

TITLE 7
VEHICLES AND TRAFFIC

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TITLE 7 - VEHICLES AND TRAFFIC
CHAPTER 1 – ADMINISTRATION AND ENFORCEMENT OF TRAFFIC CODE

SECTIONS:

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

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

(Iowa Code, Section 306.3)

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

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

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

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

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

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

(Code of Iowa, Sec. 321.229)

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

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

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

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

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

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

7-1-8 Parking Violations: Contested.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

(Code of Iowa, Section 321.255)

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

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

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

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

(Code of Iowa, Section 321.236[4])

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

SECTIONS

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

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

7-5-2 Definitions.

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

7-5-3 Offense.

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

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

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

7-5-5 Penalty and Appeal.

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

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

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

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

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

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

SECTIONS

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

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

(Code of Iowa, Sec. 321.285)

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

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

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

(Code of Iowa, Sec. 321.290)

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

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

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

(Code of Iowa, Sec. 321.294)

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

SECTIONS:

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

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

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

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

(Code of Iowa, Section 321.358[1])

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

(Code of Iowa, Section 321.358[2])

- E. Within an intersection.

(Code of Iowa, Section 321.358[3])

- F. Within five feet of a fire hydrant.

(Code of Iowa, Section 321.358[4])

- G. On a crosswalk.

(Code of Iowa, Section 321.358[5])

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

(Code of Iowa, Section 321.358[6])

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

(Code of Iowa, Section 321.358[7])

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

(Code of Iowa, Section 321.358[8])

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

(Code of Iowa, Section 321.358[9])

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

(Code of Iowa, Section 321.358[10])

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

(Code of Iowa, Section 321.358[11])

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

(Code of Iowa, Section 321.358[12])

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

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

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

(Code of Iowa, Section 321.358[14])

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

(Code of Iowa, Section 321.358[15])

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

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

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

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

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

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

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

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

(Code of Iowa, Section 321.359)

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

(Code of Iowa, Section 321.362)

7-7-7 Parking in Alleys.

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

(Code of Iowa, Section 321.236[1])

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

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

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

(Code of Iowa, Section 321.236[2])

7-7-10 Hazardous or Congested Places.

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

(Code of Iowa, Section 321.236[1])

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

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

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

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

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

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

SECTIONS:

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

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

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

7-8-3 Standing in Loading Zone.

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

7-9-7 Municipal Parking Facility Rates.

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

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

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

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

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

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

7-9-10 Administration.

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

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

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

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

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

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

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

SECTIONS:

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

7-10-1 Definitions.

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

(Code of Iowa, Section 321.471)

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

(Code of Iowa, Section 321.472)

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

(Code of Iowa, Section 321.473 & 475)

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

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

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

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

7-11-6 Truck Routes:

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

(Code of Iowa, Sec. 321.473)

1. All U.S. and State Highways (#22, 38, 61 Business, 61 Bypass, and 92).
 2. Cypress Street from East Fifth Street to Isett Avenue.
 3. Isett Avenue from Cypress Street to the U.S. Highway 61 Bypass.
 4. East Fifth Street from Cypress Street to Cedar Street.
 5. Cedar Street from East Fifth Street to Mississippi Drive (Business Route Highway 61 and 92).
 6. Industrial Connector Road from Highway(s) 61 and 92 to Dick Drake Way.
 7. Stewart Road from the Industrial Connector Road to Oregon Street and along Oregon Street to Business Route Highway 61 and 92.
 8. Lucas Street from the Highway 61 Bypass to Houser Street.
 9. Hershey Avenue from the Highway 61 Bypass to Houser Street.
 10. Houser Street from Lucas to Grandview Avenue.
 11. University Drive from Highway 22 to Highway 61.
 12. Oak Street from East Second Street to East Fifth Street.
- B. Departure from Designated Truck Route System. All trucks having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over and upon the Designated Truck Route System as set out above to the nearest point of its scheduled or definite stop. From that point, the truck shall proceed to its destination and return to the truck route by the most direct method. It is the responsibility of the operator of the truck to have in possession for inspection a log book, delivery slip or other evidence of the truck's destination and point of origin to justify the presence of the truck on a street other than the Designated Truck Route System.

(Code of Iowa, Section 321.473)

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

7-11-7 Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this Section.

(Code of Iowa, Sec. 321.473)

7-11-8 Violation. Any person who operates a truck or vehicle in violation of this Chapter shall be deemed guilty of a misdemeanor and subject to a penalty as set out in Section 1-2-14 of this Code of Ordinances.

TITLE 7 – VEHICLES AND TRAFFIC
CHAPTER 12 – TRAFFIC: JUNK, OBSOLETE, STORED VEHICLES

SECTIONS:

- 7-12-1 Definitions
- 7-12-2 Storing on Streets Illegal
- 7-12-3 Violation
- 7-12-4 Removal
- 7-12-5 Junked Vehicles
- 7-12-6 Owner Subject to Fine
- 7-12-7 Junked Vehicles; Removal

7-12-1 Definitions.

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

7-12-2 Storing on Streets Illegal. No motor vehicle, trailer, boat, or other personal property shall be stored on the streets of the City

7-12-3 Violation. Any motor vehicle, trailer, boat, or other personal property which is found to be in violation of Section 7-12-2 hereof shall be ticketed for violation of such section by the Police. The penalty for such violation shall be ten dollars (\$10.00) for each twenty-four (24) hours that the vehicle is in violation of said Section.

