

T I T L E 3
PUBLIC WAYS AND PROPERTY

<u>SUBJECT</u>	<u>CHAPTER</u>
CITY CEMETERIES	1
DRAINS AND DRAINAGE	2
EXCAVATION, STREET AND CURB CUTS	3
LEVEES	4
MONUMENT MARKERS	5
PUBLIC PARKS	6
SEWERS	7
SNOW AND ICE REMOVAL - SIDEWALKS	8
STREET OBSTRUCTIONS	9
TRAINS	10
TREES AND SHRUBS	11
UTILITY CONNECTIONS	12
PUBLIC DEMONSTRATIONS	13
PARADES, MARCHES AND PUBLIC DEMONSTRATIONS	14
COMMERCIAL USE OF SIDEWALKS IN COMMERCIAL ZONES	15

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 1

CITY CEMETERIES

SECTIONS:

- 3-1-1 Scope
- 3-1-2 Sale of Lots
- 3-1-3 Perpetual Care
- 3-1-4 Special Trust Funds
- 3-1-5 Trespass
- 3-1-6 Hours of Operation
- 3-1-7 Dogs Prohibited

3-1-1 Scope. This Chapter applies to all City owned Cemeteries to provide for the efficient regulations and operations of the City Cemeteries.

3-1-2 Sale of Lots. The City shall sell Cemetery lots for cash or by an installment method upon such terms and conditions as the City may prescribe. Whenever the City shall have sold a lot or lots in Cemeteries under its control and shall have received full payment therefore, it shall certify that fact to the Mayor and Clerk, whereupon it shall be the duty of such officers to execute and deliver to the purchaser, in the name of the City, a deed conveying the lot or lots so sold to the purchaser, which deed shall reserve to the City the right of care and control over the lot or lots thereby conveyed. All such deeds shall be recorded by the Clerk in a book kept by him for that purpose, without expense to the grantees therein.

3-1-3 Perpetual Care. The perpetual care of the Cemetery and lots therein and all monies collected for perpetual care, either by donation or monies paid for said care, shall be done in the following manner:

(A) The Mayor and City Clerk are authorized to enter into a contract on behalf of the City with any person, lodge, or other association for the perpetual care of any lot or lots in the Cemeteries under the control of the City, at and for a price or sum of money to be fully paid in advance, as fixed and determined by the City and, in such cases, shall issue a certificate evidencing the contract.

(B) All sums of money received by the City for the perpetual care of lots shall be, by such City, paid over at least once in each week to the Treasurer for the credit of the existing fund known as the "Cemetery Trust Fund" and such money shall not be disposed of except as provided in this Chapter.

(C) Whereas, under prior ordinances, rules, and regulations, the City has entered into contracts with certain persons for the perpetual care of certain lots in the Cemeteries, in consideration of certain sums of money paid to it in advance which are deposited in or invested in the Cemetery Trust Fund, it is hereby the duty of the City to care for such lots and maintain the same in a neat and attractive condition without expense to the owners.

(D) All monies heretofore or hereafter paid for the perpetual care of lots in the Cemeteries shall be kept by the Treasurer in a fund now known as the Cemetery Trust Fund, and none of the money, as to the principal thereof, shall ever be withdrawn or paid out of the Fund, except for investment as the Council may from time to time by resolution authorize or direct in the manner prescribed by Section 566.15 of the Code of Iowa and any amendments thereto.

(E) All income earned from the investments of the principal of the Cemetery Trust Fund shall be appropriated by the City Council to the City's general fund to assist in the funding of the operation and improvement of the City Cemeteries in accordance with Chapter 566 of the Code of Iowa.

3-1-4 Special Trust Funds. The City Council may accept or reject Special Trust Funds offered to the City by individuals, corporations, or associations for the purpose of maintaining certain Cemetery lots under special conditions. If such trust funds are accepted by the City Council, an administrative service fee shall be charged to the trust fund, and the fee shall be established and adjusted from time to time by the City Administrator.

3-1-5 Trespass. Any person who shall trespass upon the City's Cemetery or any Cemetery by destroying, injuring, or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or any belongings to such Cemeteries, shall be deemed guilty of simple misdemeanor and shall be liable for any and all damages done.

3-1-6 Hours of Operation. City owned cemeteries shall be opened daily one-half hour before sunrise until one-half hour after sunset. It shall be unlawful for any person to be in any City owned cemeteries during any hours in which the cemeteries are not opened to the public, except with express permission of the Parks and Recreation Department.

3-1-7 Dogs Prohibited. It shall be unlawful for any person or persons, firm, association or corporation owning, keeping, sheltering, or harboring a dog to permit such dog to be in any city owned or operated cemetery at any time or under any conditions. However, this provision shall not apply to a certified and licensed service or guide dog while assisting a person with a disability or any police service dog used by the police department in the functions or duties of the police department.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 2

DRAINS AND DRAINAGE

SECTIONS:

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

3-2-1 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.

3-2-2 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.

3-2-3 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 City Engineer shall at once proceed to build such drain and report the expense thereof, with all costs arising therefrom, to the Council, whereupon the Council may, by resolution, whereupon the Council may, by resolution, levy and assess such sum as a special tax upon the property in which such

drain is constructed.

3-2-4 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.

3-2-5 Penalty. Any person who violates any Section of this Chapter shall be deemed guilty of a simple misdemeanor and subject to a fine of not to exceed one hundred dollars (\$100.00), or imprisonment not to exceed thirty (30) days, and shall be liable for any and all damages caused to public properties.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 3

EXCAVATION, STREET AND CURB CUTS

SECTIONS:

- 3-3-1 Definitions
- 3-3-2 Excavations; Compliance
- 3-3-3 Permit Required
- 3-3-4 Application for Permit
- 3-3-5 Franchise; License Contract Required; Bonds
- 3-3-6 Pre-Construction Conference
- 3-3-7 Emergency Excavations
- 3-3-8 Emergency Detours and Closings
- 3-3-9 Steel Tracks; Cleated Equipment
- 3-3-10 Tunneling Under Street
- 3-3-11 Interfering With Access to Vital Equipment
- 3-3-12 Protect Adjoining Property
- 3-3-13 Supervision of Connections and Repairs
- 3-3-14 Backfilling Excavation
- 3-3-15 Permits May be Examined
- 3-3-16 Street Repair
- 3-3-17 Traffic Control Devices and Their Uses
- 3-3-18 Excavation Material
- 3-3-19 Curb Cuts
- 3-3-20 Penalty

3-3-1 Definitions. For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory and not merely directory.

- (A) "Excavation" shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which opening into said structure is flush with the adjoining surface of the public place and so constructed as to permit frequent openings or access without injury or damage to the public place.

- (¹³) "Public place" shall mean any public street, alleyway, place, park square, plaza, or any other public property owned or controlled by any governmental agency in a governmental capacity, excepting herefrom governmental agencies of the United States of America, the State of Iowa, and the County of Muscatine.
- (C) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- (D) "Traveled portion of the street" shall mean that part of a public place which is hard surfaced for vehicular traffic.

3-3-2 Excavations; Compliance. Excavations made in public places within the City shall be made according to and in compliance with the provisions of this Chapter, unless otherwise provided by the Council for a specific instance.

3-3-3 Permit Required. No person, except those authorized by the City Council or a contractor performing necessary work under a contract with the City and under the supervision and direction of the City Engineer, shall make or cause to be made any excavation in any public place for any purpose whatsoever without having first obtained a permit from the City.

A permit fee in accordance with Title 5, Chapter 15 of this Code shall be collected from each applicant, other than public utilities, for each permit issued.

3-3-4 Application for Permit.

- (A) Each application for an excavation permit shall state:
1. The name and residence of the applicant.
 2. The purpose for which the excavation is to be made.
 3. The name and address of the person for whom the excavation is to be made.
 4. The location of the proposed excavation.
 5. When traffic control devices are used as part of the excavation, the name and telephone number of a person who can be reached twenty-four (24) hours a day, seven (7) days a week.
 6. Utilities have been notified of proposed excavation for the purpose of scheduling locations.

