

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

SECTIONS:

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

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

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

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

(Code of Iowa, Sec. 372.12)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

Title 1 – Administrative
Chapter 2 – City Code

SECTIONS:

- 1-2-1 Title
- 1-2-2 Definitions
- 1-2-3 Rules of Construction
- 1-2-4 Severability
- 1-2-5 City Powers
- 1-2-6 Indemnity
- 1-2-7 Personal Injuries
- 1-2-8 Extension of Authority
- 1-2-9 Amendments
- 1-2-10 Catchlines and Notes
- 1-2-11 Altering Codes
- 1-2-12 Warrants
- 1-2-13 General Standards for Action
- 1-2-14 Standard Penalty
- 1-2-15 Appendix to this Code of Ordinances

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

(Code of Iowa, Sec. 364.14)

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

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

(Code of Iowa, Sec. 380.2)

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

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

(Code of Iowa, Sec. 718.5)

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

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

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

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

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

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

Title 1 – Administrative
Chapter 3 – Municipal Infractions

SECTIONS:

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

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

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

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

Standard Civil Penalties.

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

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

Special Civil Penalties.

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

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

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

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

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

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

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

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

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

Title 1 – Administrative
Chapter 4 – City Boundaries

SECTION:

- 1-4-1 Designation of Boundaries
- 1-4-2 Boundaries; Record of

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

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

Title 1 – Administrative
Chapter 5 – Precincts and Wards

SECTIONS:

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

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

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

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

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

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

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

**Title 1 – Administrative
Chapter 6 – Elections**

SECTIONS:

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

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

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

(Code of Iowa, Sec. 39.20)

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

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

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

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

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

(*Code of Iowa, Sec. 45.4*)

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

(*Code of Iowa, Sec. 376.8*)

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

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

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

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

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

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

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

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

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

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

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

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

Title 1 – Administrative
Chapter 7 – Mayor

SECTIONS:

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

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

(Code of Iowa, Sec. 376.2)

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

1-7-3 Compensation. The Mayor shall receive, in full compensation for his or her services, a salary of Six Thousand Five Hundred Dollars (\$6,500) per year, or as from time to time amended pursuant to Iowa Code, Section 372.13[8].

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

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

(Code of Iowa, Sec. 372.4)

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

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

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

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

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

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

SECTIONS:

- 1-8-1 Vice President of Council
- 1-8-2 Powers and Duties
- 1-8-3 Voting Rights
- 1-8-4 Compensation

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

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

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

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

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

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

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

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

Title 1 – Administrative Chapter 9 - Council

SECTIONS:

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

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 38.10)

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

Title 1 – Administrative
Chapter 10 - City Officers and Employees

1-10-1 Bond Requirements and Amounts

1-10-2 City Administrator; Clerk

1-10-3 City Attorney

1-10-4 Succession requirements

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

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

1-10-2 City Administrator.

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

(Code of Iowa, Section 372.13(4))

- C. Excepted Appointment: The City Administrator shall not be considered a department head.
- D. Deputy City Clerk. The City Administrator shall appoint a Deputy City Clerk to perform the duties of the City Clerk in the Administrator's absence and to perform other duties as assigned to him or her.
- E. Duties and Responsibilities: The City Administrator shall have the following duties:

1. Powers and Duties as City Administrator.
 - a. The powers and duties of the City Administrator shall include:
 - i. Enforcement of all City laws and regulations as directed by the Council.
 - ii. Administration of Council policies and directives.
 - iii. Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
 - iv. Preparation and administration of the City's annual operating budget.

- v. Supervision of the City's administrative policies and procedures, including personnel.
- vi. Keeping the Council informed on the progress of its programs and the status of its policies.
- vii. Coordinating and directing all City services provided through the various departments.
- viii. Appointment and removal of City employees in accordance with City policies regarding this activity.
- ix. Study possible joint arrangements with City boards such as, but not limited to, the Board of Water, Electric, and Communications Trustees or any other independent board and make recommendations for such arrangements as are mutually acceptable.
- x. Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.
- xi. Review and revise imposition of penalties, costs, fees, bond, and insurance requirements as set out in the **Schedules** set out in the **Appendix** to this Code of Ordinances.
- xii. Oversee daily operations of City and staff

b. Any elected official shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator solely, through the City Administrator, and Council Members shall not give orders to any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator.

(Code of Iowa, Section 372.13(4))

2. Powers and Duties as Clerk.

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

(Code of Iowa, Section 372.13(4))

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

(Code of Iowa, Section 372.13(6))

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

(Code of Iowa, Section 380.7(2))

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

(Code of Iowa, Section 380.7(3))

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

(Code of Iowa, Section 380.7(4))

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

(Code of Iowa, Section 380.7(5))

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

1-10-3 City Attorney.

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

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

(Code of Iowa, Section 372.13(4))

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

(Code of Iowa, Section 372.13(4))

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

Title 1 – Administrative Chapter 11 – City Departments

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

Title 1 – Administrative Chapter 12 – Fiscal Management

SECTIONS:

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

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

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

(Code of Iowa, Section 24.2(3))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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

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

Title 1 – Administrative Chapter 13 – Personnel Procedures

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

(Code of Iowa, Section 400.1)

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

(Code of Iowa, Section 400.6)

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

(Code of Iowa, Section 400.2)

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

(Code of Iowa, Section 400.1)

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

(Code of Iowa, Section 400.1)

2-2-6 Term Duration and Limits.

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

(Code of Iowa, Section 400.1)

- B. **Limits.** No individual shall serve more than two (2) full consecutive terms on the Civil Service Commission.

2-2-7 Officers.

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

(Code of Iowa, Section 400.4)

- B. **Clerk.** The city clerk shall be clerk of the commission.

(Code of Iowa, Section 400.4)

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

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

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

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

SECTIONS:

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

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

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

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

2-3-4 Term Duration and Limits.

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

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

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

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

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

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

SECTIONS:

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

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

2-4-2 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

SECTIONS:

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

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

(Code of Iowa, Section 392.5)

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

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

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

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

2-5-6 Powers and Duties.

The Board shall have and exercise the following powers:

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

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

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

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

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

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

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

(Code of Iowa, Section 384.20)

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

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

(Code of Iowa, Section 716.1)

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

(Code of Iowa, Section 714.1)

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

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

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

(Code of Iowa Section 714.5)

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

(Code of Iowa, Section 808.12)

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

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

SECTIONS:

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

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

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

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

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

2-6-5 Term Duration and Limits.

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

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

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

2-6-8 Responsibilities and Duties.

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

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

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

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

SECTIONS:

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

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

(Code of Iowa, Sec. 414.6 & 392.1)

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

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

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

2-7-5 Term Duration and Limits.

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

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

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

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

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

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

SECTIONS:

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

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

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

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

2-8-4 Term Duration and Limits.

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

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

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

(Iowa Code, Section 372.15)

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

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

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

SECTIONS:

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

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

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

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

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

2-9-5 Term Duration and Limits.

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

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

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

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

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

SECTIONS:

- 2-10-1 Authority to Form Ad Hoc Committees and Task Forces
- 2-10-2 Appointment
- 2-10-3 Council to Establish Duties
- 2-10-4 Governing Rules and Procedures
- 2-10-5 Authority to Refer
- 2-10-6 Recommendations to Council
- 2-10-7 Authority of Council; Generally

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

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

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

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

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

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

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

TITLE 8 – BUILDING REGULATIONS
CHAPTER 1 – BUILDING CODE

SECTIONS:

- 8-1-1 Adoption of Code
- 8-1-2 Building Official
- 8-1-3 Building Permits
- 8-1-4 Amendments
- 8-1-5 Reserved
- 8-1-6 Reserved
- 8-1-7 Applicability
- 8-1-8 Violation

8-1-1 Adoption of the International Building Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Building Code", 2012 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Building Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this Ordinance. An official copy of said code is on file in the office of the City Clerk.

8-1-2 Building Official. There is hereby created the position of Building Official to be appointed in the same manner as other department heads. The Building and Zoning Administrator and the Building Official are one and the same position and the Building Official, when exercising the duties prescribed for such office, shall have all the powers of a policeman.

8-1-3 Building Permits.

- A. Building Permit Fee. The fee for a building permit when required by this Code shall be as established from time to time by resolution of the City Council.
- B. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified may be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

8-1-4 Amendments. That the International Building Code, adopted by the City of Muscatine, Iowa, be amended to read as follows:

- A. Building Permit Fees. A fee for each required permit shall be paid to the Building Department as set forth in the Schedule of Permits and Fees in the Appendix to this Code of Ordinances. The final determination of the value or valuation under any of the provisions of this Code shall be made by the Building Official. The valuation to be used in computing the permit fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, roofing, siding, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent work or building equipment.

8-1-5 (Reserved).

8-1-6 (Reserved).

8-1-7 Applicability. It is the intent of the City of Muscatine that the International Building Code and its companion Codes as adopted elsewhere in the City Code shall be the prevailing construction and occupancy controls within the City unless otherwise mandated by State law. It shall be the responsibility of the Building Official to make a final decision as to the applicability of any other codes or ordinances adopted by the City which may present a conflict with the intent of other regulations contained herein.

8-1-8. Violation. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

TITLE 8 – BUILDING REGULATIONS
CHAPTER 2 – DEMOLITION OF BUILDINGS

SECTIONS:

- 8-2-1 Permit Required
- 8-2-2 Permit Application
- 8-2-3 Supervision of Work
- 8-2-4 Condition of Site
- 8-2-5 Requirements
- 8-2-6 Drawings for Certain Buildings
- 8-2-7 Aprons, Canopies, Streets, and Sidewalks
- 8-2-8 Time
- 8-2-9 Adjacent Frontage Consents
- 8-2-10 Party Walls
- 8-2-11 Night Work
- 8-2-12 Exemption
- 8-2-13 Burning

8-2-1 Permit Required. Before proceeding with the demolition of any building or structure, a permit for such demolition shall first be obtained by the owner, his agent, or his contractor from the Building Department.

8-2-2 Permit Application. Application for said permit shall be made by such owner, his agent, or his contractor to the Building Official, who shall issue such permit in accordance with this Chapter upon application and the payment as set out in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances. Such application shall state the location and describe the building to be demolished, the method of demolition, and the estimated cost of the demolition. If no new building is to be erected on the site thereof, the statement shall include a description of the condition in which it is intended to leave the site thereof. In addition, the applicant shall provide information necessary to ensure compliance with asbestos investigation and abatement, and proof of notification to the State of Iowa, as required.

8-2-3 Supervision of Work. Upon the issuance of the required permit, each building may be demolished, provided that all the work done thereunder shall be subject to the supervision of the Building Official.

8-2-4 Condition of Site. The site where any building has been left demolished shall be left in a clean, presentable, and safe condition with the cellar, if any, of the old building properly filled in and graded so as not to permit accumulation of surface water or discharge to the detriment of adjoining property. The sanitary sewer shall be cut off and plugged with concrete at the property line and all utilities shall be properly shut off at the main or in accordance with rules and regulations of the particular utility.

8-2-5 Requirements. Before any permit is issued granting authority to demolish a building or structure, the person engaged in the same or the owner of said building or structure shall file with the Building Department proof of public liability insurance naming the City as an additional insured and covering any personal injury or property damage which may arise out of said demolition work, with limits of liability limits as established in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances. The person engaged in the work of demolishing said building or structure and the owner of said building or structure shall also execute an indemnification agreement whereby they agree to indemnify and hold harmless the City against any loss, cost, damage, expense, judgment, or liability of any kind whatsoever which the City may suffer or which may occur against, be charged to, or recovered from the City or any of its employees by reason of or arising out of any such demolition operation.

