

CHAPTER 43

UPTOWN ARTWAY RULES

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43.01 PURPOSE. The purpose of this chapter is to provide rules governing the use of the Uptown Artway.

43.02 LOCATION. The Uptown Artway shall be located in area currently designated for the Art in the Alley Project including property located between 7th and 8th Avenues and 10th and 11th Streets in the City of Marion, legally described as follows:

All of the north/south and east/west alleys in Block 13, Original Town, now the City of Marion, Linn County, Iowa; and

The East 14.5 feet of Lot 7 and West 7.5 feet of Lot 8, Block 13, Original Town, now City of Marion, Linn County Iowa; and

The West 22 feet of Lot 7, Block 13, Original Town, now City of Marion, Linn County, Iowa; and

The East twenty three and one-half (23.5) feet of the West Forty-five and one-half (45.5) of Lot 7, Block 13, Original Town, now City of Marion, Linn County, Iowa; and

Lot 5, except West 36 feet of North 5 feet and Except East 10 feet of West 46 of North 27 feet and West 20½ feet of Lot 6, Block 13, Original Town, now City of Marion, Linn County, Iowa; and

Lots 3 & 4, Block 13, Original Town, now City of Marion, Linn County, Iowa.

43.03 MOTORIZED VEHICLES. Use of motorized bikes, scooters or vehicles is prohibited within the Uptown Artway, except for official vehicles or with written permission.

43.04 LITTERING. No person shall litter the Uptown Artway with any form of waste material.

43.05 WEAPONS AND DANGEROUS TOYS. Use of firearms, BB guns, slingshots, javelins, bow and arrow, rubber guns or other dangerous instruments or toys in the Uptown Artway is prohibited. Likewise, throwing stones or other missiles on the Uptown Artway property is prohibited.

43.06 ALCOHOLIC BEVERAGES. Consumption of alcohol is prohibited in the Uptown Artway from 2:00 a.m. until 6 a.m. except by special permit. Alcohol consumed in the Uptown Artway shall be brought into the Uptown Artway in a closed container. Glass containers are prohibited at all times. No one under the age of 21 shall consume alcohol in the Uptown Artway.

43.07 FIRES. Setting a fire is prohibited except in fireplaces and/or in designated areas.

43.08 SOUND AMPLIFIERS. Use of a musical instrument with sound amplifier or sound equipment that includes amplifiers is prohibited in the Uptown Artway without prior approval from the City.

43.09 SALES AND SERVICES. No services shall be rendered for a fee or merchandise sold or made available or business of any kind transacted or entertainment given for a fee in the Uptown Artway without prior approval from the City.

43.10 PLAYING IN. It is unlawful for any person to coast, sled, skateboard or roller blade in the Uptown Artway, except in the areas blocked off or otherwise designated by the City for such purposes.

43.11 SMOKING AND THE USE OF TOBACCO, NICOTINE PRODUCTS AND VAPORIZERS PROHIBITED. Smoking in the Uptown Artway is prohibited at all times in accordance with Iowa Code 142D which prohibits smoking in any public place or outdoor entertainment venue. Further, the use of any tobacco product, nicotine product, or electronic vaporizer, by any person in the Uptown Artway is also prohibited at all times. The term "tobacco product" as used in this section means any cigarette or tobacco product as defined in Chapter 453 of the Iowa Code. The term "nicotine product" as used in this section means any product containing nicotine including look-a-like products where the original would include tobacco or nicotine including products that are dissolvable, spit less, snus, or for chewing. The term "smoking" as used in this section means inhaling or exhaling from any lighted or heated pipe, cigar, cigarette, or any other lighted or heated tobacco, plant material, liquid, oils, nicotine or other chemicals that may be inhaled by the user. The term "electronic vaporizer" as used in this section means any device, including, but not limited to e-cigarettes, e-pens, e-hookah, e-cigars, and vape pens used to vaporize plant material, liquids, oils, nicotine or other chemicals that may be inhaled by users. This section does not apply to the use of prescription medications by the person to whom the prescription was issued nor to the use of gum or patches designed as and marketed for smoking cessation.

43.12 SCHEDULED EVENTS. Special events may be scheduled in the Uptown Artway, subject to the following rules:

1. Definitions.
 - A. Public Event: any special event which is open to attendance by the general public.
 - B. Private Event: any special event to which attendance are limited to a specific group of people or invitees.
2. Reserving the Uptown Artway. The Uptown Artway may be reserved for public events. Interested parties shall fill out an application and hold harmless agreement with the City of Marion in order to schedule a special event in the Uptown Artway.
3. Fire Code Compliance. All Scheduled Events Must Comply with the Fire Code Requirements for Outdoor Space/ Places of Assembly addressed in 2015 International Fire Code Sections 403.12.1-403.12.3 as adopted by the Present Marion Code of Ordinances.

(Ch. 43 - Ord. 17-22 – Nov. 17 Supp.)