- (B) The applicant shall begin the excavation within twenty-four (24) hours of the granting of the permit. Failure to begin excavating within twenty-four (24) hours will cause the permit to become null and void, provided, however, that another permit may be applied for and granted for one-half (1/2) of the original fee and in accordance with all other provisions contained herein.
- (C) No backfilling of the excavation shall be commenced until such time as the City has had an opportunity to inspect the work performed.
- (D) Upon approval of the work performed under the excavation permit, the applicant shall cause the excavation to be back-filled within twenty-four (24) hours unless the applicant can demonstrate in writing to the satisfaction of the City why an additional amount of time is necessary to complete the required backfilling and receives the written approval of the City.
- (E) The applicant shall only cut the concrete or asphalt of a City street or sidewalk with a concrete saw, remove all surplus materials of whatever nature from the excavation site, and restore the site to as good or better condition as that which existed before commencing excavation.
- (F) If the excavation is to be in the traveled portion of the street, the restoration of the street shall be performed by the City of Muscatine after the excavation has been properly backfilled by the applicant. The applicant shall pay to the City a fee as established by the City for the street restoration. Such fees shall reflect the cost of restoring the street, including labor, equipment, and material, and the fees shall be based on a per square foot cost with a fee for concrete, asphalt, sealcoat, or rock as required.
- (G) The applicant shall comply with all technical and engineering requirements as shall be set forth by the City Engineer.
- (H) The applicant shall agree to hold and save harmless the City, its Agents, Officers, and Employees from any liability or responsibility for damage to any person or property injured by the performance of any excavation work performed by an applicant or by the negligence of the applicant, his employees, or agents in carrying out the excavation permitted under this Chapter.

3-3-5 Franchise; License Contract Required; Bonds. In addition to such deposit of cash or certified check as required,

no permit shall be issued to any person, for excavating in any public place, not holding and having a franchise, license, or contract for which satisfactory bonds have been given to protect and hold harmless the City, its officers, agents, and employees, until such person shall execute and deliver to the City a good and sufficient bond in the amount specified in Title 5, Chapter 15 of the City Code to hold and save harmless the City, its officers, agents, and employees to assure performance of all work in accordance with the provisions of this Code.

3-3-6 Pre-Construction Conference. The City may require a pre-construction conference before the issuance of a permit. The conference may involve representatives of the Street Department, Police and Fire Departments, City Engineer, utility companies, and the construction agency representative.

3-3-7 Emergency Excavations. Emergency excavations are excavations for the repair of such vital utilities as gas, water, sewer, and electricity, which by their nature necessitate immediate action.

3-3-8 Emergency Detours and Closings.

- (A) If the emergency occurs during normal office hours, eight o'clock (8:00) A.M. to five o'clock (5:00) P.M. weekdays, the agency doing the work shall first notify the City and obtain approval of said work. The applicant shall obtain the permit in person at the permit office before the close of the next work day.
- (B) During normal working hours, emergency detour routes may be requested by telephoning the City Engineer, or his or her designee.
- (C) If the emergency occurs during other than normal working hours, the applicant shall call the police dispatcher and give the dispatcher the location and nature of the emergency before starting the work. The applicant is then required to get said permit before noon of the next work day.
- (D) On other than normal working hours, emergency street closing and detours shall be reported by notifying the dispatcher at the Public Safety Building.

3-3-9 Steel Tracks; Cleated Equipment. Under no circumstances shall steel tracked or steel cleated equipment or machinery be permitted on any street, alley, sidewalk, or way unless authorized in writing by the City.

3-3-10 Tunneling Under Street. No person shall be permitted to tunnel under any street, alley, sidewalk, road, pavement, or way or public place unless authorized in writing by the City Engineer, or his or her designee.

3-3-11 Interfering With Access to Vital Equipment. Excavation work done by any person shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, hospitals, underground vaults, valve housing structures, and any and all other vital equipment designated by the City.

3-3-12 Protect Adjoining Property. Any person making an excavation shall at all times and at his own expense preserve and protect from damage or injury all adjoining property of any nature by providing proper foundations, sheeting, bracing, shoring, and drainage, as well as such other protective measures as shall be required by the Engineer. The person making the excavation shall be solely responsible for all damages to public or private property resulting from or occasioned by the excavation.

3-3-i3 Supervision of Connections and Repairs.

- (A) All excavations entailing connections, extensions, replacement, or repairs to sewers in any public place, as well as the connections, extensions, replacement, or repairs themselves, shall be made under the direction of the City Engineer, or his or her designee.
- (B) All excavations for installation of new sewers shall be made only in conformity with a set of plans which shall have been approved by the City Engineer.
- (C) Plans are to be submitted to the City Engineer by the person, or his agent, who shall desire to have the new sewer constructed, whenever such sewer shall then or thereafter be located in, under, within, or upon any public place.
- (D) No person shall hereafter install, lay, bury, place, or replace in or upon any ditch, trench, drainage ditch, driveway, field entrance, or public place any pipe, sewer, drain, watermain, culvert, or conduit unless it shall be of durable material such as cast iron, clay, concrete, copper, or steel.
- (E) However, the City Engineer may approve and authorize any alternative material other than the herein mentioned durable materials, such approval and authorization of alternate material shall be in writing, shall be a specific installation and not for general usage of the alternate material,

and shall be kept on file in the office of the City Engineer.

3-3-14 Backfilling Excavation. The trench shall be hand backfilled and tamped around the pipe to a height of one foot (1') above the pipe. The remainder of the trench shall then be backfilled in lifts not to exceed six inches (6"), each lift to be thoroughly compacted with a machine tamper before the succeeding lift is applied. No frozen material or foreign material which may decompose shall be used for backfilling. No sand or rock shall be used unless approved by the City Engineer.

3-3-15 Permits May be Examined. All permits and written authorizations issued by the City shall at all times be kept by an individual at the excavation site and shall be surrendered for examination upon the demand of any officer of the City.

3-3-16 Street Repair.

- (A) The street shall be cut in straight lines with a concrete saw to a depth of two inches (2"). After the excavation has been backfilled and compacted as specified, the street shall be replaced by the City in accordance with Section 3-3-4(F) of this Code.

3-3-17 Traffic Control Devices and Their Uses.

- (A) The permit holder shall provide and maintain all signs required under the provisions of this Ordinance.
- (B) All traffic control devices used on street construction or excavation work shall conform to the applicable specifications of this Ordinance and the Manual on Uniform Traffic Control Devices for the State of Iowa. All devices not specifically covered in this Ordinance or the Uniform Manual shall be approved by the City Engineer, or his or her designee.
- (C) Traffic control devices shall be set up prior to the start of construction or excavation and shall be properly maintained during the time such conditions exist. They shall remain in place only as long as they are required by the permit and shall be removed immediately thereafter. When operations are performed in stages, there shall be in place only those devices that apply to the condition present during the stage in process.
- (D) All barricades and sign supports shall be neatly constructed and shall be repaired and cleaned or repainted as needed to maintain their appearance.

- (E) Adequate traffic control devices must be used whenever a motorist is required to change his path of travel. During hours of darkness, traffic control devices must be reflectorized or illuminated.

3-3-18 Excavation Material. The person making the excavation shall haul away all excess excavated material and backfill the excavation at the expense of the person making the excavation. The City shall require material to be imported for backfill of any excavation whenever it is evident that adequate backfill cannot be obtained for lack of care, workmanship, or equipment to properly place the backfill material or whenever the type of material is of such nature that it is unsuitable for backfill. Failure of a person making an excavation to backfill the excavation as directed by the City shall be a violation of this Chapter.

3-3-19 Curb Cuts. No person shall make or cause to be made any curb cut for driveways or any other purpose without first obtaining a curb cut permit from the City and pay a fee in accordance with Title 5, Chapter 15 of this Code.

- (A) Curb cuts shall be made in conformance with the specifications as established by the City. If the individual is not qualified to perform the curb cut work, the City will perform the work and bill the property owner accordingly.
- (B) Curb cut locations shall be established with the assistance of the City Engineer to maximize traffic safety.
- (C) Curb cuts in the Central Business District (C-2 zoning districts) shall require the approval of the City Council after review and recommendations by the City staff.
- (D) Curb cut permits along designated State highways shall be processed through the Iowa Department of Transportation.

