

**ORDINANCE NO. 6581**

**AN ORDINANCE TO AMEND CHAPTER 15.24 SUPPLEMENTAL USE AND SITE DEVELOPMENT REGULATIONS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY ENACTING NEW SECTION 15.24.110, "SALVAGE AND STORAGE YARD REGULATIONS" AND NEW SECTION 15.24.120, "RUBBLE DUMPS".**

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

**SECTION 1.** That Chapter 15.24 Supplemental Use and Site Development Regulations of the 2020 Municipal Code of Council Bluffs, Iowa is hereby amended by enacting new Sections 15.24.110 and 15.24.120 to read as follows:

**15.24.110 Salvage and Storage Yards**

- A. Required Approvals. Any new and expanding salvage and/or storage yards shall obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Any salvage and/or storage yards established prior to the adoption of this ordinance which do not have a conditional use permit shall be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC. Additionally, an intensification of an existing nonconforming salvage and/or storage operation may result in bringing the operation into compliance with all standards of this Section.
- B. New and Expanding Salvage and/or Storage Yard Regulations. New and expanding salvage and storage yards are required to obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. In addition to the requirements of an approved conditional use permit, storage and salvage yards shall be subject to the following regulations:
1. Pavement. All driveways, parking lots and outdoor areas used for the storage of vehicles, materials, or equipment must be hard-surface paved in accordance with CBMC Section 15.23, Off-Street Parking, Loading and Unloading.
  2. Internal Site Circulation. All storage and salvage yards shall have paved access aisles to allow for safe and efficient internal site circulation. Access aisles shall remain free and clear of any obstructions.
  3. Screening. All outdoor storage areas shall be adequately screened by fencing, walls, landscaping, or a combination thereof in a manner that is compatible with the size, intensity, and type of materials being stored and surrounding properties. Specific screening requirements shall be established on a case-by-case basis through a conditional use permit.
  4. Separation Distance. Any new salvage yard shall be a minimum of 600 feet away from any of the following uses, as measured from the property line: any residential use or district, daycare center, school, public park, master planned development, historic district, or historic landmark property. No minimum separation distance is required for new storage yards.
  5. Stacking. Any unstructured stacking of items stored outdoors, including, but not limited to, raw materials, junk, vehicles, and containers shall be limited to a maximum height as established on a case-by-case basis through a conditional use permit. Stacking within 75 feet of all required fencing shall be limited to the height of the fence.

6. Environmental Health. Storage and salvage yards shall be conducted in compliance with all City, County and State requirements.

#### **15.24.120 Rubble Dumps**

- A. Purpose. The purpose of this chapter is to provide for the controlled dumping of rubble within the city limits of Council Bluffs, Iowa.
- B. Definitions. For the purpose(s) of this section, the following words, terms and phrases shall have the meanings set forth:  
Rubble: Stone, brick or similar inorganic matter.  
Rubble dump: Any land, premises or property used for the storage of rubble.  
Storage of rubble: The placement or rubble on any parcel of ground for a period of fourteen days or more.
- C. Storage of Rubble. It is unlawful to place or store rubble on any parcel of ground which is not licensed as a rubble dump.
- D. Conditional Use Approval. Any new, expanding, and/or dormant rubble dumps that wish to commence or re-commence such services shall obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Any active rubble dumps established prior to the adoption of this ordinance, which do not have a conditional use permit, shall be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC.
- E. In addition to requirements of this chapter, all rubble dumps shall comply with all local, State, and Federal requirements.
- F. This chapter shall not prohibit the storage, stockpiling, processing or sales of rock, stone, sand, gravel, coal, cement materials, dirt, soil or any other similar material produced by excavating, quarrying or mining of such materials for purposes of sale, provided that same be restricted to the A-1 and A-2 districts and not be so stored for a period greater than one hundred fifty (150) days.
- G. Area Restrictions. This exception shall be further restricted in that it will not apply to locations:
  1. Within one thousand (1,000) feet of the nearest edge of the right-of-way of Interstate 29, Interstate 80, North 16th Street, South 35th Street, 23rd Avenue, South 24th Street south of 23rd Avenue, the South Expressway, and Old Highway 375 from Tostevin Street south to the city limits; and
  2. Within three hundred (300) feet of any lot in a residential district or a preexisting residential use.
- H. Application for a Conditional Use Permit. The application for a conditional use permit required by this chapter shall be filed in accordance with Section 15.02.090, Conditional Uses, and shall contain an engineering plan that sets forth:
  1. A description and plat of the land to be used for the rubble dump;
  2. A description of the sequence and plan of operation;
  3. The type and capacity of equipment to be used for operations;
  4. Existing and proposed roadways and easements;
  5. Existing topography and watercourses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations, including final elevations;
  6. Proposed measures to control storm drainage;
  7. Estimated volume of rubble to be placed in the rubble dump;
  8. Approximate date of completion;
  9. Types of materials to be placed in the rubble dump;

