

TITLE 6

POLICE AND PUBLIC SAFETY

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

SECTIONS:

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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 City Administrator shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Police Chief shall select 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.
- E. (Code of Iowa, Sec. 321.266)
- F. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
- G. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
- H. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
- I. 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.
- J. Reports. Compile and submit to the City Administrator and Council an annual report as well as such other reports as may be requested by the City Administrator or Council.
- K. 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:

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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 Section 1-2-14 of this Code of Ordinances.

6-3-2 Fireworks; Explosives. The sale, use, and exploding of fireworks within the City are subject to the regulations contained within Title 15 Chapter 8 of the City Code.

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 Disperse. 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 disperse. 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 Section 1-2-14 of this Code of Ordinances.

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 or Vicious 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 or animals, 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 or Vicious 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

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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 S1.4 - 1971, or the latest approved revision thereof.) If the frequency weighting employed is not indicated, the A-weighting shall apply.
- N. "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

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.