3-3-20 Penalty. Any person violating any provision of this Chapter, or failing or neglecting to comply with any requirement, shall be deemed guilty of a separate misdemeanor for each and every day during any part of which such violation or noncompliance occurs. Any person who violates any provision of this Chapter may further be refused any permits until he shall have complied with the provisions of this Chapter. Any incidence of violation of this chapter shall be cause for the City to immediately revoke or suspend an excavation permit without prejudice to other action on the violation.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 4

LEVEES

SECTIONS:

- 3-4-1 Permit Required
- 3-4-2 Application
- 3-4-3 Fees
- 3-4-4 Approval of Use
- 3-4-5 New Permit
- 3-4-6 Injuring or Diverting - Damages
- 3-4-7 Anchoring, Mooring or Tying-up Along Riverbank
- 3-4-8 Penalty

3-4-1 Permit Required. No person shall build upon, alter, deface, destroy, move, injure, or obstruct by fastening vessels thereto or otherwise or in any manner whatsoever use or occupy the Mississippi or Mad. Creek levees lying within the City limits, without having first received a permit from the City in accordance with Title 5, Chapter 15 of the City Code.

3-4-2 Application. Application for a permit to use or occupy the Mississippi or Mad Creek levees shall be in writing and shall describe in detail the use to which the levee is to be put, type of structure to be placed thereon, and the time the applicant intends to occupy or use such levee.

3-4-3 Fees. A permit to use or otherwise occupy the Mississippi or Mad Creek levees and the river front may be granted by the City Council to any person upon the payment of such sum as may be deemed proper.

3-4-4 Approval of Use. A permit to use or occupy the Mississippi or Mad Creek levees shall only be issued after the City Council has been satisfied that the use of such levee by the applicant will not in any way impair the levee and will not interfere with the general public use of the levee.

3-4-5 New Permit. No person who has secured a permit to use or occupy the Mississippi or Mad Creek levees shall change or alter his occupancy or use of the levee without having first secured a new permit showing the alteration intended by him, which permit shall be granted by the City Council after it is satisfied that the use or occupancy of the levee will not be impaired, upon the payment of such sum as may be deemed proper.

3-4-6 Injuring or Diverting - Damages. Any person who shall willfully break down or through or injure any levee or bank of a settling basin, or who shall dam up, divert, obstruct, or willfully injure any ditch, drain, or other drainage improvement authorized by law shall be liable to the person or persons owning or possessing the lands for which such improvements were constructed in double the amount of damages sustained by such owner or person in possession; and in case of a subsequent offense by the same person, he shall be liable in treble the amount of such damages.

3-4-7 Anchoring, Mooring or Tying-up Along Riverbank. No person shall anchor, moor or tie-up along the right bank of the Mississippi River between Mad Creek and Pine Street, both extended to the right edge of the channel of the river, any towboat, barge, excursion boat, commercial boat, or any other boat or vessel without the permission of the City acting through the City Administrator or designee of the City Administrator.

3-4-8 Penalty. Any person who violates any Section of this Chapter shall be deemed guilty of a simple misdemeanor and subject to a fine of not to exceed one hundred dollars (\$100.00), or imprisonment not to exceed thirty (30) days.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 5

MONUMENT MARKERS

SECTION:

3-5-1 Placement of Markers

3-5-1 Placement of Markers. Uniform standard monument markers shall be placed at all new subdivisions and block boundary corners as established upon initial surveys and at all existing subdivision and block corners when re-surveys are made. Boundary corners for blocks and subdivisions shall be the intersection of two straight boundary lines. The standard marker shall be provided or approved by the City Engineer to registered surveyors and shall be installed under his or her supervision. All land surveyed, which embraces any existing boundary corner, shall have placed thereon the standard markers and the location shall be referenced to at least three (3) permanent objects, said references shall be recorded with the office of the Engineer.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 6

PUBLIC PARKS

SECTIONS:

- 3-6-1 Scope
- 3-6-2 Enforcement
- 3-6-3 Hours of Operation
- 3-6-4 Regulate Activities
- 3-6-5 Amusements
- 3-6-6 Assemblies
- 3-6-7 Permits
- 3-6-8 Traffic
- 3-6-9 Animals
- 3-6-10 Other Regulations

3-6-1 Scope. This Chapter applies to all City parks, greenbelts, and recreational facilities for efficient regulation of conduct in City parks. For the purpose of this Chapter, "Park" shall include all public parks, greenbelts, and recreational facilities owned by the City of Muscatine, except that the riverfront from Mad Creek to Orange Street extended and from Cedar Street extended to Linn Street extended between Mississippi Drive and the Mississippi River and the roadway known and identified as Harbor Drive between Orange and Cedar Streets extended is hereby designated as Riverfront Recreation and Tourism Area. The riverfront from Orange Street extended to Cedar Street extended between the southeasterly edge of the roadway known and identified as Harbor Drive and the Mississippi River is designated as Riverside Park.

3-6-2 Enforcement. The Police Department shall assist the Parks and Recreation Department in enforcing all ordinances and regulations relating to all parks and recreational facilities under the City's jurisdiction.

3-6-3 Hours of Operation. The parks, exclusive of the swimming pools, and that portion of the Riverfront Recreation and Tourism Area between Mad Creek and Cedar Street extended shall be open daily to the public between the hours of five o'clock (5:00) A.M. and eleven o'clock (11:00) P.M. of any one day. It shall be unlawful for any person to be in said parks and that portion of the Riverfront Recreation and

3-6-3

3-6-8

Tourism Area herein designated during any hours in which the parks are not open to the public, except with permission of the Parks and Recreation Department. The Council may by resolution change the hours indicated above.

3-6-4 Regulate Activities. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all.

3-6-5 Amusements. No amusement or other events for gain or for which a charge is made shall be conducted in a park without obtaining a permit in accordance with City policy.

3-6-6 Assemblies. No person shall engage in, participate in, aid, form, or organize any assembly or group of people or make any speeches, or conduct any musical program or festival, in any park unless a permit has been obtained in accordance with City policy. This Section shall not apply to educational activities under the immediate direction and supervision of school authorities.

3-6-7 Permits. Applications for park permits shall be filed with the Parks and Recreation Department on the form provided not less than twenty (20) days nor more than one hundred eighty (180) days before the date on which it is proposed to conduct this activity. The City of Muscatine may require the posting of a bond by the permittee in such amount as is necessary to protect the City of Muscatine against loss of and damage to public property and to indemnify against public liability.

3-6-8 Traffic. No person in a park shall:

- (A) Ride or drive an automobile, motorcycle, moped, mini-bike, go-cart, snowmobile, or other vehicle, except upon the established roads and ways.
- (B) Exceed a speed limit of fifteen (15) miles per hour at any time or such lower speed limits as posted in designated areas of the parks.
- (C) Fail to obey all posted traffic signs.
- (D) Leave a motor vehicle unattended in any park after closing. Any motor vehicle left unattended in any park after closing shall be deemed abandoned and the City of Muscatine shall cause the same to be towed from the Park and the same shall not be redeemed by the owner or the person responsible therefore until reasonable towing and storage charges are paid.

3-6-8

3-6-10

- (E) Parking of trucks that are wider than eighty inches (80"), self propelled motor homes, buses, mobile homes, or any motor vehicle with trailer attached are prohibited in Weed Park from nine o'clock (9:00) A.M. on Friday to eleven o'clock (11:00) P.M. on Sunday.
- (F) Operate or park semi-tractors and/or semi-trailers at anytime, except when engaged in delivery, pick-up, loading, or unloading equipment and goods as approved by the Department of Parks and Recreation.