10. Whether it will be a private rubble dump used exclusively by the applicant for their materials or a public rubble dump, operated by the applicant and receiving materials from others;
  11. Days and hours of the week the rubble dump will be in operation;
  12. The names and addresses of the last-known owners of property within five hundred (500) feet of the location for which a conditional use permit is requested, as shown by the county real property tax records; and
  13. The addresses of any occupied buildings on property within five hundred (500) feet of the location for which a conditional use permit is requested;
  14. Proposed areas to be fenced, including fence type, height, and placement;
  15. All existing utilities, including storm and sanitary sewers, which lead up to or cross the site shall be shown thereon;
  16. Closure/post-closure plan, as required by the Iowa Department of Natural Resources.
- I. Notice of Hearing. A public hearing shall be held in accordance with Section 15.02.090, *Conditional Uses*, except that written notice shall be mailed by ordinary mail to the owners of all properties located within five hundred (500) feet of the exterior boundaries of the subject property.
- J. Recordation of Conditional Use Permit. Upon approval of a conditional use permit, the applicant shall record a copy of the approved decision letter with the Pottawattamie County recorder's office.
- K. Fee. The fee for a conditional use permit requested pursuant to this chapter shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.
- L. Bond. No conditional use permit requested pursuant to this chapter shall be issued until the applicant delivers to the city a cash or corporate surety bond in an amount of not less than ten thousand dollars (\$10,000.00), to secure the City against damages and expenses which it may incur in the correction of conditions in said applicant's operations as follows:
1. The bond amount shall be approved by the Zoning Board of Adjustment as part of the conditional use permit approval.
  2. That the applicant shall operate the rubble dump for which the conditional use permit is issued in accordance with the provisions of this chapter:
  3. That the applicant will comply with all the terms, conditions, provisions and regulations contained in this chapter:
  4. That the applicant will save harmless the city from any expense incurred through the failure to operate and maintain the rubble dump as required by this chapter, including any expense the city may be put to for correcting any condition or violation of this chapter by the city's own labor and equipment whenever the city council determines it is necessary for the city to correct any unsanitary condition or conditions violative of this chapter or from any damages growing out of the negligence of the applicant;
  5. That the applicant shall pay for damages done to curbs, sidewalks or sewers on the premises of the rubble dump from trucks, equipment or over-burden placed on them when found to be broken from these causes;
  6. Bond shall run for a period of three years after the rubble dump site has been finished and brought to final grade.
  7. The amount of the bond required may be revised annually by the Community Development Director or their designee to reflect any estimated change in costs of closing the site.
- M. Regulations. The following regulations shall be followed by any applicant to whom a conditional use permit is granted by the city council for operation of a rubble dump, and it shall be unlawful not to follow these regulations:

1. When rubble exists on the site at the time the conditional use permit is issued, such rubble shall be collected, compacted and covered with dirt or other cover material at least three feet in depth at the finished grade;
2. No refuse other than rubble or earth may be put in a rubble dump. All burning is prohibited. The Community Development Director may, at their discretion, allow materials other than rubble to be placed in the rubble dump. However, the primary purpose and intent of the rubble dump site shall be for the storage of rubble as defined in this Section. Improper materials placed on site without approval shall be immediately removed at the direction of the Community Development Director;
3. No rubble dump operation shall be conducted so the fill will be placed in streambeds or other areas where watercourses would be obstructed or where erosion by the stream would remove cover material;
4. The applicant shall provide for surface drainage on the rubble dump site which will permit the drainage of storm water within six hours after the last precipitation in accordance with all local, State, and Federal requirements;
5. The applicant shall take the necessary measures to eliminate dust on the rubble dump site. Access to the rubble dump site shall be controlled by proper fencing, gates, locks and other measures necessary to control access;
6. Routes used by trucks to and from the rubble dump site shall meet all applicable City standards;
7. When mud, dirt or spilled debris accumulates on streets from trucks or from rubble dump equipment, it shall be removed by the applicant immediately;
8. The compacting and leveling equipment must traverse all of the area where rubble is deposited. When the slope of a bank is too steep to traverse, then the fill must proceed from the base of the slope;
9. Rubble shall be covered with dirt or sand all times;
10. Only earth shall be placed over utility lines in the fill area as specified by the public works director;
11. When rubble has been brought up to three feet of the desired grade, it shall be covered with at least thirty-six (36) inches of compacted dirt and seeded in such a manner to prevent erosion. The finally graded and seeded surface shall be maintained at final grade free from erosion and in a well-seeded manner for a period of three years after filling operations have been completed. Final slopes shall not exceed a ratio of one foot vertical to three feet horizontal;
12. Existing topsoil shall be used for cover material, when possible, by removing the dirt prior to filling and by placing this dirt directly over the completed section of the rubble dump, or by stockpiling this dirt until needed. Otherwise, the source of cover material shall be designated when application for a conditional use permit is made;
13. Materials shall not be placed on land without using the proper bank stabilization and filling methods. Materials placed in the proper manner and conforming to this chapter will not be in violation of any antidumping prohibitions of this chapter or any other ordinance;
14. The licensee shall not excavate down to the water table or create a sump that will not drain;
15. The licensee shall not violate the terms of their application and license;
16. The entire area of the property to be utilized for a rubble dump shall be screened with a minimum six-foot tall opaque fencing and shall be installed prior to commencement of any rubble dump operations. Any unfenced area shall remain free of rubble;

17. The Community Development Director may allow variations from the regulation of this section; provided they find that the proposed variation is satisfactory in that it addresses the problem sought to be alleviated by the regulation from which the variance is requested.

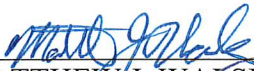
**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

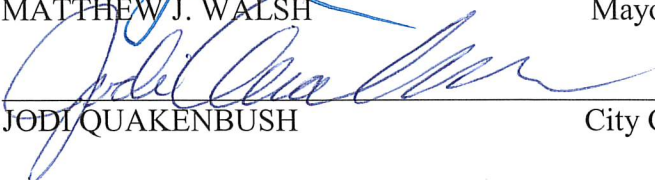
**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its publication, as by law provided.

PASSED  
AND  
APPROVED

November 13, 2023.

  
\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest:   
\_\_\_\_\_  
JODIQUAKENBUSH City Clerk

First Consideration: 10-23-23  
Second Consideration: 11-13-23  
Public Hearing: 11-13-23  
Third Consideration: waived

## ATTACHMENT A

### 15.24.110 Salvage and Storage Yards

- A. Required Approvals. Any new and expanding salvage and/or storage yards shall obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Any salvage and/or storage yards established prior to the adoption of this ordinance which do not have a conditional use permit shall be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC. Additionally, an intensification of an existing nonconforming salvage and/or storage operation may result in bringing the operation into compliance with all standards of this Section.
- B. New and Expanding Salvage and/or Storage Yard Regulations. New and expanding salvage and storage yards are required to obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. In addition to the requirements of an approved conditional use permit, storage and salvage yards shall be subject to the following regulations:
1. Pavement. All driveways, parking lots and outdoor areas used for the storage of vehicles, materials, or equipment must be hard-surface paved in accordance with CBMC Section 15.23, *Off-Street Parking, Loading and Unloading*.
  2. Internal Site Circulation. All storage and salvage yards shall have paved access aisles to allow for safe and efficient internal site circulation. Access aisles shall remain free and clear of any obstructions.
  3. Screening. All outdoor storage areas shall be adequately screened by fencing, walls, landscaping, or a combination thereof in a manner that is compatible with the size, intensity, and type of materials being stored and surrounding properties. Specific screening requirements shall be established on a case-by-case basis through a conditional use permit.
  4. Separation Distance. Any new salvage yard shall be a minimum of 600 feet away from any of the following uses, as measured from the property line: any residential use or district, daycare center, school, public park, master planned development, historic district, or historic landmark property. No minimum separation distance is required for new storage yards.
  5. Stacking. Any unstructured stacking of items stored outdoors, including, but not limited to, raw materials, junk, vehicles, and containers shall be limited to a maximum height as established on a case-by-case basis through a conditional use permit. Stacking within 75 feet of all required fencing shall be limited to the height of the fence.
  6. Environmental Health. Storage and salvage yards shall be conducted in compliance with all City, County and State requirements.