8-2-6 Drawings for Certain Buildings. When requested by the Building Official, the owner or his agent shall submit a drawing indicating fences, barricades, aprons, canopies, lighting, and other safeguards to be used in connection with the wrecking program. These safeguards shall be approved by the Building Official before a permit is issued and the safeguards shall be erected in strict compliance therewith.

8-2-7 Aprons, Canopies, Streets, and Sidewalks. The wrecker owner, his agent or contractor, shall construct aprons, canopies, fences, barricades, and other safeguards in conformance with all Federal, State, and local standards, rules, and regulations. Streets and sidewalks shall not be blocked without the approval of the Building Official. All damage to public property as a result of the demolition must be repaired, including damage to sidewalks, curbs, streets, etc.

8-2-8 Time. Each and every requirement mentioned or described in this Chapter shall be performed by the owner, his agent or his contractor, within the time set by the Building Official, unless otherwise prescribed herein.

8-2-9 Adjacent Frontage Consents. If the written consent of and a waiver of claims for damage against the city by the owners of properties adjoining the site of the proposed demolition of any building is first obtained and filed with the Building Official, the permission to occupy the roadway and the sidewalk may be extended beyond the limits of such building front of the property for which the consent of the owner thereof has been secured upon the same terms and conditions as those fixed for the occupation of sidewalks and roadways in front of the building site.

8-2-10 Party Walls. Before a permit is issued for the wrecking of a structure that has one or more party walls in common with one or more buildings, there shall be delivered to the Building Official a certificate by a licensed architect or a licensed structural engineer to the effect that the adjoining premises do not require anchorage, or, if such certificate indicates that anchorage is necessary, the certificate shall be accompanied by a drawing signed and sealed by such architect or engineer and subject to the approval of the Building Official indicating adequate anchorage of floor and roof joists at not greater than ten foot (10') intervals for each and every floor and roof resting on such party wall, and the adjoining premises shall be anchored in compliance with such drawing. Owners of adjoining premises shall be notified of said anchorage, as shown on such drawing.

8-2-11 Night Work. It shall be unlawful for any person to conduct the demolition of any building between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., unless otherwise approved in writing by the City of Muscatine

8-2-12 Exemption. The provisions of this Ordinance shall not apply to the demolition of garages, out-buildings, or other accessory structures of a similar nature.

8-2-13 Burning. It is unlawful to demolish by burning without approval of the Fire chief and in accordance with all applicable State and Local rules and policies.

TITLE 8 – BUILDING REGULATIONS
CHAPTER 3 – ELECTRICAL CODE

SECTIONS:

- 8-3-1 Adoption of Code
- 8-3-2 Supplemental Electrical Regulations
- 8-3-3 Plans and Specifications
- 8-3-4 Permits
- 8-3-5 Inspections
- 8-3-6 Turning Off Electric Current
- 8-3-7 Connection to Power Source

8-3-1 Adoption of Code. The most recent edition of the National Electric Code, as amended and published by the National Board of Fire Underwriters is hereby adopted as the Electrical Code for the City of Muscatine, Iowa, insofar as they do not conflict with the regulations set out in this Chapter, which shall supersede. The current edition of the National Electrical Code is made a part hereof as if fully set out in this Ordinance.

8-3-2 Supplemental Electrical Regulations. The purpose of this Section is to provide for additional electrical rules and regulations which are intended to supplement the provisions of the current edition of the National Electrical Code adopted by the City Council. The supplemental rules and regulations take precedence over any provisions of the National Electrical Code which may be in conflict therewith as provided in Section 8-3-1.

- A. Distribution Centers - Divisions of Load. In laying out an electrical installation, except for a constant current system, every reasonable effort shall be made to secure distribution centers located in easily accessible places at which points, cutouts, and switches controlling various branch circuits shall be grouped for convenience and safety of operations. The electrical load shall be divided as evenly as possible between branch circuits and all complicated and unnecessary wiring shall be avoided.
- B. Transformers-Meters. Transformers and meters shall comply with the following regulations:
 1. All power or heavy lighting services over two hundred amperes, single-phase and two hundred amperes, three-phase, shall be metered by a potential and current transformer or current transformers.
 2. Metering transformers shall be enclosed in an approved metal box enclosure or cabinet with a door locked or sealed by the utility company or mounted in the mast drip loop at the utility's discretion.
 3. Meter loops shall not be opened or closed by anyone without the permission of an authorized representative of the utility company.
 4. A meter board and/or distribution panel board of the size and type approved by the Code Inspector shall be installed in a proper and convenient place designated by the utility company to receive the various types of meters used by the utility company and distribution panels used by the customer.
 5. Where two or more meters are to be placed on one building for different electric customers, they shall be grouped at a common place on the exterior portion of the building. All multiple metering points shall be marked on the cover's exterior as well as the interior meter base which identifies the building address and respective apartment identifier with a permanent, wide tip, non- soluble black ink.

6. Meters shall be placed on solid walls free from vibration and in a convenient and accessible place for reading as specified by the utility company. They shall be placed not over six foot six inches or less than four feet from the finish grade with a minimum of three feet clear space in all directions of the meter.

C. Service Entrance Wiring and Requirements. All service entrance wiring and requirements shall comply with the following regulations unless elsewhere allowed in the adopted National Electrical Code and utility company, or a variation thereof is approved by the Code Inspector due to the type of building occupancy or electrical service requirements:

1. Only one service shall be permitted for any one building or structure, except as elsewhere allowed in the adopted National Electrical Code.
2. A minimum of a three-wire, 100 ampere electric service shall be required for any existing building or structure requiring electrical service, except as allowed by the utility company. The service locations shall be designated by the utility company.
3. Newly constructed and existing single residential dwellings receiving new electric service following the passage of this Chapter shall conform to the following requirements:
 - a. They shall be provided with a minimum of a 200 ampere service.
Exception: Each newly constructed multifamily and existing multifamily residential unit(s) containing less than 1,000 square feet of habitable area shall be provided with a minimum of a 100 ampere service per the National Electric Code.
 - b. Mast type services shall be installed utilizing not less than 2" (inch) galvanized rigid conduit and shall require a guy brace if the mast extends more than four 4' (feet) above the adjacent roof.
 - c. Service from an underground system shall enter the structure above grade on the exterior portion of the building and shall be sealed with a proper compound to prevent the entrance of water.
 - d. Service panel switches shall not be installed over sinks, stationary tubs, stoves, or near any plumbing appliances where the person operating same could come in contact with a grounding device.
 - e. In no case shall more than twelve feet (12') of service wires be allowed on the inside of any building, or structure without a disconnect being present.
 - f. Service of 200 amperes or less shall have a sequence of meter, main fused disconnect switch or breaker, circuit fuses or breakers when the number of disconnects is six (6) or less. Emergency systems may be connected to line side of the main switch or breaker as provided by the National Electrical Code. If the number of disconnects is greater than six (6) the main must be ahead of the meters.
 - g. Where the electrical service entrance or electric panel is relocated more than three feet on existing work, the provision of this Section shall apply as if said relocation was new work. Extensions shall not be allowed on work where wiring is not in conformance with the adopted National Electrical Code. Old work shall be brought up to the standards set by the National Electrical Code and by this Chapter.

C. Armored Construction. Armored construction shall include iron conduit, metallic tubing and metal molding work, and shall comply with the following requirements:

1. Riser or switch legs may be run to cellars or basements in romex with full size ground or conduit.
2. Metal moldings, when run in cellars or basements, shall be securely fastened to walls so as to prevent any movement.
3. Receptacles installed on first floors of buildings or structures that are connected from basements or cellars below, where said basements or cellars have armored construction, shall be run in complete armored material. This provision shall not apply to existing buildings or structures where cellars or basements contain unarmored construction.
4. The use of BX cable is prohibited.
5. All conduits exposed to moisture shall be made moisture proof in conformance with accepted methods and safe workmanlike practices.

D. Unarmored Construction. Romex wiring shall be considered unarmored construction, and may be used in places where armored construction is not required. All romex where used shall be of the full grounded type.

E. Conduit Wiring. All buildings or structures within C-2 Downtown Commercial Zoning District and all hotels, motels, public, semipublic and private schools, churches, hospitals, sanitariums, institutions for the care of children or elderly persons, semipublic and private clubs, theatres, dance and amusement halls, gasoline service stations, commercial garages, storage garages where three or more vehicles are stored, and all public buildings and places of assembly shall be wired in approved metal conduit. This provision shall not apply to such buildings or structures that contain existing wiring unless said wiring is found to be in a hazardous or dangerous condition to life or property, and shall be ordered removed, changed or condemned by the Code Inspector.

Exception. New multi-family dwellings of no more than two floors with City and State approved construction, and with City and State U.L. approved smoke and fire alarm systems, may be wired in nonmetallic cable. All wiring installed in basements, garages, and storage areas, shall be in metal raceways. Breaker panels shall be located in each apartment. Main service and service to each apartment containing less than one thousand (1,000) square feet shall be in conduit and sized no less than 100 amperes to each unit. Disconnecting means shall be located at the main service location with meter.

F. Workmanship. In all electrical wiring work and installation of electrical apparatus and equipment, special care and attention shall be given to the mechanical execution of the work. Care shall be given to assure the neat and orderly running, connecting, and taping of conductors, securing and attaching related fittings.

8-3-3 Plans and Specifications. Whenever it shall be deemed necessary by the Inspector, plans and specifications shall be required and shall show, in sufficient detail, that all electrical work to be done which requires an Electrical Permit conforms to the adopted Code of the City. Plans and specifications may not have to be submitted where minor work is proposed and/or the contractor agrees to comply with all the provisions of this Chapter.

8-3-4 Permits. Before an Electrical Permit is issued as required, the Inspector shall charge the owner of the property or his contractor the required fee which shall be established by resolution of the City Council and is set out in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances. No electrical work will commence without the party performing the electrical work first insuring that the required permit has been issued by the City. Failure to comply with this provision shall result in the fee being doubled and subjects the violator to the issuance of a Municipal Infraction, at the discretion of the Building Official.

Exception. Minor repair work and installations may not require issuance of an Electrical Permit when, in the opinion of the Inspector and with the approval of the Building Official, such work or installation does not require significant changes, alteration and/or repair.

8-3-5 Inspections. The Inspector must be notified when work is ready to be inspected by the licensed electrician or homeowner (when wiring his/her own home) doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved by the City. No request shall be made for an inspection until the work is entirely ready for inspection or unless the Inspector makes arrangements to the contrary. In case of violation of any of the provisions contained herein, the permit may be revoked by the City and upon notice of revocation, all work under the permit shall cease. The Inspector shall examine all work required to be inspected within eight (8) working hours of notice that the work is ready for inspection. Any materials found to be defective, improperly installed or not meeting the minimum requirements of the Code shall be removed, replaced and/or altered to fully comply with all the provisions of this Chapter. When all work is completed under the Electrical Permit and is found to be in compliance with the Code, the Inspector shall give his or her approval.

- A. Emergency Repair. Emergency repair may be performed by an electrical license holder, but must be reported to the **City Building Department** within eight (8) working hours of the repair.
- B. Heating and Air Conditioning Installations. Electrical installation of all heating, air conditioning equipment and electric water heaters shall be performed by an electrical license holder or the homeowner and comply with this Code.

8-3-6 Turning Off Electric Current.