3-6-9 Animals. It shall be unlawful to:

- (A) Kill, trap, tease, annoy, disturb, or interfere with any animal, bird or other fowl, or fish kept in any Park except as permitted by the City of Muscatine.
- (B) Disturb the nest of any bird or any other fowl.
- (C) Bring any dangerous animal into any Park.
- (D) Permit any dog to be in a park unless such dog is on a leash not more than six feet (6') long.
- (E) Permit a horse to be in a park, except in designated areas.
- (F) Any unattended animal, or animal not in the designated areas, shall be impounded and its owner may redeem the same upon paying the reasonable costs of such impoundment.

3-6-10 Other Regulations. It shall be unlawful to:

- (A) Operate radio controlled equipment in the Parks, except as authorized by the Parks and Recreation Department.
- (B) Move benches, seats, and tables from their places, except on picnic grounds within designated areas.
- (C) Loaf in any Park workshop or interfere with any Park employee performing his or her duties.

- (D) Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline, or other public utility or part thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post or other boundary marker, or other structure or equipment, facility, park property, or appurtenance whatsoever, either real or personal.
- (E) Throw discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park, any substance, matter of thing, liquid, or solid which will or may result in the pollution of said waters.
- (F) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be left anywhere on the grounds, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- (G) Pick or cut, break, or in any way injure or deface any tree, shrub, or plant; remove any wildflower, flower, tree, shrub, plant, or any soil or material of any kind; dig in or otherwise disturb grass areas; or in any other way injure or impair the natural beauty or usefulness of any park area.
- (H) Light or make use of any fire in the parks, except such portions thereof as may be designated by the Parks and Recreation Department for such purpose.
- (I) Post, paste, fasten, paint, or affix any placard, bill, notice, or sign upon any structure, tree, stone, fence, or enclosure, unless approved by the Parks and Recreation Department and provided such is not in violation of the City's sign ordinance.
- (J) Distribute, cast, throw, or place any handbill, pamphlet, circular, advertisement, or notice of any kind.
- (K) Sell or offer for sale any article or service without a permit as required by the City of Muscatine.
- (L) Beg or solicit alms.
- (M) Carry any firearms, air or pellet guns, bows and arrows, rockets, weapons, firecrackers, fireworks, or other explosives, except as permitted by the City of Muscatine.

- (N) Carry, possess, drink alcoholic beverages, including beer, except at the municipal golf course and special events at the river front from Mad Creek to Linn Street extended between the Mississippi Drive and the Mississippi River, when a permit has been issued by the City Council pursuant to Title 5, Chapter 3 of the City Code.
- (O) Possess, use, or transfer any controlled substance.
- (P) Disturb the peace.
- (Q) Endanger the safety of any person by any conduct or act.
- (R) Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore and in compliance with such regulations as are permitted by the City of Muscatine.
- (S) Fish in the lagoon, unless such person is age fourteen (14) or under.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 7 SIDEWALKS

SECTIONS:

- 3-7-1 3-7-2 Permit Required
- 3-7-3 3-7-4 Duty of Owners; Repairing Sidewalks
- 3-7-5 3-7-6 Notice to Repair
- 3-7-7 3-7-8 Reconstruction of Nonconforming Sidewalks
- 3-7-9 Police to Investigate Injuries
- 3-7-10 Concrete Sidewalks; Specifications
- 3-7-11 Street and Grade Lines to be Obtained; Width
- 3-7-12 Joints; Construction in Business Areas
- Applicability
- Steps; First Floor
- New Sidewalks Compliance with Chapter

3-7-1 Permit Required. No person shall construct or repair any sidewalk upon the streets of the City, unless such person shall first have obtained a permit therefor in accordance with Title 5, Chapter 15 of this Code.

3-7-2 Duty of Owners; Repairing Sidewalks. It shall be the duty of every owner of a lot or piece of ground fronting on any street to keep and maintain in repair any sidewalks, whether permanent or temporary, which are Or shall be laid along such street in front of such lot or piece of ground. Without limiting the generality of the foregoing, when one or more of the following conditions exists, sidewalks shall be replaced or repaired as indicated:

- (A) If more than forty percent (40%) of the surface of any four foot (4') square section has spalled out leaving a rough, uneven surface, that four foot (4') square section shall be replaced.
- (B) If any four foot (4') square section has cracked into sections less than one square foot in area, that four foot (4') square section shall be replaced.

- (C) If sections have settled or heaved to the extent that the resulting displacement at cracks and joints exceeds three-quarters inch (3/4") and/or creates a hazardous condition, such section or sections shall be replaced to eliminate such displacement or condition.
- (D) If sidewalks have settled and adjacent soil has built up higher than the sidewalk or drainage is otherwise impeded to the extent that water accumulates on the sidewalk to a depth exceeding one-half inch (1/2") over an area of two (2) square feet or more, that section of sidewalk shall be replaced or the drainage otherwise improved to eliminate such accumulation of water.

3-7-3 Notice to Repair. The City Engineer shall, at his or her discretion, cause the notice to repair, replace, or reconstruct sidewalks to be given in accordance with Iowa Code Section 364.12.

3-7-4 Reconstruction of Nonconforming Sidewalks. The City Engineer may order the reconstruction of any sidewalks not constructed in conformity with this Chapter. The costs of such reconstruction may be assessed against the abutting property owner by proceeding under Iowa Code Section 364.12.

3-7-5 Police to Investigate Injuries. The Chief of Police, or his or her designee, shall investigate any injury alleged to have occurred on account of a defect in a sidewalk or crosswalk and shall make a written report thereon to the City Attorney.

3-7-6 Concrete Sidewalks; Specifications. Sidewalks upon the streets of the City shall be constructed as follows:

An excavation shall be made the full width of the sidewalks to a depth of four inches (4") below the finished grade of the walk; the subgrade shall be thoroughly compacted by rolling or hand tamping, and in such excavation shall be placed a concrete mix reaching four thousand (4,000) PSI compression strength in twenty-eight (28) days according to ASTM C-39. The foregoing base may be surfaced with new, nonporous bricks which are free of irregularities, provided the joints are mortared and set to true and even grade as established by the City Engineer and further provided that the approval of the City Engineer is obtained prior to the issuance of a permit under Section 3-7-1 of the City Code.

3-7-7 Street and Grade Lines to be Obtained; Width. No concrete sidewalk shall be constructed without first procuring the street and grade lines from the City Engineer, and such sidewalks shall then be constructed in accordance with such lines

and the width of all such concrete sidewalks shall be four feet (4') unless otherwise specifically ordered and directed by the Council.

3-7-8 Joints; Construction in Business Areas. Whenever a concrete sidewalk is constructed adjacent to a curb in a business area, a joint shall be constructed parallel to and at a distance of eighteen inches (18") from the back of such curb, such joint to be continuous through the entire depth of the concrete.

3-7-9 Applicability. Sections 3-7-5 through 3-7-7 of this Chapter shall apply to and include all persons constructing concrete sidewalks for hire, or under contract, as well as to property owners constructing their own concrete sidewalks upon streets adjacent to their property.

3-7-10 Steps; First Floor. No steps from the sidewalk to the first floor above the ground of any building shall hereafter be erected upon any part of the sidewalk, provided that this Section shall not apply to the building designated as the "Old County Jail" located in the 400 block of East Fourth Street and the "McKibben-Fryberger Building" located in the 100 block of Walnut Street, both in the City of Muscatine, Iowa.

3-7-11 New Sidewalks. In areas of the City where there are no sidewalks, they shall be installed as follows:

- (A) New Subdivisions. New sidewalks shall be installed in accordance with Title 11 of this Code.
- (B) Other Areas. The City Council shall determine the necessity of installing sidewalks in the areas of the City where none exist after holding a public hearing in accordance with the special assessment provisions of the Code of Iowa.
- (C) Cost of Installation. The abutting property owners shall share the cost of installing new sidewalks with the City of Muscatine in accordance with the special assessment rules and regulations for sidewalks as adopted by the City Council.