# Proof Of Publication

State of Iowa

Pottawattamie County

## NOTICE OF PUBLIC HEARING

### TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to repeal Chapter 3.31, Rubble Dumps, and to amend Chapter 3.32, Junk, Salvage, Scrap Processing and Storage Yards, of the Council Bluffs Municipal Code by repealing existing Sections 3.32.020 "License Required", 3.32.030 "Application For License", 3.32.040, "License Application Grant or Denial", Section 3.32.050, "License Required for Each Separate Location", Section 3.32.140, "Suspension and Revocation", Section 3.32.150, "Effect of Revocation", Section 3.32.170, "Fee", and Section 3.32.180, "Duration and Renewal"; and to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Section 15.24.110, "Salvage and Storage Yard Regulations", Section 15.24.120, "Rubble Dumps", and Section 15.03.527, "Parking Lot", and amending Section 15.03.609, "Storage Yard", to bring consistency and clarity to the process of reviewing and approving salvage yards, storage yards, and rubble dumps.


You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 13th day of November, 2023 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk  
2023 (11) 4- 1 Saturday

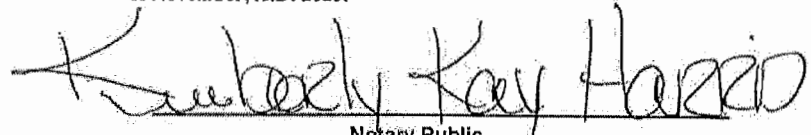
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 04th day of November, 2023.

  
Billing Representative

Sworn to and subscribed before me this 4th day  
of November, A.D. 2023.

  
Notary Public

State of Virginia  
County of Hanover  
My Commission expires \_\_\_\_\_

Kimberly Kay Harris  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. No. 009753  
Commission Exp. Jan. 31

CITY OF COUNCIL BLUFFS  
209 PEARL ST.  
COUNCIL BLUFFS, IA 51503

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E-mail

[jquakenbush@councilbluffs-ia.gov](mailto:jquakenbush@councilbluffs-ia.gov)

# Proof Of Publication

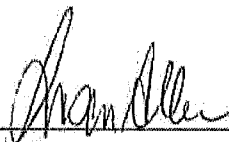
State of Iowa

Pottawattamie County

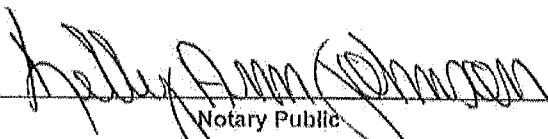
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 21st day of November, 2023.

  
\_\_\_\_\_  
Billing Representative

Sworn to and subscribed before me this 21st day of November, A.D. 2023.

  
\_\_\_\_\_  
Notary Public

State of Virginia  
County of Hanover  
My Commission expires \_\_\_\_\_  
Kelly Ann Johnson  
NOTARY PUBLIC  
Commonwealth of Virginia  
Registration No. 8004299  
My Comm. Exp. March 31, 2026

CITY OF COUNCIL BLUFFS  
209 PEARL ST.  
COUNCIL BLUFFS, IA 51503

Publication Cost: \$230.98  
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E-mail

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**ORDINANCE NO. 6581**  
**AN ORDINANCE TO AMEND CHAPTER 15.24**  
**SUPPLEMENTAL USE AND SITE DEVELOPMENT**  
**REGULATIONS OF THE 2020 MUNICIPAL CODE**  
**OF COUNCIL BLUFFS, IOWA BY ENACTING NEW**  
**SECTION 15.24.110, "SALVAGE AND STORAGE**  
**YARD REGULATIONS" AND NEW SECTION**  
**15.24.120, "RUBBLE DUMPS".**