- A. The Code Inspector shall have full power and authority to cut off or cause to have cut off the electric current from any new installation, alteration or extension of existing systems, existing installation found to be hazardous, or any equipment, in or on any building, structure or premises which:
 1. Does not comply with applicable city codes pertaining to electrical work for which a permit has been issued, or
 2. In the opinion of the Inspector an unsafe or hazardous condition exists, or that danger to persons or property is possible; or
 3. The electrical current would interfere with or hinder the necessary work of the fire or law enforcement officials.
- C. Where the current is cut off or ordered cut off under the provisions of this Section, such current shall not be turned on again without the authorization of the Code Inspector. Any person engaged in furnishing electricity, shall cut off the current from any consumer, building, structure, or premises when so ordered by the Code Inspector for reasons indicated in this section.

8-3-7 Connection to Power Source. No electrical connection to the power source shall be made, or any electric meter set until the same has been approved by the Code Inspector or representative of the utility company.

TITLE 8 – BUILDING REGULATIONS
CHAPTER 4 – FUEL GAS CODE

SECTIONS:

- 8-4-1 Fuel Gas Code
- 8-4-2 Enforcement

8-4-1 Fuel Gas Code. Except as hereinafter added to, deleted, modified or amended, the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA), is hereby adopted by reference as the Fuel Gas Code for the City of Muscatine and is made a part hereof as if fully set out in this ordinance. An official copy of said code is in the office of the City Clerk.

8-4-2 Enforcement. The duly franchised agency (the Gas Division of the Interstate Power and Light Company) shall work together with the City, and the City in turn will co-operate with the person, firm, or corporation to disconnect or to order disconnection and plug or cap any gas piping, appliance, or accessory which does not conform to the requirements of the most recent edition of the National Fuel Gas Code, NFPA 54, as prepared and edited by the National Fire Protection Association (NFPA) and the American Gas Association, or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory, or gas piping which shall state that it has been disconnected and the reason therefore, and such notice shall not be removed nor shall the appliance, accessory, or gas piping be reconnected until it shall have been made to conform with the requirements of the Code of Standards.

TITLE 8 – BUILDING REGULATIONS

CHAPTER 5 – HOUSING CODE

SECTIONS:

- 8-5-1 Title, Scope, and Enforcement
- 8-5-2 Definitions
- 8-5-3 Permits and Inspection
- 8-5-4 Certification
- 8-5-5 Minimum Structural Standards for All Dwellings
- 8-5-6 Minimum Structural Standards for All Rental Housing
- 8-5-7 Owners Responsibilities
- 8-5-8 Occupants Responsibilities
- 8-5-9 Substandard Buildings
- 8-5-10 Notices and Orders of Building Official
- 8-5-11 Appeals
- 8-5-12 Procedures for Conduct of Hearing Appeals
- 8-5-13 Enforcement of Orders from Building Official or Board of Appeals
- 8-5-14 Performance of Demolition and Cost Recovery

8-5-1 Title Scope and Enforcement.

- A. Title. These regulations shall be known as the "Muscatine Housing Code", hereinafter referred to as "The Housing Code".
- B. Housing Code Adopted. There is hereby adopted by the City of Muscatine, Iowa, for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction, the "Housing Quality Standards" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), the latest version being dated April 1, 1993, save and except such portions as are hereinafter deleted, modified or amended. The "*Housing Quality Standards*" promulgated by the United States Department of Housing and Urban Development (24 C.F.R. 882.109 (a)-(1)), is incorporated herein as though fully set out at length herein.

(Code of Iowa, Section 364.17[1][e] & 364.17[7])

- C. Scope. The provisions of this Housing Code shall apply to all buildings or portions thereof which are used or intended to be used for human occupancy. Additionally, all accessory buildings or structures are hereby subject to all applicable sections regarding health, safety, and maintenance thereof.
- D. Enforcement.
 - 1. Authority. The Building Official, or his or her designated representative, is hereby authorized and directed to enforce all of the provisions of this Code. For such purposes, he or she shall have the powers of a law enforcement officer.
 - 2. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official, or his or her authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous, or hazardous, the Building Official, or his or her

authorized representative, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises be occupied, he or she shall first present proper credentials and request entry; and if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official, or his or her authorized representative, shall have recourse to every remedy provided by law to secure entry.

When the Building Official, or his or her authorized representative, shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official, or his or her authorized representative, for the purpose of inspection and examination pursuant to this Code.

8-5-2 Definitions. For the purpose of this Housing Code, certain terms, phrases, words, and their derivatives shall be construed as specified in this Chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Merriam Webster's Collegiate Dictionary, Tenth Edition, copyright 1994, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Whenever the words "dwelling", "dwelling unit", "rooming house", or "premises" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

- A. "Acceptable" or "approved" shall mean in substantial compliance with the provisions of the Housing Code, or the intent of the Code as approved by the Building Official or his/her designated representative.
- B. "Accessory structure" shall mean a structure which is not used, nor intended to be used, for living or sleeping by human occupants.
- C. "Appurtenance" shall mean that which is directly or indirectly connected or an accessory to some other structure.
- D. "Basement" shall mean a story having at least 1/2 of its height below grade.
- E. "Bath" shall mean a bathtub or shower stall connected with both hot and cold water lines.
- F. "Cellar" shall mean a space having its principal height below the first or main floor which is used, or intended to be used, for storage, location for heating equipment, etc., and shall not be considered habitable space.
- G. "Certificate of Structural Compliance" shall mean a document showing that the structure for which it is issued was in compliance with the City of Muscatine Housing Code at the time of issuance.
- H. "Communal" shall mean used or shared by, or intended to be used or shared by, the occupants of two (2) or more rooming units or two (2) or more dwelling units.
- I. "Condominium" shall mean a dwelling unit which is in compliance with the

requirements of 499B of the Code of Iowa, as amended.

- J. "Cooperative" shall mean a dwelling unit which is in compliance with the requirements of 499A of the Code of Iowa, as amended.
- K. "Court" shall mean an open unoccupied space which is more than 50% enclosed by buildings.
- L. "Dining room" shall mean a habitable room used, or intended to be used, for the purpose of eating, but not for cooking or the preparation of meals.
- M. "Dwelling" shall mean any building or structure which is wholly or partly used, or intended to be used, for living or sleeping by human occupants and includes any appurtenances attached thereto.
- N. "Dwelling unit" shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used, for living, sleeping, cooking, and eating of meals.
- O. "Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Inspector.
- P. "Filth" shall mean excrement, either animal or human, or any material connected therewith.
- Q. "Garbage" shall mean animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food and shall also mean combustible waste material. The term shall also include paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, and other combustible materials.
- R. "Habitable room" shall mean a room, or enclosed space, having a minimum of seventy (70) square feet of total floor area within a dwelling unit or rooming unit used, or intended to be used, for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, corridors, closets, storage spaces, and stairways.
- S. "Infestation" shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests in such quantities as would be considered unsanitary.
- T. "Inspector" shall mean the official or officials of the City of Muscatine delegated the responsibility to administer the provisions of the Housing Code, together with his or her duly authorized representative(s) and/or agent(s).
- U. "Kitchen" shall mean a habitable room used, or intended to be used, for cooking or the preparation of meals.
- V. "Kitchenette" shall mean a food preparation area of not less than forty (40) square feet.

- W. "Lavatory" shall mean a hand washing basin which is connected to both hot and cold water lines and which is separate and distinct from a kitchen sink.
- X. "Multiple dwelling" shall mean any dwelling containing three (3) or more dwelling units.
- Y. "Nuisance" shall mean any item or items as defined in Title 9, Chapter 3, of the City Code.
- Z. "Occupant" shall mean any person, including the owner or operator, living in, sleeping in, and/or cooking in, or having actual physical possession of a dwelling unit or a rooming unit.
- AA. "Operator" shall mean any person who rents to another or who has custody or control of a building, or parts thereof, in which dwelling units or rooming units are let and who has custody and control of the premises.
- BB. "Owner" shall mean any person who has control of any dwelling, dwelling unit, or rooming unit by virtue of a contractual interest in or legal or equitable title to said dwelling, dwelling unit, or rooming unit. An owner who has sold the premises on a legally recorded contract but retains legal title shall not be deemed an owner hereunder.
- CC. "Person" shall mean any individual, firm, corporation, association, partnership, trust, or estate.
- DD. "Plumbing" shall mean and include any or all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, showers, water heating devices, catch basins, drains, vents, and other similar supplied fixtures, together with all connections to water, sewer, or gas services.
- EE. "Premises" shall mean a lot, plot, or parcel of land including all building(s) thereon.
- FF. "Refuse" shall mean waste materials (except human waste) including garbage, rubbish, ashes, and dead animals.
- GG. "Roomer." shall mean an occupant of a rooming house or rooming unit and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling.
- HH. "Rooming unit" shall mean any habitable room, or group of adjoining habitable rooms, located within a dwelling and forming a single unit with facilities which are used, or intended to be used, primarily for living and sleeping and contain no cooking equipment except that a properly connected and safely operated microwave shall be permitted. A rooming unit shall have a bath and toilet facilities available for exclusive use by the occupant(s) or for communal use in accordance with Sections 8-5-6(E)1 and 8-5-6(E)2.
- II. "Rubbish" shall mean inorganic waste material consisting of primarily noncombustible materials.
- JJ. "Supplied" shall mean paid for, furnished by, provided by, or under the control of the owner or operator.

8-5-3 Permits and Inspection.

- A. General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure regulated by this Code without first obtaining a separate permit for each building or structure from the Building Official in the manner and according to the City Code for Muscatine, Iowa.
- B. Fees. Whenever a building permit is required by Section 8-5-3(A) of this Code, the appropriate fees shall be paid to the Building Official at the rate(s) established by the City Council and set out in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances.
- C. Inspection. All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by the City Code for the City of Muscatine.

8-5-4 Certification.

- A. General. The City of Muscatine shall cause all properly registered rental property to be inspected for compliance under this Code prior to initial occupancy, upon receipt of complaints, and every three (3) years in the case of unit(s) more than five (5) years old. No properly registered rental property may be occupied prior to inspection and receipt of verbal or written approval from the City for temporary occupancy pending issuance of the certificate of structural compliance. The City shall also certify that all properly inspected rental housing for which provisional occupancy has been approved or the Certificate of Structural Compliance issued complies with the provisions of this Code, or the City shall initiate action to begin necessary repairs or demolition proceedings as specified in this Code.

(Code of Iowa, Section 364.17[3a])

- B. Fees. Upon receipt of Notice of Violation in the case of noncompliance or the appropriate Certificate of Structural Compliance if the inspected unit(s) comply with the provisions of this Chapter, each owner or operator shall forward the related inspection fee(s) to the City of Muscatine Building Department no later than thirty (30) days from the date the notice or certificate is issued, except that no inspection fee shall be assessed against Section 8 housing. An itemized bill of inspection fees shall be included. Said fees shall be set by resolution of Council and are set out in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances. Failure to pay all fees within the prescribed period may result in additional late payment charges as may be approved and set by the City Council.