3-7-12 Compliance With Chapter. Every person who shall directly or indirectly construct, relay or reconstruct any sidewalk contrary to the provisions of this Chapter shall be deemed guilty of a misdemeanor.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 8

SNOW AND ICE REMOVAL - SIDEWALKS

SECTIONS:

- 3-8-1 Owners; Occupants; Removal By
- 3-8-2 Removal by City; Cost
- 3-8-3 Removal Notification Procedure
- 3-8-4 Proof of Service
- 3-8-5 Cost of Work Done by City

3-8-1 Owners; Occupants; Removal By. The occupant(s) of each and every building, dwelling, structure, or the owner of any unoccupied lot fronting upon any street or sidewalk, shall clear the entire public sidewalk in front of such building, dwelling, structure, or unoccupied lot, as the case may be, of all snow or ice within twenty-four (24) hours of termination of the last snowfall, and cause the same to be kept clear of snow and/or ice. If such ice is smooth and hard and not easily removed, such ice shall be covered with ashes, salt, sawdust, or other non-slippery substance sufficient enough to make the public sidewalk a safe passageway.

3-8-2 Removal by City; Cost Whenever any snow or ice shall be allowed to remain upon any public sidewalk, permanent or temporary, within the City of Muscatine for more than a twenty-four (24) hour period of time, the City will attempt to notify the adjoining property owner of the violation as outlined in Title 3, Chapter 8, Section 3. If this attempt is unsuccessful or the owner fails to comply with the order of the City, the City shall cause the public sidewalk to be cleared, or made safe for passage by either private contract or City employees and equipment.

3-8-3 Removal Notification Procedure. If the owner of the property adjoining a public sidewalk fails to remove either snow or ice as stated in Section 3-8-1 of this Chapter, the City shall attempt to notify the owner by personal service or by telephone within twenty-four (24) hours of the last snowfall. Nothing shall prevent the City from causing snow and/or ice to be removed from a public sidewalk, and assessing the costs to the abutting property owner, if the City has attempted to make contact with the owner as described herein; except that when known and in the opinion of the public official charged with responsibility of enforcing this section, a

3-8-3

3-8-5

public sidewalk is in such a condition that it creates an immediate and threatening danger to pedestrian traffic. If such a condition exists, the official shall cause the public sidewalk to be made safe for passage as soon as it may be practical.

3-8-4 Proof of Service. In addition to the notice set out in Section 3-8-3, the City shall notify property owners concerning the requirements of this Chapter by publishing a public notice concerning the same in a newspaper of general circulation, preferably before the first snowfall of the year, advising the owners of property within the City of their responsibility to remove snow and/or ice from public sidewalks that adjoin their property as outlined in Section 3-8-1 of this Chapter.

3-8-5 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 costs of removing and/or treating the public sidewalk in a manner that will comply with the requirements of this Chapter; to include labor, equipment costs, and reasonable administrative costs. Upon receipt of the itemized statement, the Council shall audit it, and if allowed, shall by resolution assess the cost as a special assessment against the property. The City Clerk shall certify the assessment to the County Treasurer, to be collected as any other special assessment.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 9

STREET OBSTRUCTIONS

SECTIONS:

- 3-9-1 Throwing Dangerous Substances Into Streets
- 3-9-2 Location of Steps, Cellarways, Spouts
- 3-9-3 Placing Goods, Wares on Streets
- 3-9-4 Erecting or Maintaining Wires

3-9-1 Throwing Dangerous Substances Into Streets. It shall be unlawful for any person to throw, cast, or permit to be thrown or cast upon in any of the public streets, alleys, parks, or spaces, anything made of iron, steel, tin or other metal, or glass in any of its forms, whether broken or not, or any other substance dangerous to the tires of vehicles or the feet of animals and pedestrians.

3-9-2 Location of Steps, Cellarways, Spouts. If any person shall erect or cause to be erected in any street or public alley, any step, cellar door, or cellarway more than four feet (4') from the line of the street into the sidewalk or street, or more than three feet (3') from the line in any alley into the same, and if any person shall erect any porch, bulk, jut window, or other encumbrance, or shall so place or cause to be placed any spouts or gutters whereby the passage of any street or alley shall be obstructed, he shall be deemed guilty of a misdemeanor and shall immediately cause such step, cellar door, cellarway, porch, bulk, jut window, or other encumbrances, spouts, and gutters to be removed. Nothing in this Section shall be construed to authorize the use of any part of any street, sidewalk, or alley for the erection of stairs, steps, or other modes of access to the second stories to buildings, or to authorize the enclosure by rail or otherwise of any portion of any sidewalk, street, or alley, or the erection of any railing upon any sidewalk, street, or alley as a means of obtaining access or a passageway to the cellar or basement by occupying part of the sidewalk for that purpose. Such railings already existing, while not hereby legalized, shall not be abated, unless upon the special direction of the Council.

3-9-3 Placing Goods, Wares on Streets. No person shall

set, place, cause to be set or placed, or permit to remain any goods, wares, merchandise, or other property of whatsoever kind on any street, alley, or way without prior Council approval.

3-9-4 Erecting or Maintaining Wires. It shall be unlawful for any person to erect or maintain any wire for any purpose in, on, above, or across any street, alley, or public place, unless such person has been previously authorized to do so under and by virtue of a right or franchise granted, held, or owned pursuant to law.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 10

TRAINS

SECTIONS:

- 3-10-1 Blocking Highways; Streets, or Alleys
3-10-2 Penalty

3-10-1 Blocking Highways, Streets, or Alleys. A railroad corporation, or its employees, shall not operate a train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of ten (10) minutes except:

- (A) When necessary to comply with signals affecting the safety of the movement of trains.
- (B) When necessary to avoid striking any object or person on the track.
- (C) When the train is disabled.
- (D) When necessary to comply with governmental safety regulations.

3-10-2 Penalty. Any officer or employee of a railroad corporation violating any provision of this Chapter shall, upon conviction, be subject to a fine of not to exceed one hundred dollars (\$100.00), or imprisonment not to exceed thirty (30) days. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors, such guilt shall then be with the railroad corporation.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 11

TREES AND SHRUBS

SECTIONS:

- 3-11-1 Removal and Trimming of Dangerous Tree; Compliance
- 3-11-2 Abutting Property Owners
- 3-11-3 Notice to Trim; Failure to Comply
- 3-11-4 Trimming by City; Recovery of Cost
- 3-11-5 Liability Insurance; Tree Removal
- 3-11-6 Obstructing Streets; Barricades
- 3-11-7 Removal of Debris
- 3-11-8 Street Trees (Existing)
- 3-11-9 Street Trees (New)
- 3-11-10 New Street Trees (City Program)
- 3-11-11 Injuring; Defacing; Removing
- 3-11-12 Reserved

3-11-1 Removal and Trimming of Dangerous Tree; Compliance.

- (A) If the City deems any shade, ornamental, or other tree situated on private property in the City to be diseased or dead, it shall cause to be served a notice upon the owner, in accordance with the most recently enacted Code of Iowa, if known within the City, or if not, then upon the occupant of the lot, to cut down such tree and remove the same and all debris therefrom. Said tree and debris shall be hauled to an area designated or approved by the City and/or the Iowa Department of Water, Air, and Waste Management.
- (B) If such notice is not complied with within ten (10) days, the City shall cause to be cut down or remove such tree and the cost of cutting down and removing shall be certified to the County Treasurer and be assessed against the real estate in the same manner as a property tax.
- (C) All diseased trees shall be sprayed, if required by the City, at the site of their cutting down or removal before being hauled or transported through the City to an approved disposal site.

- (D) The General Manager of any utility shall have the authority to trim any tree which interferes with utility property and equipment, after notification and approval by the City.
- (E) The City shall have authority to trim any tree, located on private property, which interferes with the proper distribution of light from street lights or signs following notification to the property owner in accordance with Sections 3-11-3 and 3-11-4 of this Chapter.

3-11-2 Abutting Property Owners. Any person owning any real estate within the City with trees located upon said real estate or located in the street right-of-way (including parkings) adjacent to said real estate, shall trim such trees in such manner that no overhanging branches thereof shall in any way obstruct any such street or sidewalk below the height of ten feet (10') above the surface of the sidewalk and fourteen feet (14') from the surface of the street.