**BE IT ORDAINED**  
**BY THE CITY COUNCIL**  
**OF THE**

**CITY OF COUNCIL BLUFFS, IOWA**  
**SECTION 1.** That Chapter 15.24 Supplemental Use and Site Development Regulations of the 2020 Municipal Code of Council Bluffs, Iowa is hereby amended by enacting new Sections 15.24.110 and 15.24.120 to read as follows:  
**15.24.110 Salvage and Storage Yards**

**A. Required Approvals.** Any new and expanding salvage and/or storage yards shall obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Any salvage and/or storage yards established prior to the adoption of this ordinance which do not have a conditional use permit shall be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC. Additionally, an intensification of an existing nonconforming salvage and/or storage operation may result in bringing the operation into compliance with all standards of this Section.

**B. New and Expanding Salvage and/or Storage Yard Regulations.** New and expanding salvage and storage yards are required to obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. In addition to the requirements of an approved conditional use permit, storage and salvage yards shall be subject to the following regulations:

1. **Pavement.** All driveways, parking lots and outdoor areas used for the storage of vehicles, materials, or equipment must be hard-surface paved in accordance with CBMC Section 15.23, Off-Street Parking, Loading and Unloading.

2. **Internal Site Circulation.** All storage and salvage yards shall have paved access aisles to allow for safe and efficient internal site circulation. Access aisles shall remain free and clear of any obstructions.

3. **Screening.** All outdoor storage areas shall be adequately screened by fencing, walls, landscaping, or a combination thereof in a manner that is compatible with the size, intensity, and type of materials being stored and surrounding properties. Specific screening requirements shall be established on a case-by-case basis through a conditional use permit.

4. **Separation Distance.** Any new salvage yard shall be a minimum of 600 feet away from any of the following uses, as measured from the property line: any residential use or district, daycare center, school, public park, master planned development, historic district, or historic landmark property. No minimum separation distance is required for new storage yards.

5. **Stacking.** Any unstructured stacking of items stored outdoors, including, but not limited to, raw materials, junk, vehicles, and containers shall be limited to a maximum height as established on a case-by-case basis through a conditional use permit. Stacking within 75 feet of all required fencing shall be limited to the height of the fence.

6. **Environmental Health:** Storage and salvage yards shall be conducted in compliance with all City, County and State requirements.

**15.24.120 Rubble Dumps**

**A. Purpose.** The purpose of this chapter is to provide for the controlled dumping of rubble within the city limits of Council Bluffs, Iowa.

**B. Definitions.** For the purpose(s) of this

section, the following words, terms and phrases shall have the meanings set forth:  
**Rubble:** Stone, brick or similar inorganic matter.

**Rubble dump:** Any land, premises or property used for the storage of rubble.  
**Storage of rubble:** The placement or rubble on any parcel of ground for a period of fourteen days or more.

**C. Storage of Rubble.** It is unlawful to place or store rubble on any parcel of ground which is not licensed as a rubble dump.

**D. Conditional Use Approval.** Any new, expanding, and/or dormant rubble dumps that wish to commence or re-commence such services shall obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Any active rubble dumps established prior to the adoption of this ordinance, which do not have a conditional use permit, shall be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC.

**E. In addition to requirements of this chapter, all rubble dumps shall comply with all local, State, and Federal requirements.**

**F. This chapter shall not prohibit the storage, stockpiling, processing or sales of rock, stone, sand, gravel, coal, cement materials, dirt, soil or any other similar material produced by excavating, quarrying or mining of such materials for purposes of sale, provided that same be restricted to the A-1 and A-2 districts and not be so stored for a period greater than one hundred fifty (150) days.**

**G. Area Restrictions.** This exception shall be further restricted in that it will not apply to locations:

1. Within one thousand (1,000) feet of the nearest edge of the right-of-way of Interstate 29, Interstate 80, North 16th Street, South 35th Street, 23rd Avenue, South 24th Street south of 23rd Avenue, the South Expressway, and Old Highway 375 from Tostevin Street south to the city limits; and

