)
Fee: \$357.00 per residential unit
\$2,142.00 per acre non-residential (6 units per acre)
6. Northwest Sanitary Sewer Connection (2001)
Fee: \$1,370.00 per residential unit
\$6,302.00 per acre non-residential (4.6 units per acre)
7. Isett Avenue Sanitary Sewer Connection (1994)
Fee: \$500.00 per dwelling
8. Shield Farm / Bethesda Foundation Sewer (1976)
Fee: North side of Mulberry Avenue - \$300.00 per connection
South side of Mulberry Avenue - \$600.00 per connection
Collected by the City and distributed to original investors within 30 days



Sewer Extension Benefit Districts



- | | | | |
|--|--|--|---|
| | North Crescent Sanitary Extension Benefit Area | | Northeast Sanitary Sewer Connection |
| | Mad Creek Sanitary Sewer | | Northwest Sanitary Sewer Benefit District |
| | Dillaway Street Sanitary Sewer | | Issett Avenue Sanitary Sewer Connection |
| | Champ de Reves - Tipton Road Sewer Connection | | Shield Farm/Bethesda Foundation Sewer |



Appendix C
Schedule of Fees and Charges Approved by Resolution of City Council

13-6-2.2 Private Sewer Systems.

See Appendix D for Septic Tank, Drain Field, and Private Sewer System permit fees also referenced in section 8-9-4.

13-6-4.2 Industrial Wastewater Discharge Permits

See Appendix B for permit fees.

13-6-16.6 Grease Discharge Permits

See Appendix B for permit fees.

Title 15 – FIRE REGULATIONS

15-13-2 Fire Inspection Fees

Fire Inspection and Non-Compliance Fees:

Occupancy Classification Group A, B, E, I, M, S, U

<u>Type</u>	<u>Fee</u>
Initial Inspection	\$45.00
1 st Reinspection	No Charge (Performed 30 days after initial inspection)
2 nd Reinspection	\$50.00
3 rd or More Reinspection	\$100.00

Occupancy Classification Group F, H

<u>Type</u>	<u>Fee</u>
Initial Inspection	\$75.00 per hour
1 st Reinspection	No Charge (Performed 30 days after initial inspection)
2 nd or More Reinspection	\$75.00 per hour

Appendix D (1) - Schedule of Building-Related Permits and Other Requirements

Permits	Code Section	Location	Each	Bond	Insurance
Non-Residential Permits:					
Building Permit	8-1-3	Community Development	See Schedule 1A		
Electrical Permit	8-3-4	Community Development	See Schedule 1A		
Mechanical Permit	8-7-4	Community Development	See Schedule 1A		
Plumbing Permit	8-9-4	Community Development	See Schedule 1A		
Residential Permits:					
Building Permit	8-1-3	Community Development	See Schedule 1A		
Electrical:					
Service	8-3-4	Community Development	\$ 25.00		
Temporary Service			\$ 15.00		
Rough-in Inspection			\$ 15.00		
Final Inspection			\$ 15.00		
Garage			\$ 15.00		
Mechanical:					
Furnace	8-7-4	Community Development	\$ 20.00		
Central Air			\$ 20.00		
Fireplace			\$ 20.00		
Plumbing:					
Opening	8-9-4	Community Development	\$ 5.00		
Sewer Connection	13-6-2.1	Community Development	\$ 25.00		
Septic Tank	13-6-2.2	Community Development	\$ 25.00		
Drain Field	13-6-2.2	Community Development	\$ 15.00		
Private Sewer	13-6-2.2	Community Development	Fee determined during site plan review		

Appendix D (1) - Schedule of Building-Related Permits and Other Requirements

Permits	Code Section	Location	Each	Bond	Insurance
Rental Housing Registration, Inspection, and Related Fees:					
Rental Property or Unit Registration	8-5-4 (A)	Community Development	\$30.00 per rental unit annually		
Rental Property Certificate of Code Compliance:	8-5-4 (D)	Community Development	3-Year Certificate (no additional fee)		
Inspection for Year 1 included in Registration Fee Self-Inspections Certified by Property Owners for Years 2 and 3					
Reinspection Fees:					
1st Reinspection	8-5-4 (E)		No Fee		
2nd Reinspection	8-5-4 (E)		\$ 60.00		
3rd Reinspection	8-5-4 (E)		\$ 120.00		
Other Fees:					
Failure to Show for Scheduled Inspection	8-5-4 (E)		\$ 60.00		
License Revocation Reinstatement Fee	8-5-4 (E)		\$ 200.00		
Citation for Non-Registered Unit - 1st Violation	8-5-4 (A) (1)		\$ 250.00		
Citation for Non-Registered Unit - 2nd Violation	8-5-4 (A) (1)		\$ 500.00		
Citation for Non-Registered Unit - 3rd Violation	8-5-4 (A) (1)		\$ 750.00		
Fees for Excessive Use of City Services	8-5-4 (E)		Based on cost of excessive services		

Appendix D (1) - Schedule of Building-Related Permits and Other Requirements

Permits	Code Section	Location	Each	Bond	Insurance
Other Permits:					
Moving Buildings	8-8-2	Community Development	Use Schedule 1A (Based on cost of moving)	\$ 5,000	General Liability; \$500,000 Bodily Injury & Property Damage - Each Occurrence; \$500,000 Personal Injury & Advertising Injury Per Occurrence; \$1,000,000 General Aggregate on above \$1,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non-owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident

Appendix D (1) - Schedule of Building-Related Permits and Other Requirements

Permits	Code Section	Location	Each	Bond	Insurance
Building Demolition	8-2-2 and 8-2-5	Community Development	Use Schedule 1A (Based on cost of demolition)	\$ 5,000	General Liability; \$500,000 Bodily Injury & Property Damage - Each Occurrence; \$500,000 Personal Injury & Advertising Injury Per Occurrence; \$1,000,000 General Aggregate on above \$1,000,000 Products & Completed Operations General Aggregate Workers Compensation Part 1 -Workers Compensation Benefits Part 2 Employers Liability Limits \$100,000 Bodily Injury Each Accident \$300,000 Bodily Injury by Disease Policy Limit \$100,000 Bodily Injury Disease Each Employee Business Automobile - owned, non- owned and hired automobiles \$1,000,000 Bodily Injury & Property Damage - Each Accident

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