3-11-3 Notice to Trim; Failure to Comply. Any person or owner of property^y as described in this Chapter who shall have been served by the City with a notice by Certified Mail, and shall not comply with the notice within ten (10) days of the receipt of the notice, shall be guilty of a misdemeanor and subject to penalty of a fine not to exceed one hundred dollars (\$100.00), or by imprisonment not to exceed thirty (30) days.

3-11-4 Trimming by City; Recovery of Cost. When the owner or occupant of real property in the City having trees upon or in front of the same, the branches of which overhang the street or any part thereof, and having had notice to trim the same and fails or refuses to comply therewith for more than ten (10) days after service of notice, then it shall be lawful for the City to trim such trees to the height provided in Section 3-11-2 of this Chapter and certify the cost of the same to the County Treasurer to be assessed against the real estate in the same manner as a property tax.

3-11-5 Liability Insurance; Tree Removal. All persons and/or corporations engaged in removal of trees within the City R.O.W. shall obtain a license in accordance with Title 5, Chapter 15 of this Code and present a copy of an insurance policy for liability insurance in the amount prescribed in Title 5, Chapter 15 of this Code.

3-11-6 Obstructing Streets; Barricades.

- (A) Before any street or thoroughfare can be shut off or blocked in any way for tree removal, permission must be granted by the City.

- (B) Streets when barricaded or shut off must be barricaded by proper barricades appropriately marked and readily seen by all.
- (C) All persons, and/or corporations barricading any street or thoroughfare for the purpose of trimming or removing any tree shall first notify the City of Muscatine Police and Fire Departments stating the location and time period that such street or thoroughfare will be closed.
- (D) No street or thoroughfare shall be closed for the purpose of removing any tree unless the required permit is secured as provided in this Chapter.

3-11-7 Removal of Debris. Removal of debris, stumps, logs, etc. shall be made upon or in trucks and no hauling shall be allowed hanging from outside by booms or dragging from such vehicle.

3-11-8 Street Trees (Existing).

- (A) All existing trees located within the public right-of-way as of the effective date of this Section shall be the responsibility of the adjacent property owner.
 - 1. Exception. Any street tree which is diseased, dead, or otherwise poses an immediate threat to the public health and welfare shall be the responsibility of the City.
- (B) It shall be the duty and right of the adjacent property owner to trim, remove, treat, or otherwise maintain all existing street trees in a manner that promotes the public health, safety, and welfare and in accordance with the provisions of this Chapter.
- (C) Any person or corporation removing any existing street tree shall obtain a permit to do so from the City in accordance with Title 5, Chapter 15 of this Code for the purpose of initiating a City-wide inventory. The Tree Removal Permit shall be provided at no charge to the applicant.
- (D) Nothing contained in this Chapter shall be construed so as to prevent the immediate removal and/or trimming by officers of the City of any tree from the streets, when in the judgment of the City, such removal or trimming is necessary for the purpose of making street improvements or to eliminate obstructions of public signs which, by design, promote safety of persons or property.

3-11-9 Street Trees (New).

- (A) As of the effective date of this Section, all proposals to plant

trees in the public right-of-way shall require a permit from the City in accordance with Title 5, Chapter 15 of this Code.

- (B) The permit application provided by the City shall state the applicant's name, address, type of tree to be planted, exact location, and any additional information that may be needed by the City to determine whether the application should or should not be approved.
- (C) The application shall be recommended for approval or disapproval by the City prior to issuance. Failure to secure a positive recommendation by the City shall constitute a denial of the application.
- (D) Permit Requirements:
 - 1. The permit shall state that the applicant agrees to plant the street tree(s) in accordance with the requirements of this Chapter.
 - 2. The permit shall state that the applicant will plant a specific type of tree which shall be an approved species for street trees; a list of which shall be provided to the applicant upon request.
 - 3. The permit shall state that once the street tree is planted, it becomes the property of the City of Muscatine and the applicant agrees to relinquish all interest in said tree. The permit shall state that the owner agrees to donate the tree to the City, at the applicant's expense, and that the applicant agrees to adhere to the provisions of Title 3, Chapter 11, Section 8 of this Code.
 - 4. The permit shall include a provision which indemnifies the City from any and all claims for damage to private and public property as a result of the permit to plant a street tree.

3-11-10 New Street Trees (City Program).

- (A) The City may, at its discretion and with the approval of the City Council, initiate a program for the purpose of planting, maintaining, trimming, and removal of new street trees.
- (B) It shall be the policy of the City to notify abutting property owners before planting any street tree in front of any residential structure in the City.
- (C) The owner of the abutting property shall be required to sign a permit in accordance with Section 11 of this Chapter, except the,

3-11-10

3-11-12

tree will be planted by the City at no expense to the abutting residential property owner.

3-11-11 Injuring; Defacing; Removing. Any person who shall willfully, maliciously, or negligently, in any manner, injure, deface, remove, or destroy any street tree or boxing placed around the same, or any shrub upon any public grounds and right of ways shall be deemed guilty of a misdemeanor, and shall reimburse the City for any costs incurred by such action if directed to do so by the Iowa District Court for Muscatine County.

3-11-12 Reserved.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 12

UTILITY CONNECTIONS

SECTIONS:

- 3-12-1 Duty of Abutting Owners Generally
- 3-12-2 Connections After Improvement is Made
- 3-12-3 Connections to be Made by Resolution
- 3-12-4 Publication and Form of Notice of Resolution Requiring Connection
- 3-12-5 Procedure When Abutting Property Owner Fails to Make Connection Generally
- 3-12-6 Cost; Expense Collection; Lien
- 3-12-7 Assessment Resolution; Notice

3-12-1 Duty of Abutting Owners Generally. Whenever the City Council shall order the permanent improvement of any street, highway, avenue, or public ground or place, by paving, graveling, or macadamizing the same, it shall be the duty of the owners of property abutting thereon to make connections from gas, water, sewers, and underground electric connections to the curb line of the abutting property before such ordered improvement is made.

3-12-2 Connections After Improvement is Made. In any case, where connections as referred to in Section 3-12-i of this Chapter are not made before the improvement is made, no permit shall be permitted which shall require the cutting or displacement of any paving, graveling, or macadamizing as provided in such connections for a period of five (5) years from the date of the notice provided for in Section 3-12-4 of this Chapter, unless such connection is for an emergency or is deemed necessary by the City Engineer.

3-12-3 Connections to be Made by Resolution.

- (A) Connections as referred to in Section 3-12-i of this Chapter shall be made, one for each utility connection required by the resolution of the Council, for each lot of record owned by each property owner in residential districts and for each lot of record owned by each property owner in business districts; provided, however, that at least one of each utility connection of such connections required by the resolution

of the Council shall be made for each buildable parcel of land abutting upon the street or other public place ordered improved.

- (B) Whenever the Council shall have ordered the permanent improvement of any street, highway, avenue, alley, or public ground or place, by paving, graveling, or macadamizing the same and the connections from the gas, water, sewers, and underground electrical connections have not been made therefrom to the curb line for the abutting property to the extent and in the manner required by this Chapter, the Council shall by resolution declare the necessity of making such connections as it deems advisable, which resolution shall require all owners of property abutting upon the streets and other public places to be improved, naming and describing such streets, parts of streets, and public places as accurately as may be, to make the connections required on or before a day to be stated in such resolution and shall require water connections to be made in the manner required by the rules of the Water and Light Board of Trustees of the City and the other connections to be made in the manner required by the laws of the State of Iowa, the provisions of this Code, and other Ordinances of the City relating thereto.

3-12-4 Publication and Form of Notice of Resolution Requiring Connection. Upon the adoption of the resolution provided for in Section 3-12-3, the Clerk shall give notice to each property owner by certified mail and one publication in some newspaper of general circulation published in the City at least twenty (20) days prior to the time fixed in the resolution and the notice by which the making of such connections must be completed. Such notice shall be substantially in the following form:

NOTICE TO PROPERTY OWNERS

To owners of property abutting upon the following named and described streets, parts of streets, highways, avenues, alleys, and public grounds and places, in the City of Muscatine, to-wit:

You and each of you are hereby notified that the City Council of the City of Muscatine, Iowa, has ordered the permanent improvement of the above named and described public places by paving the same and that you and each of you are required, on or before the ____ day of _____, 19____, to make connections from the _____ upon said public places to the curb line of your abutting property, one utility connection for each lot of record if

in a residential district and for each lot of record in a business district, but at least one utility connection for each buildable lot or parcel of land.