2. Within three hundred (300) feet of any lot in a residential district or a preexisting residential use.

**H. Application for a Conditional Use Permit.** The application for a conditional use permit required by this chapter shall be filed in accordance with Section 15.02.090, Conditional Uses, and shall contain an engineering plan that sets forth:

1. A description and plat of the land to be used for the rubble dump;

2. A description of the sequence and plan of operation;

3. The type and capacity of equipment to be used for operations;

4. Existing and proposed roadways and easements;

5. Existing topography and water-courses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations, including final elevations;

6. Proposed measures to control storm drainage;

7. Estimated volume of rubble to be placed in the rubble dump;

8. Approximate date of completion;

9. Types of materials to be placed in the rubble dump;

10. Whether it will be a private rubble dump used exclusively by the applicant for their materials or a public rubble dump, operated by the applicant and receiving materials from others;

11. Days and hours of the week the rubble dump will be in operation;

12. The names and addresses of the last-known owners of property within five hundred (500) feet of the location for which a conditional use permit is requested, as shown by the county real property tax records; and

13. The addresses of any occupied buildings on property within five hundred

(500) feet of the location for which a conditional use permit is requested;

14. Proposed areas to be fenced, including fence type, height, and placement;

15. All existing utilities, including storm and sanitary sewers, which lead up to or cross the site shall be shown thereon;

16. Closure/post-closure plan, as required by the Iowa Department of Natural Resources.

**I. Notice of Hearing.** A public hearing shall be held in accordance with Section 15.02.090, Conditional Uses, except that written notice shall be mailed by ordinary mail to the owners of all properties located within five hundred (500) feet of the exterior boundaries of the subject property.

**J. Recordation of Conditional Use Permit.** Upon approval of a conditional use permit, the applicant shall record a copy of the approved decision letter with the Pottawattamie County recorder's office.

**K. Fee.** The fee for a conditional use permit requested pursuant to this chapter shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.

**L. Bond.** No conditional use permit requested pursuant to this chapter shall be issued until the applicant delivers to the city a cash or corporate surety bond in an amount of not less than ten thousand dollars (\$10,000.00), to secure the City against damages and expenses which it may incur in the correction of conditions in said applicant's operations as follows:

1. The bond amount shall be approved by the Zoning Board of Adjustment as part of the conditional use permit approval.

2. That the applicant shall operate the rubble dump for which the conditional use permit is issued in accordance with the provisions of this chapter;

3. That the applicant will comply with all the terms, conditions, provisions and regulations contained in this chapter;

4. That the applicant will save harmless the city from any expense incurred through the failure to operate and maintain the rubble dump as required by this chapter, including any expense the city may be put to for correcting any condition or violation of this chapter by the city's own labor and equipment whenever the city council determines it is necessary for the city to correct any unsanitary condition or conditions violative of this chapter or from any damages growing out of the negligence of the applicant;

5. That the applicant shall pay for damages done to curbs, sidewalks or sewers on the premises of the rubble dump from trucks, equipment or over-burden placed on them when found to be broken from these causes;

6. Bond shall run for a period of three years after the rubble dump site has been finished and brought to final grade.

7. The amount of the bond required may be revised annually by the Community Development Director or their designee to reflect any estimated change in costs of closing the site.

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6. Routes used by trucks to and from the rubble dump site shall meet all applicable City standards;

7. When mud, dirt or spilled debris accumulates on streets from trucks or from rubble dump equipment, it shall be removed by the applicant immediately;

8. The compacting and leveling equipment must traverse all of the area where rubble is deposited. When the slope of a bank is too steep to traverse, then the fill must proceed from the base of the slope;

9. Rubble shall be covered with dirt or sand all times;

10. Only earth shall be placed over utility lines in the fill area as specified by the public works director;

11. When rubble has been brought up to three feet of the desired grade, it shall be covered with at least thirty-six (36) inches of compacted dirt and seeded in such a manner to prevent erosion. The finally graded and seeded surface shall be maintained at final grade free from erosion and in a well-seeded manner for a period of three years after filling operations have been completed. Final slopes shall not exceed a ratio of one foot vertical to three feet horizontal;

12. Existing topsoil shall be used for cover material, when possible, by removing the dirt prior to filling and by placing this dirt directly over the completed section of the rubble dump, or by stockpiling this dirt until needed. Otherwise, the source of cover material shall be designated when application for a conditional use permit is made;