7-12-4 Removal. In the event that a motor vehicle is in violation of Section 7-12-2 for a period of longer than forty-eight (48) hours, then in addition to the penalty imposed by Section 7-12-3, said vehicle may be removed or caused to be removed by the City. The City may move or cause said motor vehicle to be moved to some convenient place. The cost of such removal and storage charges, if any, are to be borne by the owner or operator.

7-12-5 Junked Vehicles. No junked or obsolete motor vehicles or portions thereof shall be parked or located on the streets of the City at any time.

7-12-6 Owner Subject to Fine. The owner or operator of any such junked or obsolete motor vehicle which is parked on the streets of the City in violation of Section 7-12-5 shall be subject to a fine of twenty dollars (\$20.00) for each twenty-four (24) hours or part thereof in which said junked vehicle is parked on the street in violation of said Section.

7-12-7 Junked Vehicles; Removal. In addition to the penalty provided by Section 7-12-6, junked or obsolete motor vehicles may be removed by the City to some convenient place. The cost of such removal and storage charges, if any, shall be borne by the owner or operator of said junked or obsolete motor vehicle.

**TITLE 7 - VEHICLES AND TRAFFIC
CHAPTER 13 - ABANDONED VEHICLES**

SECTIONS:

- 7-13-1 Definitions
- 7-13-2 Authority to Take Possession of Abandoned Vehicle
- 7-13-3 Notice by Mail
- 7-13-4 Notification in Newspaper
- 7-13-5 Fees for Impoundment
- 7-13-6 Disposal of Abandoned Vehicles
- 7-13-7 Disposal of Totally Inoperable Vehicles
- 7-13-8 Proceeds from Sales
- 7-13-9 Duties of Demolisher

7-13-1 Definitions. For use in this Chapter the following terms are defined:

(Code of Iowa, Sec. 321.89[1])

- A. "Abandoned vehicle" means any of the following:
 - 1. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
 - 2. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - 3. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.
 - 4. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - 5. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - 6. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
- B. "Demolisher" means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
- C. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

(Iowa Code, Section 321.90)

- D. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

7-13-2 Authority to Take Possession of Abandoned Vehicles. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity which is a garage keeper (any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles) to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

7-13-3 Notice By Mail. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the Code of Iowa, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this Section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

7-13-4 Notification In Newspaper. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 7-13-3. The published notice

may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 7-13-3.

(Code of Iowa, Sec. 321.89[3b])

7-13-5 Fees for Impoundment. The owner, lienholder or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

(Code of Iowa, Sec. 321.89[3a])

7-13-6 Disposal of Abandoned Vehicles. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

7-13-7 Disposal of Totally Inoperable Vehicles. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

7-13-8 Proceeds from Sales. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

7-13-9 Duties of Demolisher. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

Title 7 - Vehicles and Traffic
Chapter 14 – Bicycles

SECTIONS:

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

7-14-1 Registration Required. Every person who shall own a bicycle in the City shall register such bicycle as provided in this Chapter.

(Code of Iowa, Section 321.236[10])

7-14-2 Application. The owner of any bicycle shall apply to the Police Department for registration of such bicycle and such registration shall be on a form furnished and prescribed by the Police Department and shall provide a full description of the bicycle, such as name and address of owner, type, color, manufacturer, and serial number.

(Code of Iowa, Section 321.236[10])

7-14-3 License Type. The Bicycle License shall be of a type designated by the Police Chief.

7-14-4 Second Hand Sales Report. All persons buying or selling second hand bicycles shall notify the Police Department within five (5) days of the purchase or sale.

7-14-5 Destroying Frame Number or License. No person shall willfully or maliciously remove or destroy any frame number or license.

7-14-6 Lost or Destroyed License. In the event that an owner of a bicycle should lose a license or that such license should be destroyed or stolen, the owner shall report the same to the Police Department and there shall be furnished to the owner a new bicycle license at the cost as set by resolution of the Council.

7-14-7 License Fees. The bicycle license fee shall be as determined by resolution of the City Council and is listed in the Schedule of Permit and Other Licensing Requirements in Appendix B to this Code of Ordinances.

(Code of Iowa, Section 321.236[10])

7-14-8 Riding on Sidewalks. Bicycles may be operated on sidewalks in the City, except in the downtown business area, however, Muscatine police officers while on duty may operate bicycles on sidewalks anywhere in the City. For the purpose of this Section, the downtown business area shall encompass an area bounded by and including Mississippi Drive, Mulberry Avenue, Fourth Street, and Pine Street. Under all circumstances, a driver of a bicycle shall yield

the right-of-way to pedestrians using the sidewalk and due and proper care shall at all times be exercised by the driver of the bicycle for pedestrians.

(Code of Iowa, Section 321.236[10])

7-14-9 Parking on Sidewalks (Business District). No person shall park any bicycle upon the sidewalks in the business district; the business district is that area as defined in Section 7-14-8 of this Chapter.

7-14-10 Number of Persons. Only one person shall ride a bicycle at any time, unless it is of the tandem type.

7-14-11 Riding Two Abreast. Bicyclists riding upon any street shall not ride more than two (2) abreast.

7-14-12 Method of Riding; Rate of Speed. When riding upon the streets, bicyclists shall at all times keep both hands on the handle bars of the bicycle, except to make hand signals and at no time shall ride at such a rate of speed as to endanger the person or property of others.

7-14-13 Lamps: Reflective Devices. Every bicycle operated within the City during the period from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of three hundred feet (300') ahead shall be equipped with a lighted white lamp on the front thereof of such bicycle. Every bicycle shall also be equipped with a reflex mirror reflector or lamp on the rear, visible under like conditions from a distance of at least three hundred feet (300') to the rear of such bicycle.

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