All connections with water pipes shall be made in the manner required by the rules of the Water and Light Board of Trustees of the City and all other connections in the manner required by the laws of the State of Iowa, the provisions of the City Code of Muscatine, Iowa, and other Ordinances of the City of Muscatine relating thereto.

Should you fail to make said connections in the manner, of the kind and number, and by the date above mentioned, the City of Muscatine will cause the same to be made and will levy and assess the cost and expense thereof against the property in front of which they are made.

No permit will be hereafter issued for a period of five (5) years for the making of said connections which will require the cutting or displacement of the pavement after the same is laid, unless on an emergency basis as determined by the City.

Given by order of said City Council this _____ day
of _____, 19

City Clerk

3-i2-5 Procedure When Abutting Property Owner Fails to Make Connection Generally. If the owner of any lot, part of lot, or parcel of land abutting upon any street, highway, avenue, or public ground or place ordered to be improved as provided in the preceding Sections of this Chapter shall refuse, fail, or neglect to make the connections of the kinds and number and in the manner and by the date prescribed in the resolution and the notice thereof, the water connections required shall be made by the Water and Light Board of Trustees and the actual cost thereof shall be by such Board certified to the Council, and the Council shall cause the other connections required to be made and the actual cost and expense thereof, together with the actual cost of making the water connections as certified to it shall be by the Council in the manner hereinafter set out, levied and assessed as a special tax against the property in front of which such connections are made as above provided. In the making of such connections the Council

may, if it deems best, contract for the making of all such connections as are made necessary by the improvements ordered to be made at any one time. If the Council shall determine to contract for the making of such connections, it may advertise for bids thereon, stating the amount of work to be done and the manner thereof, but reserving the right to reject any and all bids.

3-12-6 Cost; Expense Collection; Lien. The cost and expense of the connections 'made or caused to be made by the City under this Chapter shall be paid by the City and the Council shall then levy and assess against the several lots, parts of lots, and parcels of land in front of which such connections are made, the cost and expense of making the same. The amount of money so levied and assessed against such lots, parts of lots, and parcels of land, with interest thereon at the rate established by the City Council, shall be a lien upon the real estate so assessed until paid and shall be certified for collection as other special assessments.

3-12-7 Assessment Resolution; Notice. Assessments as referred to in Section 3-12-6 of this Chapter shall be by resolution of the Council and shall be substantially in the following form:

RESOLUTION

Be it resolved by the City Council of the City of Muscatine, Iowa: That there is hereby assessed against the following described lots, parts of lots, and parcels of land in the City of Muscatine, Iowa, owned as hereinafter stated, special taxes in the amounts hereinafter indicated for the cost and expense of making connections from _____ to the curb line of the property described below and which the owners of said property have refused, failed, or neglected to make as heretofore ordered by the City Council.

Owner	Description of Property	Tax
-------	-------------------------	-----

_____	_____	_____
-------	-------	-------

That this resolution be set for its consideration and passage at the next regular session of the Council and the Clerk be directed to give notice thereof accordingly.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 13

PUBLIC DEMONSTRATIONS

SECTIONS:

- 3-13-1 Definitions
- 3-13-2 Use of Sidewalks for Picketing and Demonstrating
- 3-13-3 Interference with Business or Public Facility
- 3-13-4 Focused Residential Picketing and Protesting Prohibited
- 3-13-5 Advance Notice of Proposed Picketing, Protesting or Demonstrating
- 3-13-6 Duty to Disperse as Directed by Police
- 3-13-7 Criminal Trespass for Obstruction of Public Ways, Buildings or Property

3-13-1 Definitions.

- (A) Picket - A person or persons protesting through the use of signs, placards or similar devices.
- (B) Protestor - A person or persons protesting or advocating some idea, position or policy.
- (C) Demonstration - A gathering together of a group of persons on a public sidewalk, public walkway or any other public property, to advocate or discuss political, social, civil, or religious policies or ideas. Demonstrations include picketing and protesting.
- (D) Public Way - Any public street, alley, roadway, walkway, right-of-way, or any other public way or property designed for vehicular, bicycle or pedestrian travel or congregation, and dedicated to public use.

3-13-2 Use of Sidewalks for Picketing and Demonstrating. Picketing, protesting and demonstrations shall be conducted only on public sidewalks maintained by the City or other public walkways. No picketing, protesting or demonstrating shall be conducted on that portion of the streets used primarily for vehicular traffic.

3-13-3 Interference with Business or Public Facility. Picketers, protesters and demonstrators shall not block or obstruct free passage of any pedestrian or vehicular traffic, or interfere with ingress or egress to any business or public facility.

3-13-4 Focused Residential Picketing and Protesting Prohibited. No person or persons shall engage in picketing, protesting or demonstrating before or about a residence or dwelling where the picket, protest or demonstration focuses solely on the residence or dwelling of a particular, identifiable individual.

3-13-5 Advance Notice of Proposed Picketing, Protesting or Demonstration. Any person or persons planning to picket, protest or demonstrate shall give the Chief of Police or his/her designees at least twenty-four (24) hours written notice prior to the event. This written notice shall include:

- (a) Name, address and telephone number of the organization or individuals planning to picket or demonstrate.
- (b) The location of the demonstration, protest or picket, including street address, and or map.
- (c) Date, starting time, hours, and duration of the picket, protest or demonstration.
- (d) Estimated number of persons participating in the picket, protest or demonstration.

For purposes of this Article, the Chief of Police or his/her designee shall be deemed notified upon receipt of the written notice at the Muscatine Police Department located at 312 East 5th Street, Muscatine, Iowa 52761.

3-13-6 Duty to Disperse as Directed by Police.

- (A) Police officers are authorized to disperse persons who are picketing, protesting, or demonstrating whenever such picketing, protesting or demonstration is in violation of this Title or poses a threat to public health, safety or the orderly flow of vehicular and/or pedestrian traffic.
- (B) It shall be unlawful for any person to refuse to disperse or move on when so directed by a police officer, as herein provided.

3-13-7 Criminal Trespass for Obstruction of Public Ways, Buildings or Property. Whenever the free passage of any street, sidewalk, public way, public building or property in the City of Muscatine is obstructed by picketers, protestors or demonstrators, and such obstruction continues after a police officer has requested dispersal and removal, such obstruction shall constitute the public offense of criminal trespass.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 14

PARADES, MARCHES AND PUBLIC ENTERTAINMENT

SECTIONS:

3-14-1	Definitions
3-14-2	Permit
3-14-3	Permit Application
3-14-4	Application Form
3-14-5	Standards for Issuance
3-14-6	Grant or Denial of Permit
3-14-7	Appeals
3-14-8	Revocation

3-14-1 Definitions.

- (A) Parade - A march or procession of persons, vehicles or other forms of transportation such as bicycles in or upon a public street, alley, sidewalk, park or public way when that march or procession necessitates or results in the exclusion or disruption of use of the public way by others.
- (B) Public Entertainment - Any activity or event which features music, drama, theater, fireworks, road or boat race events, athletic events, displays, exhibitions, circus or carnival events, amusements, etc. whose primary purpose is to amuse, educate, entertain or provide an exhibition, and which takes place or is intended to take place on or about a public street, public property, alley, sidewalk, park or other public *way*, facility, or building, when the activity necessitates or results in the exclusion of use thereof by others.
- (C) Public Way - Any public street, alley, sidewalk, roadway, walkway, right-of-way or public *way* designed for vehicular, bicycle or pedestrian travel and dedicated to public use.

Pickets, protests and demonstrations using public sidewalks which are conducted in accordance with the provisions of Chapter 13 of this Title are exempt from the provisions of this Chapter 14.

Funeral processions are exempt from the provisions of this Chapter.