(Code of Iowa, Section 364.17[5])

- C. Certificate of Structural Compliance. The certificate of structural compliance shall be a document which, when issued, shall indicate that the affected structure meets the minimum requirements contained in this Code. The certificate shall be transferable at the time of a change in ownership and shall remain a part of the City of Muscatine property file. The certificate shall be interpreted as granting the owner or operator the right to let the structure for residential occupancy. The certificate of structural compliance shall state the date of issuance, type of structure for which the certificate is being issued, and the address of the structure to which it is applicable. The

certificate may include only those units within a dwelling meeting certification requirements. A unit may only be occupied following inspection as required in Section 8-5-4[a] and verbal or written approval from the City of Muscatine pending formal issuance of the Certificate of Structural Compliance. This provision shall not be interpreted to permit initial occupancy prior to inspection and approval of properties.

(Code of Iowa, Section 364.17[3a])

D. Issuance of Certification of Structural Compliance. When the provisions of this Code have been complied with by the owner or operator, the City Inspector shall issue a Certificate of Structural Compliance. Said certificate shall be made in duplicate with the owner or operator receiving one copy and the other copy shall be retained by the Inspector for inclusion in the City of Muscatine property files. A certificate for any unit which is more than thirty (30) days past expiration in which access for inspection has not been granted on at least two (2) separate occasions may be found to be in violation of this Code and may be immediately posted for "NO OCCUPANCY", vacated (if occupied) or remain vacant (if unoccupied), until such time as the required inspection(s) have been scheduled, the inspection(s) conducted, the unit found to be in compliance with this Code, and a Certificate of Structural Compliance issued together with the payment of all appropriate fees as established elsewhere in this Code.

(Code of Iowa, Section 364.17[3a])

8-5-5 Minimum Structural Standards for All Dwellings.

A. Kitchens. Every dwelling unit shall have a kitchen or kitchenette equipped with the following:

1. An approved kitchen sink.
2. Space capable of properly accommodating a refrigerator and a stove or range.
3. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range.
4. Adequate space for the storage and preparation of food.

B. Sanitation. Every kitchen sink, toilet, lavatory basin, and bath shall be properly connected to an approved water and sewer system as provided for in the City of Muscatine City Code. Additionally, sanitary facilities shall include the following:

1. Every dwelling unit shall contain a toilet.
2. Every dwelling unit shall contain a bath or shower compartment.
3. Every dwelling unit shall contain a lavatory basin.
4. Every toilet and bath shall be contained within a room which will afford privacy to the user and shall be separated from a food preparation area by a tight fitting door.

C. Required Water Heating Facilities. Every kitchen sink and bath and lavatory basin required in accordance with the provisions of this Housing Code shall be properly connected with supplied water heating facilities. Every supplied water heating facility

shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn on every kitchen sink and lavatory basin required at a temperature of not less than one hundred twenty (120) degrees Fahrenheit (forty-eight (48) degrees Centigrade). Such supplied water heating facilities shall be capable of meeting the requirements of this section, regardless of space heating facilities which are not in operation.

D. Exits.

1. Every dwelling unit and rooming unit shall have access to two (2) independent, unobstructed means of egress remote from each other. At least one shall be an exit which discharges directly to corridors or stairways or both to a public way. If both means of egress are to a common corridor, they shall be in opposite directions or in compliance with local building and/or fire codes.
2. Every means of egress shall comply with the following requirements:
 - a. Handrails. All stairways comprised of four (4) or more risers shall be provided with a substantial and safely constructed handrail.
 - b. Guardrails. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies, or porches which are more than thirty inches (30") above grade and any roof used for other than maintenance purposes shall be protected by a substantial and safely constructed guardrail.
 - c. Every stairway shall have a reasonably uniform riser height and uniform tread width which shall be adequate for safe use.
 - d. Doors and windows accessible from outside the unit shall be lockable from inside the unit.
 - e. In basement units where one means of egress is a window, such window shall have an unobstructed opening no less in area than that required in the Building Code.
 - f. No existing fire escape shall be deemed a sufficient means of egress unless it is in compliance with the fire codes of the State of Iowa and any applicable City rule or regulation.
 - g. Every doorway providing ingress or egress from any dwelling unit, rooming unit, or habitable room shall be at least six feet, four inches (6' 4") high and twenty-four inches (24") wide.

E. Natural Artificial Light. Every habitable room shall be provided with adequate natural and/or artificial light to permit normal indoor activities and to support the health and safety of the occupants.

F. Ventilation.

1. Every dwelling unit shall be provided with natural ventilation as follows:
 - a. Every window or other device with openings to the outdoor space which are capable of being used for ventilation purposes and currently contain screens shall be maintained in a good state of repair.
 - b. Every door opening directly from a dwelling unit or rooming unit to the outdoor space shall fit reasonably tight within its frame and shall be maintained in a good state of repair.
 - c. For natural ventilation, every bathroom or toilet compartment shall have at least one openable window facing directly to the outdoors.

2. Every dwelling unit shall be equipped with mechanical ventilation as follows:
 - a. In lieu of openable windows for natural ventilation, as specified in Section 8-5-5(F)1(c), adequate ventilation which provides not less than two (2) air changes per hour in all bathrooms or toilet compartments.
 - b. No mechanical exhaust system, exhausting vapors, gases, or odors shall be discharged into an attic, crawl space, or cellar unless such attic, crawl space, or cellar is adequately vented to the outside.

G. Heating. Heating shall be provided as follows:

1. Every dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit (nineteen (19) degrees Centigrade) at a distance of three feet (3') above the floor level. Said heating facilities shall be so designed and equipped that heat, as herein specified, is available for all dwelling units and rooming units between the hours of 6:30 A.M. and 10:30 P.M., of each day, and shall maintain a temperature of not less than sixty (60) degrees Fahrenheit from 10:30 P.M. to 6:30 a.m. of each day.
2. Every central heating unit, space heater, water heater, and cooking appliance shall be located and installed in such a manner so as to afford reasonable protection against interference of egress facilities or egress routes in the event of uncontrolled fire in the structure.
3. Every fuel-burning heating unit or water heater shall be effectively vented in a safe manner to a chimney or duct leading to the exterior of the building. The chimney duct and vent shall be of such design as to assure proper draft and shall be adequately supported.
4. No fuel-burning furnace or water heater shall be located within any sleeping room or bathroom unless there is adequate combustion air, an automatic shutoff is provided, and the continuing operation of the furnace and/or water heater poses no threat to the occupant, as determined by the Inspector.
5. Every steam or hot water boiler and every water heater shall be protected against overheating by appropriate pressure and temperature limit controls.
6. Every fuel-burning space heating unit and water heater shall be equipped with an electronic ignition or with a pilot light and an automatic control to interrupt the flow of fuel to the unit in the event of failure of the ignition device.

H. Electrical Requirements. Extension cords shall not be used or considered as permanent wiring intended to meet the requirements contained in this section.

1. Every habitable room shall contain at least two (2) separate floor or wall-type electric double convenience outlets which shall be properly installed, on adjacent walls or otherwise separated for reasonable access from all spaces within the room.
2. Every toilet room, bathroom, laundry room, furnace room, basement, and cellar shall contain at least one supplied ceiling or wall-type electric light fixture, and one floor or wall-type electrical outlet which shall be properly installed.

- I. Minimum Space and Occupancy Standards. Minimum space and occupancy standards shall be the minimum requirements established in the Housing Quality Standards as adopted, and amended by the United States Department of Housing and Urban Development.
- J. Ceiling Height. The ceiling height in every habitable room shall be at least six feet, eight inches (6' 8"). In addition, obstructions of space by such items as water and gas pipes, cabinetry, etc. shall be permitted when such obstructions are located in such a fashion that they do not interfere with normal or emergency ingress and egress and are approved by the Inspector.

8-5-6 Minimum Structural Standards for All Rental Housing.

- A. Access. Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit.

Exception: Access to rooming units may be through a living room or kitchen of a unit occupied by the owner or operator of the structure.

No dwelling, dwelling unit, or rooming unit containing two (2) or more sleeping rooms shall have such arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room.

Exception: Access may be provided through not more than one room which is restricted for use as a sleeping room for children under five (5) years of age. However, all other occupancy minimums shall apply.

- B. Lighting in Public Halls and Stairways. Lighting shall be provided as follows:

1. Public passageways and stairways in dwellings accommodating three (3) or more dwelling units or rooming units shall be provided with a convenient wall mounted light switch(es) which activates an adequate lighting system.
2. Exterior stairways serving individual units shall be supplied with sufficient illumination to allow their safe use.

- C. Fire Regulations. All rental housing shall be provided with fire protection equipment as follows:

1. All structures containing three (3) or more dwelling units or rooming units shall be provided with a sufficient number of fire extinguishers which are approved by the Fire Marshall. Fire extinguishers shall be properly hung in an area accessible to all tenants within the individual unit, or in the common corridors at each level and in the basement.
2. All dwelling units and rooming houses shall be provided with smoke detectors as required.
3. Location and Installation. All smoke detectors shall be located and mounted on a ceiling or on a wall not more than twelve inches (12") from the ceiling at a point centrally located within the required area. Smoke detectors shall be located in accordance with the manufacturer's recommendation and this Code.

4. Power Source and Maintenance. Buildings required by State and local law to install smoke detectors receiving their primary source from building wiring shall comply with all applicable laws concerning installation, inspection, and maintenance. All other units may receive their primary source of power from batteries.
5. Owner's responsibility. The owner shall be responsible for the installation and testing of all smoke detectors as a condition to occupancy.
 - a. If the unit is currently (and otherwise legally) occupied on the effective date of this ordinance, the owner shall cause all existing smoke detectors to be tested. Any non-functioning and/or inoperable detectors and batteries shall be immediately replaced by the owner, at the owner's expense. It shall be the responsibility of the owner to provide verification of compliance with this section when requested by the City, or the owner shall be guilty of a Municipal Infraction.
 - b. When a unit is scheduled for occupancy by a new tenant(s), it shall be the responsibility of the owner to install and test all required smoke detectors prior to occupancy. All non-functioning and/or inoperable detectors and batteries shall be replaced at the owner's expense. The owner shall retain verification of this requirement and produce it when requested by the City, or the owner shall be guilty of a Municipal Infraction.
 - c. The owner shall be responsible for the installation and maintenance of all detectors and batteries located in common corridors and other areas required by law that are not under the direct control of the occupant(s).
6. Occupants Responsibility.
 - a. The occupant shall be responsible for the replacement of all batteries necessary for the proper operation of all supplied smoke detectors within the rental dwelling. The occupant shall be required to notify the owner, in writing, of any deficiencies known to exist in the supplied detector. It shall be the responsibility of the occupant to test all smoke detectors on a regular basis to insure proper operation. Failure to keep batteries replaced, as necessary for their safe operation, shall cause the occupant to be in violation of this section and subject to a Municipal Infraction citation. Detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Smoke detectors hereinafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

D. Sanitation.

1. Toilets and Lavatory Basins. At least one toilet and one lavatory basin shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit, or units, including members of the operator's family whenever they share said facilities.

Exception: In rooming houses where rooms are let to males only, flush urinals may be substituted for not more than one-half (1/2) of the required number of toilets.

2. Baths. At least one bath shall be supplied for each eight (8) persons, or fraction thereof, residing within a dwelling containing a rooming unit or units, including members of the operator's family whenever they share the use of said facilities.

