

ORDINANCE NO. 94064-1117

**AN ORDINANCE AUTHORIZING CHANGES AND/OR
OMISSIONS IN CITY CODE SECTIONS TITLE 6, CHAPTER 8,
TITLE 13, CHAPTER 3, AND TITLE 15, CHAPTER 8**

WHEREAS, the City Council of the City of Muscatine previously adopted Ordinance No. 93081-0615 on June 4, 2015, an Ordinance codifying and amending the Muscatine Code of Ordinances;

WHEREAS, since the effective date of said Ordinance, the City has identified several changes and/or omissions, as the case may be, in City Code Sections Title 6, Chapter 8, Title 13, Chapter 3, and Title 15, Chapter 8.

WHEREAS, the City wishes to make these changes and/or omissions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA AS FOLLOWS:

SECTION 1. Title 6, Chapter 8, Section 10 is amended by adding the underlined language as follows:

- B. If satisfied that an animal is accustomed to seizing and biting people or is vicious and has actually bitten one or more persons or animals, the Chief of Police, or his or her designated representative, may, if he finds such animal at large, kill the same without previous notice to the owner.

SECTION 2: Title 6, Chapter 8, Section 13 is amended by adding the underlined language as follows:

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

SECTION 3: Title 13, Chapter 3, Section 1(D) is amended by deleting the language which is stricken and by adding the underlined language, as follows:

- D. "Dumpster" shall mean any container with at least a ~~one (1)~~ two (2) cubic yard capacity and a maximum of ~~one and one half (1 1/2)~~ four (4) cubic yard capacity and shall be equipped with a hinged lid, wheels, and such other equipment as is needed for mechanical dumping.

SECTION 4: Title 13, Chapter 3, Section 1(O) is amended as follows:

Current:

- O. "Trash can" shall mean any container with not less than twenty (20) gallon capacity and not more than forty (40) gallon capacity, which container may be made of metal or plastic but shall be watertight. Plastic trash bags, provided they are of sufficient capacity and are at least one and one-half (1 1/2) mils thick, may be used in lieu of other containers.

Revised:

- O. "Trash cart" shall mean the City provided roll out container with either a thirty-five (35) gallon, sixty-five (65) gallon, or a ninety-five (95) gallon capacity. Residents are to utilize plastic trash bags for trash disposal inside their trash cart.

SECTION 5: Title 13, Chapter 3, Title 5(A-1) shall be amended as follows:

Current:

A. Type of Building.

- 1. Residential Buildings of Five (5) Units or Less. The owner or agent of the owner shall provide or shall require the occupant of each dwelling unit to provide a minimum of two (2) trash cans for a building containing five (5) or fewer dwelling units.

Revised:

A. Type of Building.

- 1. Residential Buildings of Five (5) Units or Less. The owner or agent of the owner shall provide or shall require the occupant of each dwelling unit to provide a minimum of two (2) trash cans for a building containing five (5) or fewer dwelling units. The owner or the agent of the owner can request each tenant be billed at the residential rate for refuse collection services. The number of roll out carts will be based on the number of units. Each individual billing unit will be eligible for one City supplied cart.

SECTION 6: Title 13, Chapter 3, Section 9 shall be amended as follows:

Current:

- E. Owners may set out refuse to be collected in bags if the bags are completely intact and tightly sealed.

Revised:

- E. Owners who have requested a curbside pickup prior to their trash pickup day, may set out refuse to be collected in bags if the bags are completely intact and tightly sealed. Each household is allowed three (3) curbside pickups per calendar year for bulky items. Five (5) to seven (7) bulky items are allowed per pickup.

SECTION 7: Title 15, Chapter 8, Section 2(B) shall be amended as follows:

Current:

B. Allowable Times for the Discharging of Fireworks

1. A person shall not use or explode consumer fireworks on days other than July 1 through July 8 and December 26 through January 3 of each year, all dates inclusive.
2. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:
 - a. Between the hours of 9:00 a.m. and 11:00 p.m. on a Saturday or a Sunday immediately preceding or following July 4 or December 31.
 - b. Between the hours of 9:00 a.m. and 11:00 p.m. on July 4.
 - c. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

Revised:

B. Allowable Times for the Discharging of Fireworks

1. A person shall not use or explode consumer fireworks on days other than July 3 through July 4 and December 31 through January 1 of each year, all dates inclusive.
2. A person shall not use or explode consumer fireworks at times other than:
 - a. Between the hours of 9:00 a.m. and 10:00 p.m. on July 3 and July 4.
 - b. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the following day.

SECTION 8. Title 15, Chapter 3, Section D(5) shall be amended as follows:

Current:

5. A sign bearing the message, "Discharge of Consumer Fireworks is Prohibited at All Times within the City of Muscatine Except for July 1st through July 8th and December 26th through January 3rd, shall be posted at all points of ingress and egress to and from the CFRS. Such sign shall not count towards the limits of allowable signage provided for by Title 10 of the City Code.

Revised:

5. A sign bearing the message, "Discharge of Consumer Fireworks is Prohibited at All Times within the City of Muscatine Except for July 3rd through July 4th and December 31th through January 1st, shall be posted at all points of ingress and egress to and from the CFRS. Such sign shall not count towards the limits of allowable signage provided for by Title 10 of the City Code.

SECTION 9. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


SECTION 10. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 11. WHEN EFFECTIVE. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed and approved by the Muscatine City Council of this 16th day of November, 2017.



ATTEST:



Gregg Mandsager, City Clerk



Mayor Diana Brodersen

First reading: October 19, 2017

Second Reading: November 2, 2017

Third Reading: November 16, 2017

Publication: February 13-2018

COPY OF NOTICE
EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

STATE OF IOWA }
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is hereto annexed as Exhibit "A" and made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the following dates:

2/13

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Maisa Popp

Subscribed and sworn to before me by said affiant this

13

day of

February

20 18



STEPHEN H. THOR
Commission Number 168839
My Commission Expires
3-24-18

Stephen H. Thor

Notary Public in and for Scott County, Iowa

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b. Between the hours of 9:00 a.m. and 11:00 p.m. on July 4.

c. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

Revised:
B. Allowable Times for the Discharging of Fireworks

1. A person shall not use or explode consumer fireworks on days other than July 3 through July 4 and December 31 through January 1 of each year, all dates inclusive.

2. A person shall not use or explode consumer fireworks at times other than:

a. Between the hours of 9:00 a.m. and 10:00 p.m. on July 3 and July 4.

b. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the following day.

SECTION 8: Title 15, Chapter 3, Section D(5) shall be amended as follows:

Current:
5. A sign bearing the message, "Discharge of Consumer Fireworks is Prohibited at All Times within the City of Muscatine Except for July 15th through July 8th and December 26th through January 3rd, shall be posted at all points of ingress and egress to and from the CFRS. Such sign shall not count towards the limits of allowable signage provided for by Title 10 of the City Code.

Revised:
5. A sign bearing the message, "Discharge of Consumer Fireworks is Prohibited at All Times within the City of Muscatine Except for July 3rd through July 4th and December 31st through January 1st, shall be posted at all points of ingress and egress to and from the CFRS. Such sign shall not count towards the limits of allowable signage provided for by Title 10 of the City Code.

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Mayor Diana Broderson

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