3-14-2 Permit.

- (A) It shall be unlawful for any person or group constituting a parade, march or public entertainment to occupy, march, or proceed upon or along any sidewalk, street, alley, park, public place or other public way, public property or public building in the City of Muscatine without first having obtained a permit from the City Administrator, as provided in this Division.
- (B) All parades, marches and public entertainment shall be conducted in accordance with the permit issued by the City Administrator, and shall be in compliance with all applicable state and local laws.

3-14-3 Permit Application.

- (A) An application for a permit containing the information required herein shall be filed with the City Administrator by any group desiring to use any street, alley, sidewalk, park, public way, place, building or facility as provided in this Division. All completed applications shall be filed at least thirty (30) days in advance of the date of the requested use. Applications shall be made on forms prepared and decided by the City Administrator, and shall require the information required by this Division. The City Administrator shall have a reasonable time to grant or deny the permit. The length of time which is reasonable shall be determined by the type of use requested; the information supplied; the time of filing of the application; and the extent of the advance preparation and planning demonstrated and reasonably required.
- (B) If timely requested as provided above, and in the event no action has been taken by the City Administrator by the day of the event, the permit shall be deemed granted.
- (C) The City Administrator shall grant or deny the permit in writing, according to the standards set forth in Section 3-14-5 herein, and shall mail the written decision to the applicant by regular mail or personal delivery, at least (3) working days prior to the event. The City Administrator shall immediately forward the grant or denial of the permit to the City Council.

Section 3-14-4 Application Form.

- (A) The application form for the use of any street, sidewalk, roadway, alley, park, public way, property or facility, shall contain the following information:
 - 1. Name and address of the applicant and the sponsoring organization, if any.
 - 2. The type of event that is planned, namely parade, march, public entertainment, or type of public display.

3. Proposed location or locations.
4. Expected size of the group.
5. Date, time and expected length of use.
6. Names, addresses and telephone numbers of any person or persons to be in charge of the proposed use at the specified location.
7. Names and addresses of any persons to be featured as entertainers or speakers.
8. List of mechanical or electronic equipment to be used.
9. Number and type of any motor vehicles or other forms of transportation to be used, including bicycles, boats, carriages and golf carts.
10. Number and types of any animals to be used.
11. A description of any sound amplification to be used.
12. Proposed monitoring of the group and or activity, including the number of people who will direct traffic, set up, clean up and maintain order if necessary. If in the opinion of the Chief of Police, special duty police are required, the Chief of Police shall so inform the applicant as to the number, location, duties and times when special duty police will be required. In no event shall any person who has not been certified by competent authority as having been trained to direct or control vehicular or pedestrian traffic do so on any property owned or controlled by the City of Muscatine. Competent authority shall be determined by the Chief of Police.
13. All plans for the provision of security for any event shall be approved by the Chief of Police.
14. The Chief of Police or his/her designees shall maintain control and authority over any event which under permit is conducted on any street, alley, sidewalk, park, public way, property or facility.

- (B) The application shall include an agreement pursuant to which the applicant shall agree to indemnify, defend and save harmless the City of Muscatine, together with its agents, officers and employees, from any and all claims, lawsuits, damages, losses and expenses of whatever nature, which may result from or arise from the activity or event covered by the permit, including but not limited to the use of public ways, irrespective of whether said claims are frivolous or meritorious.

3-14-5 Standards for issuance. The City Administrator shall examine the application, and shall grant or deny said permit based upon the following standards:

- (A) In light of the date and time of said proposed use, whether the use will unreasonably interfere with the privacy, safety, security, convenience and tranquility of the residents or inhabitants of the area.
- (B) Whether the proposed street, alley, sidewalk, park, public way or facility can accommodate the group or use, based both on group size and on health and sanitation facilities, whether available or to be provided by the applicant.

- (C) Whether the proposed use or activity is compatible with the normal activity of the proposed public way, facility or park at the requested time or date.
- (D) Whether the application demonstrates the applicant has the means, planning and coordination to hold the proposed event, considering the time of day, location, public facilities available, traffic control, parking requirements and any monitoring required to protect the public health and safety.
- (E) Whether the event will interfere with another event for which a permit has already been granted.
- (F) Whether the proposed use would substantially interrupt the flow of vehicular and/or pedestrian traffic.
- (G) Whether the use would require the excessive diversion of police from other duties, or substantially interfere with the City's fire fighting operations.

3-14-6 Grant or Denial of Permit.

- (A) On the basis of the above information, Sections 3-14-4, and applying the standards in Section 3-14-5, if the City Administrator finds that the proposed march, parade or public entertainment does not substantially interrupt the flow of traffic; does not create an undue health hazard; does not unduly impinge on the area inhabitants' privacy, peace, and tranquility; does not unreasonably obstruct pedestrian and/or vehicular traffic; does not substantially conflict with the public health, safety and tranquility; and is compatible with the normal activities of the requested location at the requested time and date, then the City Administrator shall grant the permit.
- (B) If necessary, the City Administrator may set forth terms, conditions or restrictions required to protect the public's safety, welfare and tranquility. Such conditions, if established, should be specific as to the following:
 - 1. Time, date and place of the permitted activity.
 - 2. If a parade or march, the route and staging area.
 - 3. Number of monitors, agents or police personnel required for safe use of the park or public way.
 - 4. Reasonable insurance requirements needed in order to protect the City right-of-way and to protect against injuries to persons and/or property resulting from the applicant's use of public right-of-way.
- (C) Nothing contained in or omitted from said permit shall be deemed to be a waiver of any applicable local, state or federal law.

- (D) Review by Council of Grant or Denial. Upon receipt of the written grant or denial of a permit pursuant to this Division, the City Council may, upon its own motion, determine that it shall review the City Administrator's decision. If a majority of the Council determines that the action should be set aside, the Council may set aside the action of the City Administrator. The Council may grant or deny the permit. If the Council takes no action within fourteen (14) days after the permit is denied or granted, the City Administrator's action shall stand as final.

3-14-7 Appeals.

- (A) Any party aggrieved by the City Administrator's decision to grant or deny a permit under this Chapter 14 may appeal the determination to the City Council if, within ten (10) days after the decision, the party files a written notice of appeal with the City Administrator. In such event, a hearing shall be held by the City Council at its next regularly scheduled meeting.
- (B) Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Administrator's decision.

3-14-8 Revocation. After a permit is granted under this Chapter 14, in the event it is determined that the applicant has misstated any material fact in the application, or that there is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred, the City Administrator or the City Council may review such application and revoke such permit if not in compliance with this Title. Such permit may also be revoked when it is determined by the Chief of Police that by reason of disaster, public calamity, riot or other emergency, the public safety requires such revocation.

TITLE 3 PUBLIC WAYS AND PROPERTY

CHAPTER 15

COMMERCIAL USE OF SIDEWALKS IN COMMERCIAL ZONES

SECTIONS:

- 3-15-1 Permit for Commercial Use
- 3-15-2 Permit Procedure and Standards for Issuance
- 3-15-3 Permit Provisions Shall not Apply to Peddlers or Solicitors

3-15-1 Permit for Commercial Use.

- (A) Sidewalk sales. The City Administrator is authorized to issue permits to businesses or business organizations for the temporary use of sidewalks for commercial sales in commercially zoned districts. Such permits shall be limited to the temporary use of sidewalks abutting said business or business organization, and shall be limited to no more than two days for any one permit. All other commercial use of public right-of-way shall be prohibited unless such use is authorized by the City Council, by resolution.
- (B) It shall be unlawful for any business or business organization to use the public sidewalks in commercially zoned districts for commercial sales promotions without first having obtained a permit from the City Administrator, as provided in this Chapter 15.

3-15-2 Permit Procedure and Standards for Issuance. The permit application and issuance procedures set forth in Chapter 14 of this Title, shall govern the permit requirements of this Chapter 15.

3-15-3 Permit Provisions Shall not Apply to Peddlers or Solicitors. The permit provisions of this Chapter 15 shall not apply to peddlers or solicitors, as defined in Title 5 of the City Code of the City of Muscatine.