E. Communal Toilets, Kitchens, and Dining Rooms.

1. Communal Toilets and Baths. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit.
2. Communal Kitchens. If a communal kitchen is supplied, it shall comply with the following requirements:
 - a. The minimum floor area of communal kitchens shall be sixty (60) square feet.
 - b. Floor area in communal kitchens which permits roomers to prepare and eat meals shall be one hundred (100) square feet.
 - c. The kitchen shall contain adequate food storage capacity, an approved sink, and a stove or range.
 - d. It shall include at least one cabinet of adequate size suitable for the storage of food and eating and cooking utensils.
 - e. It shall contain a table and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.
 - f. Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.
3. Communal Dining Rooms. Every dwelling or rooming house within which the occupant of any rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than one hundred (100) square feet of floor area, as provided in Section 8-5-6(E)2(b), shall contain a communal dining room which complies with the following requirements:
 - a. Every communal dining room shall be located on the same floor as the communal kitchen and located as nearly adjacent to the communal kitchen as is practicable.
 - b. Accessibility to the communal dining room by occupants shall be the same as requirements for communal kitchens in Section 8-5-6(E)2(f).
 - c. The communal dining room shall contain a table and adequate chairs for the normal use of the facilities.
 - d. Every communal dining room shall contain not less than seventy (70) square feet of floor area.

F. Lead Based Paint. Every owner or operator of a dwelling shall comply with HUD Lead Based Paint Regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act.

G. Shades, Draperies, and Window Coverings.

1. Every window in rooms used for sleeping purposes in rooming units and furnished dwelling units shall be supplied with shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.
2. Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.

H. Mobile Home Tiedown Requirements. All mobile homes shall be provided with two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in booklet TR- 75 published by the Department of Defense.

8-5-7 Owners Responsibilities.

A. Maintenance of Structure.

1. Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, porch, guardrail, sidewalk, and appurtenance thereto shall be maintained in a safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.
2. Every foundation, floor, exterior wall, exterior door, window, and roof shall be maintained in a reasonably weather tight, watertight, rodent proof, and insect proof condition.
3. Every door and window to include all hardware associated with every door and window shall be maintained in good and functional condition and shall fit reasonably well within its frame.
4. Every interior partition, wall, floor, ceiling, and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition, and where appropriate, shall be capable of providing privacy.

B. Maintenance of Accessory Structures.

1. Every foundation, exterior wall, roof, window, exterior door, and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for rats or other vermin and shall be maintained in a reasonably watertight, structurally sound condition capable of withstanding imposed wind and snow loads.
2. Security. Every accessory building and/or garage shall be secured against unauthorized entry, or it shall be declared a public nuisance subject to abatement and/or civil penalty. It shall be the responsibility of the person(s) having the possession and use of the accessory building to comply with this Section.

C. Drainage.

1. Rainwater Drainage. Rainwater shall be directed away from the building so as to prevent water damage to the structure.
2. Grading and Drainage. Every premises shall be graded and drained so no stagnant water will accumulate or stand thereon.
Exception: This section shall not affect the existence or maintenance of approved storm water detention systems.

D. Chimneys. Every chimney shall be adequately supported and maintained in a reasonably good state of repair.

E. Protection of Exterior Wood Surfaces. All exterior wood surfaces of a dwelling and its accessory structures, porches, and similar appurtenances shall be protected from the elements and against decay by a non-lead based paint or other approved protective covering.

Exception: Any exterior wood surface comprised of a type or species of wood or which has been treated to resist decay and infestation shall be exempted from the above listed requirement when approved by the Inspector.

- F. Egress from Structure. Every means of egress shall be maintained in good condition and shall be free of obstruction at all times. If the means of egress is a fire escape, it shall be maintained in a good state of repair. Egress via exterior stairways shall be provided with sufficient illumination to allow for their safe use by the occupant.
- G. Screening. Every openable exterior window, door, or similar device intended to be used for ventilation in a non-air conditioned environment, shall be supplied with properly fitted screens of not less than sixteen (16) mesh to the inch. All doors leading into common stairways or corridors shared by more than one tenant shall be supplied with screening sufficient to allow ventilation into the common areas when such areas are not air conditioned. Such screening shall be maintained in good repair.
- H. Electrical System. The electrical system of every dwelling or accessory structure shall not by reason of overloading, dilapidation, lack of insulation, improper fusing, or for any other cause, expose the occupants to hazards of electrical shock or fire, and every electrical outlet, switch, and fixture shall be maintained in good and safe working condition.
- I. Maintenance of Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be maintained in a good and sanitary working condition. Water pressure shall be adequate to permit a proper flow of water from all open outlets at all times. (Except during maintenance and repair.)
- J. Maintenance of Gas Appliances and Facilities.
 - 1. Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion, and obstruction causing reduced pressure or volume.
 - 2. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.
- K. Maintenance of Heating and Supplied Cooling Facilities. The heating equipment of each dwelling shall be maintained in a good, safe working condition and shall be capable of heating all habitable rooms and bathrooms located therein to the minimum temperature required by this Code. However, heating and supplied cooling equipment shall not be required to be maintained in operational condition during what is considered to be off season periods. Owners of rental properties with fuel burning furnaces that are 10 years or older or that have been inoperative for one year or longer are required to have annual carbon monoxide tests. Tests must be performed by a properly certified and registered mechanical contractor. Owners shall immediately notify the Inspection Department of failed tests. Owners shall provide a legible certified copy of successful test results to the Inspection Department not later than 30 days after the test. This requirement does not apply if a carbon monoxide detector is installed within 10' of the furnace.
- L. Floors. Every toilet room floor surface, bathroom floor surface, and kitchen floor surface shall be maintained so as to permit them to be kept in a clean, dry, and sanitary condition.

- M. Supplied Facilities. No supplied facility shall be removed, shut off, or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption(s) as may be necessary while actual (and active) repairs, replacements, or alterations are being made, unless authorized by court order.
- N. Maintenance of Sanitary Facilities. All toilets, baths, and lavatory basins shall be maintained in good working condition.
- O. Fire Protection. All fire extinguishers and early warning fire protection systems shall be maintained in good working condition at all times.
- P. Pest Extermination. The property owner shall be responsible for extermination of pests when it is determined by the Health Officer, or his or her designate, that the infestation is present in two (2) or more dwelling units or rooming units within a dwelling.
- Q. Garbage Disposal. Every owner of a dwelling shall supply an approved exterior location for the disposal of garbage and in compliance with the City Code for Muscatine, Iowa.
- R. Occupancy Control. A dwelling unit shall not exceed occupancy maximums.
- S. Cooking in Rooming Units. No owner or operator shall knowingly allow the use of cooking equipment within any rooming unit.

8-5-8 Occupant's Responsibilities.

- A. Occupant Responsible for Controlled Areas. Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, rooming unit, or premises thereof he or she occupies and controls, to include:
 1. Every floor and floor covering shall be kept reasonably clean and sanitary.
 2. Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.
 3. No dwelling shall be used for the storage or handling of refuse, except as provided in this Code.
- B. Plumbing Fixtures. The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use, and proper operation thereof.
- C. Extermination of Pests. Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents, or other pests on the premises. Every occupant of a dwelling containing two (2) or more dwelling units or rooming units shall be responsible for such extermination within the unit occupied by him or her whenever said unit is the only one infested. However, whenever it is determined by the Health Officer, or his or her designate, that infestation is caused by failure of the owner to maintain a dwelling in a reasonably rodent proof and/or insect proof condition, extermination shall be the responsibility of the owner.

- D. Storage and Disposal of Garbage. Every occupant of a dwelling shall dispose of rubbish, garbage, and any other organic waste in a clean and sanitary manner by placing it in container(s) required by the City Code of Muscatine, Iowa.
- E. Electrical Wiring. No temporary wiring or extension cords shall be used, except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms, or similar structural elements or attached thereto. The occupant shall not knowingly overload the circuitry of the dwelling unit or rooming unit. Multiplug connectors may only be used when they are equipped with an overcurrent device and individually approved by the Inspector.
- F. Supplied Facilities. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the reasonable care, proper use and proper operation thereof.
- G. Preparation of Meals in Rooming Units Prohibited. No occupant of a rooming unit shall prepare meals in his or her rooming unit unless an approved kitchen and/or dining room is contained within the rooming unit or in accordance with communal facilities outlined in Section 8-5-6 of this Code.
- H. Occupancy Control. No occupant shall allow the occupancy of any dwelling unit or rooming unit within which he or she resides to exceed the occupancy standards outlined in Section 8-5-5 of this Code.

8-5-9 Substandard Buildings.

- A. Definition. Any building or portion thereof, including any dwelling, dwelling unit, rooming unit, guest room, or the premises on which the same is located, in which there exists a violation of this Code to the extent that the violation endangers the life, limb, health, property, safety, or welfare of the public or the occupant(s) thereof shall be deemed and hereby is declared to be a substandard building.
- B. Substandard Buildings. All buildings or portions thereof which are determined to be substandard are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Section 9-3-3(R) of this Code.

8-5-10 Notices and Orders of Building Official.

- A. General.
 - 1. Commencement of Proceedings. Whenever the Building Official has inspected, or caused to be inspected, any building or portion thereof and has found and determined that such building or portion thereof is a substandard building, he or she shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building or portion thereof.
 - 2. Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
 - a. The street address and a legal description sufficient for identification of the premises upon which the building is located.

- b. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9-3-3 (R8) of this Code.
- c. A statement of the action required to be taken as determined by the Building Official.
 - i. If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work commenced within such time (not to exceed sixty {60} days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all the circumstances.
 - ii. If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable, given the nature of the violation(s).
 - iii. If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed sixty {60} days from the date of the order), that all required permits be secured therefore within sixty (60) days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.
- d. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
- e. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the City Council, provided the appeal is made in writing as provided in this Code and filed with the Building Official within thirty (30) days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

3. Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

4. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be posted on the property where the violation exists. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

5. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.
- B. Recordation of Notice and Order. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official may file in the Office of the County Recorder a certificate describing the property and certifying (i) that the building is a substandard building, and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.
- C. Repair, Vacation, and Demolition.
 1. Standards to be Followed. The following standards shall be followed by the Building Official (and by the City Council or Housing Board if an appeal is taken) in ordering the repair, vacation, or demolition of any substandard building or structure:
 - a. If any building declared a substandard building under this ordinance shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.
 - b. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or of the occupants, it shall be ordered to be vacated.
- D. Notice to Vacate.
 1. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8-5-10(A)3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a misdemeanor to enter this building or remove or deface this notice. Any person(s) found inside this building are subject to immediate arrest. Building Department, City of Muscatine.
 2. Compliance. Whenever such notice is posted, the Building Official shall require that the owner comply with all provisions of the Housing Code with respect to occupancy prior to removal of the posting, and subsequent occupancy of the building send a notification there of in the notice and order issued by him under Section 8-5-10(A)2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. Nothing contained herein shall prevent authorized person(s) from entering the property for the sole purpose of removing personal belongings during all reasonable hours, with prior notification and approval of the City.

No person shall remove or deface any such notice after it is posted until the

required repairs, demolition, or removal have been completed and a Certificate of Structural Compliance Occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

8-5-11 Appeals.

- A. Appeal to Council or Housing Appeals Board. In any instance where a party is left aggrieved by an adverse action of the Building Official under this Chapter, such person shall have an opportunity to appeal the decision to the City Council or an equivalent Housing Appeals Board formed by Council as allowed by State law. The Council or equivalent board established by Council as allowed by law shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals shall be processed in accordance with the provisions contained in Section 8-5-11(B) of this Code.
- B. Form of Appeal. Any person entitled to service under this Code may appeal any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official a written appeal containing:
 1. A heading in the words: "Before the City Council of the City of Muscatine, Iowa"
 2. A caption reading: "Appeal of __", giving the names of all appellants participating in the appeal.
 3. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order.
 4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
 6. The signatures of all parties named as appellants and their official mailing address.
 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- C. Filing of the Appeal. The appeal shall be filed within thirty (30) days from the date of the service (or other such time as may have been imposed by the Building Official based on the type of violation) of such order or action of the Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or adjacent property, or has otherwise been declared a Public Nuisance as contained elsewhere herein, and is ordered vacated and is posted in accordance with this Code, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the Building Official.
- D. Processing of Appeal. Upon receipt of any appeal filed pursuant to Section 8-5-11(C), the Building Official shall present it to the City Council in accordance with this Chapter. The Council shall then proceed by scheduling and noticing appellant as

provided under Section 8-5-11[e] or by establishing or forwarding as soon as practicable the appeal to an equivalent Housing Appeals Board formed by Council as allowed by State law, which Board shall then schedule and notice appellant as provided in Section 8-5-11[e].

- E. Scheduling and Notice of Appeal for Hearing. As soon as practicable after receiving the written appeal, the City Council or Housing Appeals Board shall fix a date, time, and place for hearing of the appeal by Council or the Board. Such date shall be not less than seven (7) days nor more than thirty (30) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least five (5) days prior to the date of the hearing to each appellant by the secretary of the Council or Board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.
- F. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this Code shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order or to any portion thereof.
- G. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- H. Staying of Order Under Appeal. Except for vacation orders made pursuant to Section 8-5-10, enforcement of any notice and order of the Building Official issued under this Code shall in abeyance during the pendency of an appeal therefrom which is properly and timely filed.

8-5-12 Procedures for Conduct of Hearing Appeals.

- A. General.
 - 1. Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by Council or the Housing Appeals Board.
 - 2. Reporting. The proceedings at the hearing shall also be transcribed from the recording if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by Council, but shall in no event be greater than the cost involved.
 - 3. Continuances. Council or the Appeals Board may grant continuances for good cause shown.
 - 4. Oaths, Certification. In any proceedings under this chapter, Council or the Appeals Board, or any member thereof, has the power to administer oaths and affirmations and to certify to official acts.
 - 5. Reasonable Dispatch. Council or the Appeals Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

B. Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the City Council/or the Housing Appeals Board at.... on the _____ day of _____, 20____, at the hour ___, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by filing an affidavit therefore with the City Council or Housing Appeals Board."

C. Subpoenas.

1. Filing of Affidavit. The Council or Housing Appeals Board and any appellant(s) may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of Council or the Housing Appeals Board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness, specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved, and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.
2. Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control, as required by any subpoena served upon such person as provided for herein, shall be guilty of a misdemeanor.

D. Conduct of Hearing.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
2. Oral Evidence. Oral evidence shall be permitted.
3. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions in courts of competent jurisdiction in this state.
4. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdictions in this state.
5. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

6. **Rights of Parties.** Each party shall have these rights, among others:
 - a. To call and examine witnesses on any matter relevant to the issues of the hearing.
 - b. To introduce documentary and physical evidence.
 - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
 - d. To impeach any witness regardless of which party first called him to testify.
 - e. To rebut the evidence against him.
 - f. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
7. **Official Notice.**
 - a. **What May be Noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Council or Housing Appeals Board or departments and ordinances of the City or rules and regulations of the Council or the Board.
 - b. **Parties to be Notified.** Parties present at the hearing shall be informed of the matters to be noticed and these matters shall be noted in the record, referred to therein, or appended thereto.
 - c. **Opportunity to Refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority; the manner of such refutation to be determined by the Board or hearing examiner.
 - d. **Inspection of the Premises.** Council or the Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, (iii) only those items listed in the official notice may be noted during the inspection, and (iv) the Council or Board shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Council or Board.

E. **Method and Form of Decision.**

1. **Hearing Before Council or the Board Itself.** Where a contested case is heard before the Council or the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.
2. **Form of Decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by mail, postage prepaid, at the address listed on the appeal.
3. **Effective Date of Decision.** The effective date of the decision shall be as stated therein.
 - a. Any appellant aggrieved by any decision may appeal the same to the District Court of Muscatine County within thirty (30) days after receiving the decision of Council or the Board.

8-5-13 Enforcement of Orders from Building Official, City Council, the Housing Board.

A. Compliance.

1. General. After any order of the Building Official, Council, or the Housing Board made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
2. Failure to Obey Order. If, after any order of the Building Official, Council, or Housing Board made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under subsection 1 of this section, or (ii) institute any appropriate action to abate such building as a public nuisance.
3. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the time specified in the final notice and order issued under this Code:
 - a. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

SUBSTANDARD BUILDING DO NOT OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice. Any unauthorized person(s) found inside this building are subject to immediate arrest. Building Official - City of Muscatine.

- b. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the Building Official have been completed and a Certificate of Structural Compliance issued pursuant to the provisions of this Code.
- c. The Building Official may, in addition to any other remedy herein provided, order demolition to cause the building to be demolished and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this Code.

- B. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he or she will comply with the order if allowed additional time, the Building Official may, in his or her discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation, or demolition if the Building Official determines that such extension of time will not create or perpetuate a situation imminently dangerous to life or property.
- C. Interference with Repair or Demolition Work Prohibited. No person shall obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this Code whenever such officer, employee, contractor, or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this Code or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this Code.

8-5-14 Performance of Demolition.

- A. General.
 - 1. Procedure. When any work, repair, or demolition is to be done pursuant to this Code, the Building Official shall cause the work to be accomplished by private contract under the direction of the Building Official. Plans and specifications therefor may be prepared by the Building Official, or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary.
 - 2. Costs. Costs incurred under Section 8-5-14[a][1] shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.12[3h])

TITLE 8 – BUILDING REGULATIONS
CHAPTER 6 – HOUSE NUMBERING

SECTIONS:

- 8-6-1 Numbers Required
- 8-6-2 Location of Numbers
- 8-6-3 Numbers Obtained from the Building Department
- 8-6-4 Material; Size
- 8-6-5 Allowing Buildings Without Numbers
- 8-6-6 Failure to Comply
- 8-6-7 Numbers Designated
- 8-6-8 System; Base Lines
- 8-6-9 Numbers Assigned

8-6-1 Numbers Required. The owners of improved property, or property having erected thereon any building, shall cause their property fronting upon the public streets and avenues within the City to be numbered as hereinafter described in this Chapter.

(Code of Iowa, Sec. 364.12[3d])

8-6-2 Location of Numbers. The owner of every building, residence, or store within the Corporate Limits of the City shall have the number of their buildings, residences, or stores, conspicuously fixed on their property and visible from the public street.

8-6-3 Numbers Obtained from the Building Department. The owners of every building, residence, or store erected within the corporate limits of the City shall be assigned an address as part of the permit issuing process for every such structure as required.

8-6-4 Material; Size. The number placed upon buildings, residences, or stores, as prescribed in the foregoing Sections, may be of metal, wood, or plastic or may be painted upon metal or glass, but in every case the number must be at least two and one-half inches (2 1/2") in height. If painted, such numbers shall be of durable and legible characters, and no numbering done or attempted to be done in numbers or figures of a less size than prescribed in this Section shall be regarded as complying with the provisions of this Chapter.

8-6-5 Allowing Buildings Without Numbers. Legible characters of less than 2 1/2" in height may be used when posted on rural type mail boxes which are accessible from the improved street in front of the building.

8-6-6 Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[3h])

8-6-7 Numbers Designated. It shall be the duty of the Office of the Building and Zoning Administrator to designate the numbers to be assigned to each building, residence, or store as prescribed in this Chapter.

8-6-8 System; Base Lines. In designating and assigning numbers to buildings, residences, and stores, the system of commencing and continuing the numbering of each block or square as the same appears recorded upon the plat of the City proper shall be by what is known as the "Philadelphia Plan", which is one hundred (100) to each block, the hundred indicating the block and the unit of ten (10), as the case may be, indicating the building. In numbering the additions to the City, the same plan shall be followed as far as practicable. In numbering the City proper, on streets running East and West the base line shall be Iowa Avenue, and on streets running North and South the base line shall be Front Street. In numbering South Muscatine to the corporate limits of the City, the base line shall be the Chicago, Rock Island and Pacific Railroad track. Iowa Avenue shall be the dividing line of the City proper, and including that portion of the City lying between Eighth Street and Fulliam Avenue, from which, upon all streets running at right angles thereto, all buildings shall be numbered "East" and "West" respectively, in the following manner: The parts of streets lying East of Iowa Avenue shall be known as "East Mississippi Drive", "East Second", and "East Third" streets, and so on, and the parts of streets lying West of Iowa Avenue shall be known as "West Mississippi Drive", "West Second", and "West Third" streets and so on. The even numbers shall be placed upon the South and West sides of the streets and the odd numbers on the opposite sides of the streets.

8-6-9 Numbers Assigned. In the numbering of buildings, residences, or stores, each main door or entrance to every building, residence, or store shall be assigned one number. On each block, in whole or in part occupied by businesses, houses, stores, etc., or by residences not detached but compacted together, the unimproved property shall be assigned numbers as deemed appropriate by the Building Official.

TITLE 8 – BUILDING REGULATIONS
CHAPTER 7 – MECHANICAL CODE

SECTIONS:

- 8-7-1 Adoption of Uniform Mechanical Code
- 8-7-2 Plans and Specifications
- 8-7-3 Inspections
- 8-7-4 Permits

8-7-1 Adoption of the International Mechanical Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Mechanical Code", 2012 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Mechanical Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this ordinance. An official copy of said code is on file in the office of the City Clerk.

8-7-2 Plans and Specifications. Whenever it shall be deemed necessary by the Mechanical Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the heating, ventilation, and air conditioning of such building showing the type, size, and location of all mechanical equipment to be used which may be retained by the Mechanical Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

8-7-3 Inspections. The Mechanical Inspector must be notified when work is ready for inspection by the person doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Mechanical Inspector and upon notice of revocation being given, all work under such plans shall cease. The Mechanical Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective material must be removed and replaced with sound material. When the entire mechanical work is completed to the satisfaction of the Mechanical Inspector, he or she shall give his or her approval.

8-7-4 Permits. Before the Building Official issues a permit as required, the Mechanical Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of Council and set out in the Schedule of Permits and Fees in the appendix to this code of ordinances, except that no permit shall be required for the repair of mechanical equipment. No mechanical work will commence without the party performing the mechanical work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-7-1 may be made to the City Council.

TITLE 8 – BUILDING REGULATIONS

CHAPTER 8 – MOVING BUILDINGS

SECTIONS:

- 8-8-1 House Mover Defined
- 8-8-2 Permit Required
- 8-8-3 Application
- 8-8-4 Bond Required
- 8-8-5 Insurance Required
- 8-8-6 Permit Fee
- 8-8-7 Inspection; Structure to be Moved; Route
- 8-8-8 Reporting Application to Council
- 8-8-9 Supervision by Building Department
- 8-8-10 Damages
- 8-8-11 Permit Revocation

8-8-1 House Mover Defined. A "house mover" means any person or business who undertakes to move any house, building, structure or any part or parts thereof from one location to another when the moving of such house, building, or structure or part or parts of structures requires traveling upon, across, along or over any street, avenue, highway, thoroughfare, alley, sidewalk or other public ground in the City.

8-8-2 Permit Required. No person shall engage in the activity or business of house moving as defined in Section 8-8-1 of this Code of Ordinances, unless such person or business shall have first applied for and obtained a permit to do so from the Council as hereinafter provided in this Chapter.

8-8-3 Application. Any person or business desiring a house moving permit as required herein shall file an application with the Office of the Building Official. Such application shall contain:

- A. The date or dates and time of moving the house, structure or building.
- B. The detailed statement setting forth the proposed route to be followed in moving the structure, the equipment to be used and specifying the person in charge of the moving operation.
- C. The location of the premises to which the structure is to be moved and the zoning classification thereof.
- D. The name of the owner of the structure and the name of the owner of the premises to which it is being moved showing that the applicant is entitled to move the house.
- E. A plot plan of the location to which the structure is to be moved, showing the exact proposed location of the structure, the boundaries of the lot upon which the structure is to be placed, and the dimensions of said lot.
- F. A statement showing the maximum length and width, including eaves, and loaded height of the structure to be moved.
- G. An agreement that the house mover shall indemnify and hold the City harmless from any claims or damages for injury to person or property resulting from the moving of the structure for which the permit is requested.

H. An agreement that the applicant shall immediately report any damage done by the moving operation to any street, sidewalk, alley, curb, highway, tree or other public property and that the applicant will upon demand pay the cost of repair occasioned by said damage to the City.

8-8-4 Bond Required. The applicant for a house mover's permit shall file with the application a bond, with an approved corporate surety in the penal sum as set by resolution of City Council and set out in the **Schedule of Permits and Fees** in the **Appendix** to his Code of Ordinances, conditioned that all work done under such permit shall be done in good and workmanlike manner, and that the applicant will pay to the City or to any person injured all damages for injuries to person or property, including but not limited to damages to any street, curb, sidewalk or any other public property caused by negligence, fault or mismanagement of cause, in doing work under such permit.

8-8-5 Insurance Required. Before the permit is issued, the applicant shall obtain and furnish to the City an insurance policy for public liability and property damage in the amount as set by resolution of City Council and set out in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances. Said insurance policy shall name the City and the applicant as insured and shall provide that said policy cannot be revoked, cancelled, or modified in any way until the City has been notified by certified mail at least ten (10) days prior to the proposed action.

8-8-6 Permit Fee. The fee for a house moving permit shall be the amount as set by resolution of Council and set out in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances and shall be paid at the time the application is filed.

8-8-7 Inspection; Structure to be Moved; Route. Before any permit is issued under the provisions of Sections 8-8-2 and 8-8-5 of this Chapter, the Building Official shall carefully inspect the structure proposed to be moved and shall determine whether such structure when moved will comply with the provisions of this Code and the Housing Laws of the State. The Building Official shall inspect the route proposed to be used in moving the structure and will insure that the applicant has secured estimates from owners of all wires, poles, or other property to be effected by the proposed moving of the structure.

8-8-8 Reporting Application to Council. The Building Official shall report the application for a permit to the Council at its next regular or special meeting and shall either recommend the permit be granted or otherwise. This Section shall not be construed as an assumption by the City of the payment of any sum to any person except the amounts deposited in accordance with this Section.

8-8-9 Supervision by Building Official. Any building or other structure moved under the provisions of this Chapter shall be moved under the supervision of the Building Official, and no building or other structure shall be moved during normal high traffic periods. This section shall not be construed to hold the house mover responsible for traffic or other delays caused by factors outside the house mover's control.

8-8-10 Damages. The house mover shall report any damages done to any street highway, alley, sidewalk, curb, tree, telephone or light poles or wires, or to any other public or private property, except property owned by the house mover or the structure being moved, to the Public Works Director within twelve (12) hours after the occurrence. The house mover shall, upon demand, pay any damages resulting from an injury to any person or property. Nothing herein shall be construed to prevent the house mover from contesting any claim in good faith in any court.

8-8-11 Permit Revocation. Any permits granted under Section 8-8-2 of this Chapter may be revoked at any time by the Council upon showing being made that the permit holder has violated the provisions of this Chapter.

TITLE 8 – BUILDING REGULATIONS
CHAPTER 9 – PLUMBING CODE

SECTIONS:

- 8-9-1 Adoption of Uniform Plumbing Code
- 8-9-2 Plans and Specifications
- 8-9-3 Inspections
- 8-9-4 Permits

8-9-1 Adoption of the International Plumbing Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Plumbing Code", 2012 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Plumbing Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this ordinance. An official copy of said code is on file in the office of the City Clerk.

8-9-2 Plans and Specifications. Whenever it shall be deemed necessary by the Plumbing Inspector, there shall be a separate plan for each building, public or private, accompanied by specifications describing the drainage of such building, showing the size and kind of pipes, the traps, closets, and fixtures to be used, which may be retained by the Plumbing Inspector. Such drawing and description will be furnished by the owner or his authorized agent.

8-9-3 Inspections. The Plumbing Inspector must be notified when work is ready for inspection by the plumber doing such work. All inside work must be left uncovered and convenient for examination until inspected and approved. No notice shall be sent for inspection until the work is entirely ready for inspection. In case of any violation of this Section, the approval of such plans may be revoked by the Plumbing Inspector and upon notice of revocation being given, all work under such plans shall cease. The Plumbing Inspector shall examine the work within twenty four (24) hours after notice that it is ready for inspection has been received. Defective pipe or fittings must be removed and replaced with sound pipe and fittings. When the entire plumbing work is completed to the satisfaction of the Plumbing Inspector, he or she shall give his or her approval.

8-9-4 Permits. Before the Building Official issues a permit as required, the Plumbing Inspector shall charge the owner of the property, or his or her designated agent, and shall collect from said party permit fees as set by resolution of City Council and set out in the Schedule of Permits and Fees in the Appendix to this Code of Ordinances, except that no permit shall be required for any replacement of existing plumbing or plumbing fixtures unless such replacement requires a physical relocation, addition, or expansion of the same. No plumbing work will commence without the party performing the plumbing work first making sure that the required permit has been obtained. Failure to comply with this provision shall result in the fee being doubled. Appeal of the regulations contained in Section 8-9-1 may be made to the City Council

TITLE 8 – BUILDING REGULATIONS
CHAPTER 10 – RENTAL HOUSING REGISTRATION

SECTIONS:

8-10-1 Registration of Residential Rental Properties within the City of Muscatine
8-10-2 Inspection Fees

8-10-1 Registration of Residential Rental Properties within the City of Muscatine. All owners of residential rental property within the City limits are hereby required to register the same with the Building Department, on forms provided by the Department, to facilitate a program of regular rental property inspection and certification in accordance with Title 8, Chapter 5 of the City Code. Said registration shall contain the name of the owner, the owner's address, the address of the residential rental property, and the number of dwelling units contained in the dwelling. If the rental property is owned in partnership or by a corporation, it shall be registered as the legal owner and all individual persons within the partnership or corporation shall be so listed.

8-10-2 Inspection Fees. The fees for inspections made pursuant to Title 8, Chapter 5 of the City Code shall be in those amounts as established by resolution of the City Council and set out in the **Schedule of Permits and Fees** in the **Appendix** to this Code of Ordinances. Section 8 properties are exempt from the inspection fees required under this Section.

TITLE 8 – BUILDING REGULATIONS CHAPTER 11 – RESIDENTIAL CODE

SECTIONS:

8-11-1 Adoption of the International Residential Code

8-11-2 Amendments

8-11-1 Adoption of the International Residential Code. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled "International Residential Code", 2012 Edition, together with Appendix Chapters F and J, as amended and published by the International Code Council, is hereby adopted by reference as the Residential Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this ordinance. An official copy of said code is on file in the office of the City Clerk.

8-11-2 Amendments: That the International Residential Code, adopted by the City of Muscatine, Iowa, be amended by:

A.

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUN D SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects		Weathering	Frost line depth	Termite					
20	90	No	A	Severe	42"	Moderate to heavy	-5	Yes	a, b, c	2,000	50.7

- a. Date of National Flood Insurance Program - 8/25/1981
- b. Date of Flood Insurance Study - 7/18/2011
- c. Panel Numbers - Flood Insurance Rate Map - 19139CO169C, 179C, 183C, 184C, 187C, 188C, 189C, 191C, 192C, 193C, 281C, 282C, 310C.

- B. Deletion of Section R313, Automatic Fire Sprinkler Systems.
- C. Deletion of Section P2904, Dwelling Unit Fire Sprinklers.
- D. One-story wood or metal frame accessory buildings associated with a Group R Division 3 Occupancy and not used for human occupancy with a floor area not to exceed two hundred (200) square feet may be constructed on a four inch (4") concrete slab utilizing anchor bolts on six foot (6') centers, or other anchoring systems as may be approved by the Building Official.
- E. One-story wood or metal frame accessory buildings with a height not exceeding 16' and side walls not exceeding twelve feet (12') associated with a Group R Division 3 Occupancy and not used for human occupancy or exceeding one thousand (1,000) square feet in floor area may be constructed on a floating slab provided there is a perimeter footing one foot (1') deep and one foot (1') wide which requires the installation of one (1) number four (4) reinforcing steel bar centrally located throughout the footing.

- F. A single family dwelling not more than one story in height may be constructed on eight inch (8") wide trenched footings provided they are forty two inches (42") below grade and are reinforced with a minimum of two (2) number four (4) reinforcing steel bars running horizontally through the top one-third (1/3) and the bottom one- third (1/3) of the foundation wall.

TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 1 – FOOD ESTABLISHMENTS AND HOTEL SANITATION

The following provisions of the Iowa Code and all administrative rules adopted pursuant thereto are hereby adopted by reference and the City Council shall be responsible for the licensing, inspection, and enforcement thereof:

Chapter 137C, hotel sanitation code.

Chapter 137D, home food establishments.

Chapter 137F, food establishments and food processing plants.

Iowa Administrative Code, Section 481-30 food and consumer safety.

Iowa Administrative Code, Section 481-31 food establishment and food processing plant inspections.

Iowa Administrative Code, Section 481-37 hotels and motels.

TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 2 – HEALTH REGULATIONS

The following provisions of the Iowa Code and all administrative rules adopted pursuant thereto are hereby adopted by reference and the City Council shall be responsible for the licensing, inspection, and enforcement thereof:

Iowa Administrative Code, Chapter 22, Tattoos.

Iowa Administrative Code, Chapter 46, Tanning.

Iowa Administrative Code, Chapter 15 and 1351.

TITLE 9 – HEALTH AND SANITARY REGULATIONS

CHAPTER 3 – NUISANCE

SECTIONS:

- 9-3-1 Nuisance Defined
- 9-3-2 Definitions Generally
- 9-3-3 Nuisances Enumerated
- 9-3-4 Nuisances Prohibited and Authority to Abate
- 9-3-5 Notice to Abate.
- 9-3-6 Contents of Notice to Abate
- 9-3-7 Method of Notice
- 9-3-8 Request for Hearing
- 9-3-9 Abatement by the City
- 9-3-10 Report to Council; Abatement Costs
- 9-3-11 Assessment of Costs
- 9-3-12 Failure to Abate
- 9-3-13 Penalty
- 9-3-14 Abatement in Emergency

9-3-1 Nuisance Defined. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance.

(Code of Iowa, Sec. 657.1)

9-3-2 Definitions Generally.

- A. "Garbage" means all wastes from the preparation or spoilage of food.
- B. "Filth" means excrement, either animal or human, or any material connected herewith.
- C. "Junk" means any metal or wood, whether usable or not, stored in such a manner that it constitutes a health or safety hazard.
- D. A "junked or obsolete car or motor vehicle" shall be a car or motor vehicle, or a portion thereof, not in running condition or not licensed for the current year as provided by law. This definition shall not apply to a vehicle, or part thereof stored within a building, or protected with a fitted cover designed specifically as a vehicle cover. The use of tarps, blankets, or similar temporary covers shall not be deemed acceptable under this section.
- E. "Refuse" means any material not junk, garbage, or filth deposited upon property in an unsightly or unhealthy condition.

9-3-3 Nuisances Enumerated. A "nuisance" shall include, but not be limited to, the following:

(Code of Iowa, Sec. 657.2)

- A. Offensive Smells. Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning

noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

- B. Filth or Noisome Substance. Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
- C. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
- D. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
- E. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
- F. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.
- G. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction.
- H. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.
- I. Weeds, Brush. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
- J. Dutch Elm Disease or Emerald Ash Borer Damage. Trees infected with Dutch Elm Disease or knowingly impacted and damaged by the Emerald Ash Borer.
- K. Airport Air Space. Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located. (See Airport Zoning)
- L. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by **Chapter 723A of the Code of Iowa** or places resorted to by persons using controlled substances, as defined in **Section 124.101 of the Code of Iowa**, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
- M. Stagnant Water. All lots and parcels of ground wherever water is permitted to accumulate and stand until stagnant or upon any privately owned lot.

- N. Vehicles. Any unused, abandoned, junked, or obsolete cars or motor vehicles whether on private or public property.
- O. Junk, Refuse, and Garbage. All lots or parcels of land upon which junk, refuse, garbage, or filth is allowed to accumulate.
- P. Containers. Abandoned or unattended refrigerator, icebox, or similar container with doors that may become locked located outside of buildings and accessible to children, or to allow any such refrigerator, icebox, or similar container to remain outside of buildings on premises in the person's possession or control to remain abandoned or unattended and so accessible to children.
- Q. Poison. Any poison, poisonous meat, or any other poisonous substance in any place outside of any residence, or where it may endanger life by being taken and used by any person, or who shall so expose any such poison or poisonous substance where the same shall be taken by any dog, hog, cat, or any animal or living thing.
- R. Dangerous or Unsafe Building or Structure. Dangerous or Unsafe Building or Structure shall mean any structure or building meeting any or all of the following criteria:
 - 1. Whenever any portion or member of a building or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
 - 2. Whenever a portion or member of a building has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or snow loading than is required in the case of similar new construction.
 - 3. Whenever the building or structure, or any portion thereof, because of 1) dilapidation, deterioration, or decay; 2) faulty construction; 3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; 4) the deterioration, decay or inadequacy of its foundation; or 5) any other cause, is likely to collapse partially or completely.
 - 4. Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
 - 5. Whenever the building or structure has been damaged by fire, wind, flood, or has become dilapidated or deteriorated as to become 1) an attractive nuisance to children; 2) a harbor for vagrants, criminals, or as to 3) enable persons to resort thereto for the purpose of committing unlawful acts.
 - 6. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building Official or Health Officer to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.

7. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electrical wiring, gas connections, or maintenance of heating and/or cooling equipment, or other cause, is determined by the Building Official or City Fire Marshall to be a fire hazard.
8. Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure, or whenever any building or structure is abandoned, or whenever any building or structure is abandoned for a period of six (6) months so as to constitute such building or portion thereof to be an attractive nuisance or hazard to the public.
- S. Ashes, cinders, leaves, grass, tools, implements, machines, soil, dirt, sand, gravel, lumber, brick, or other building material, or any other thing or substance deposited, stored, placed, or permitted to be or come in or into or upon any street, alley, public place, or into or upon any privately owned property which obstructs, hinders, or prevents the full and free use of any part of such street, alley, public place, or private property the free and uninterrupted flow of water in, upon, and away from the same.

9-3-4 Nuisances Prohibited and Authority to Abate. The causing, permitting, or continuing of any nuisance as provided in this Chapter is hereby prohibited, and may be abated in the manner provided in this Chapter, or as otherwise provided by law.

9-3-5 Notice to Abate. Whenever any nuisance as set out in this Chapter is found to exist, the City shall provide notice in the manner required by Section 9-3-6 to the owner, occupant, or agent of the property upon which such nuisance is found to exist or from which such nuisance comes, or upon the person causing or permitting such nuisance to exist upon or in any street, alley, public place, or private property.

9-3-6 Contents of Notice to Abate.

(Code of Iowa, Sec. 364.12[3h])

- A. Description of Nuisance. A description of what constitutes the nuisance.
- B. Location of Nuisance. The location of the nuisance.
- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A reasonable time within which to complete the abatement.
- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

9-3-7 Method of Notice. The method of notice shall be in accordance with **Section 364.12[3h]** of the Code of Iowa.

9-3-8 Request for Hearing. Any person to whom the Notice to Abate is directed may appeal the determination that the condition of the property constitutes a nuisance by requesting a hearing before the City Council. The request must be in writing and be

delivered to the City Clerk within ten (10) days from the date of the Notice to Abate or it will be conclusively presumed a nuisance exists and it must be abated as stated in the Notice to Abate.

9-3-9 Abatement by the City. Whenever any person having been served with a notice for the reason and in the manner required by this Chapter shall refuse, fail, or neglect to abate or remove the nuisance referred to in such notice within the time therein stated, the city may cause such nuisance to be abated and removed.

(Code of Iowa, Sec. 364.12[3h])

9-3-10 Report to Council; Abatement Costs. If the City abates a nuisance under Section 9-3-9 of this Chapter, the City Clerk shall report the fact in writing to the Council, stating the cost and value of all tools, appliances, materials, labor, and assistance used, consumed, and performed by and for him or her, giving the several items thereof, and the name of the person responsible for the commission of such nuisance and a description of the property, lot, or parcel of ground whereon such nuisance existed or from which the same came.

9-3-11 Assessment of Costs. Upon receiving such report under Section 9-3-9, the Council may assess the costs against the property by resolution for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[3h])

9-3-12 Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances or applicable Federal, State or County laws.

9-3-13 Penalty. A failure to abate a nuisance as defined in this Chapter or a failure to perform an action required herein, following notice as provided in this Chapter, shall constitute a municipal infraction and the requirements of this Chapter may be enforced under the procedures applicable to Municipal Infractions and/or in lieu of the abatement procedures set forth in this Chapter.

9-3-14 Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this Chapter without prior notice. The City shall assess the costs as provided in Section 9-3-11 after notice to the property owner under the applicable provisions of Sections 9-3-6 and 9-3-7 and hearing as provided in Section 9-3-8.

(Code of Iowa, Sec. 364.12[3h])

TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 4 – NATURAL WATER COURSE; DRAINS AND DRAINAGE

SECTIONS:

- 9-4-1 Natural Water Courses
- 9-4-2 Owner to Construct Draining
- 9-4-3 Authority of City
- 9-4-4 Failure to Construct Drain
- 9-4-5 Penalty

9-4-1 Natural Water Courses. No person shall obstruct a natural water course so as to endanger personal property or cause a returning or prevention of the natural flow of surface water.

9-4-2 Owner to Construct Draining. The Council shall have the power and authority to require the owner or leasee of any lot, part of lot, or tract of ground extending into, across, or bordering upon any natural water course for the drainage of surface water or a water course of any kind who shall, by grading or filling such lot, part of lot, or tract of ground, obstruct the ordinary flow of water through such ravine or water course, to build or construct, to the extent of such lot or filling, such a drain or passage way for water as will readily carry off and discharge such water naturally flowing thereon.

9-4-3 Authority of City. When the owner or leasee of any lot shall grade or fill said lot, part of lot or tract of ground extending into, across, or bordering on any hollow or ravine so as to obstruct the flow of water, the City Council shall have the power to order such owner or leasee to construct such drain within a reasonable amount of time to be designated by the City Council. Said order shall be served upon the owner or leasee of the said lot, part of lot, or tract of ground by certified mail with return receipt. If the owner or leasee of said tract of ground shall fail or refuse to construct said drain within the time and in the manner required, the Director of Public Works or his or her designee shall at once proceed to build such drain and report the expense thereof, with all costs arising there from, to the Council, whereupon the Council may, by resolution, levy and assess such sum as a special tax upon the property in which such drain is constructed.

9-4-4 Failure to Construct Drain. In all cases where the owner or leasee of any lot, part of lot, or tract of ground extending into, across, or bordering on any hollow or ravine which constitutes a drain for surface water, or water course of any kind, shall, without constructing a suitable drain, fill or grade such lot, part of lot, or tract of ground so as to obstruct the flow of water through such water course or ravine, and cause such water to accumulate on any street, alley, public place, private lot, or private ground, shall be considered to have caused a nuisance and shall be deemed guilty of a simple misdemeanor or Municipal Infraction as set out in the **Appendix of this Code of Ordinances.**

TITLE 9 – HEALTH AND SANITARY REGULATIONS
CHAPTER 5 – WEEDS

SECTIONS:

- 9-5-1 Purpose
- 9-5-2 Definitions
- 9-5-3 Noxious Weeds
- 9-5-4 Duties of Owners
- 9-5-5 Notice
- 9-5-6 Proof of Service
- 9-5-7 Work Done by City
- 9-5-8 Cost of Work Done by City

9-5-1 Purpose. The purpose of this Chapter is to establish the procedure to be followed for the removal of noxious weeds on property within the City.

9-5-2 Definitions. For purposes of this Chapter, the following terms are defined:

- A. "Noxious weed" includes weeds such as jimson, burdock, ragweed, thistle, cocklebur, and any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in height.
- B. "Owner" means a record holder of legal title as shown on the records of the Muscatine County Assessor.

9-5-3 Noxious Weeds. It shall be a misdemeanor for the owner of real estate located within the corporate limits of the City to permit the growth of noxious weeds on any real estate as set out in this Chapter.

9-5-4 Duties of Owners. It shall be the duty of the owner to cut or remove, and to keep cut or removed, all noxious weeds from his, her, or its property and from all adjacent property between the property line and the improved street and/or alley line(s).

9-5-5 Notice. The City shall give notice to the property owners by one publication in a newspaper of general circulation within the City, stating that all property owners are required to destroy, cut, trim, or otherwise eradicate all noxious weeds on their property and the adjacent unimproved public right(s)-of-way within a reasonable time but not less than five days from the date of the said publication.

9-5-6 Proof of Service. In addition to the notice as set out in Section 9-5-5, the City shall mail a notice to the property owner believed to be violating the provisions of this Section advising that all noxious weeds located on his, her, or its property and adjacent public right(s)-of-way shall be destroyed, cut, trimmed, or otherwise eradicated within five (5) days from the delivery of mail in the ordinary course of delivery. Said notice shall be sent by ordinary mail to the last known address of the owner or as shown on the current County Assessors records. It shall be presumed that five (5) days is sufficient time for the delivery of mail within ordinary course. A copy of the publication as required in Section 9-5-5, together with a copy of the notice sent by regular mail as herein set out shall be deemed proof of service.

9-5-7 Work Done by City. When any owner fails to destroy, cut, trim, or eradicate noxious weeds within the notice period(s) contained in this Chapter, the City shall cause the noxious weeds to be cut or removed by private contractor or with City employees and equipment at City expense.

9-5-8 Cost of Work Done by City. The City Clerk shall submit an itemized statement to the City Council for all work performed under this Chapter. The itemized statement shall include the cost of cutting and/or removing the noxious weeds to include labor, equipment costs, and reasonable administrative costs. Upon receipt of the itemized statement, the Council shall audit it, and if allowed, shall by resolution assess the cost as a special assessment against the property. The City Clerk shall certify the assessment to the County Treasurer, to be collected as any other special assessment.