13. Materials shall not be placed on land without using the proper bank stabilization and filling methods. Materials placed in the proper manner and conforming to this chapter will not be in violation of any anti-dumping prohibitions of this chapter or any other ordinance;

14. The licensee shall not excavate down to the water table or create a sump that will not drain;

15. The licensee shall not violate the terms of their application and license;

16. The entire area of the property to be utilized for a rubble dump shall be screened with a minimum six-foot tall opaque fencing and shall be installed prior to commencement of any rubble dump operations. Any unfenced area shall remain free of rubble;

17. The Community Development Director may allow variations from the regulation of this section; provided they find that the proposed variation is satisfactory in that it addresses the problem sought to be alleviated by the regulation from which the variance is requested.

For complete copy of Ordinance, see City Clerk's Office.  
**ADOPTED AND APPROVED November 13, 2023.**  
**MATTHEW J. WALSH, Mayor**

Attest: JODI QUAKENBUSH, City Clerk  
2023 (11) 21- 1 Tuesday

**Council Communication**

Department: City Clerk  
Case/Project No.: ZT-23-005  
Submitted by: Haley Weber, Planner

Ordinances 6579, 6580, 6581 and 6582  
ITEM 4.B.

Council Action: 11/13/2023

**Description**

Ordinance 6579 to amend Title 3 Business Regulations and Licenses by repealing existing Chapter 3.31 "Rubble Dumps".

Ordinance 6580 to amend Chapter 3.32 Junk, Salvage, Scrap Processing and Storage Yards by repealing existing Sections 3.32.020 "License Required", 3.32.030 "Application for License", 3.32.040 "License Application Grant or Denial"; Section 3.32.050 "License Required for Each Separate Location"; Section 3.32.140 "Suspension and Revocation"; Section 3.32.150 "Effect of Revocation"; Section 3.32.170 "Fee" and Section 3.32.180 "Duration and Renewal".

Ordinance 6581 to amend Chapter 15.24 Supplemental Use and Site Development Regulations by enacting new Section 15.24.110, "Salvage and Storage Yard Regulations" and new Section 15.24.120, "Rubble Dumps".

Ordinance 6582 to amend Chapter 15.03 Zoning Definitions by enacting new section 15.03.527 "Parking Lot" and amending Section 15.03.609 "Storage Yard", ZT-23-005

**Background/Discussion**

See attached staff report.

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Staff Report	10/13/2023
Attachment A: Proposed Section 15.24.110, Salvage and Storage Yards	Code Section	10/13/2023
Attachment B: Proposed Section 15.24.120, Rubble Dumps	Code Section	10/13/2023
Attachment C: Proposed Section 15.03.527, Parking Lot	Code Section	10/13/2023
Attachment D: Proposed Section 15.03.609, Storage Yard	Code Section	10/13/2023
Attachment E: Proposed Chapter 3.32, Junk, Salvage, Scrap Processing and Storage Yards	Code Section	10/13/2023
Notice of Public Hearing	Notice	10/13/2023
Ordinance 6579	Ordinance	10/17/2023
Ordinance 6580	Ordinance	10/17/2023
Ordinance 6581	Ordinance	10/17/2023
Ordinance 6582	Ordinance	10/17/2023

## City Council Communication

Department: Community Development  CASE #ZT-23-005  Applicant: Community Development Department	Ordinance No. _____	1 <sup>st</sup> Consideration: 10/23/2023 2 <sup>nd</sup> Consideration: 11/13/2023 3 <sup>rd</sup> Consideration: 11/27/2023  Planning Commission: 10/10/23
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### Subject/Title

**Request:** Repeal Chapter 3.31, *Rubble Dumps*, and amend Chapter 3.32, *Junk, Salvage, Scrap Processing and Storage Yards*, of the Council Bluffs Municipal Code by repealing Section 3.32.020, *License Required*, Section 3.32.030, *Application for License*, Section 3.32.040, *License Application Grant or Denial*, Section 3.32.050, *License Required for Each Separate Location*, Section 3.32.140, *Suspension and Revocation*, Section 3.32.150, *Effect of Revocation*, Section 3.32.170, *Fee*, and Section 3.32.180, *Duration and Renewal*; and to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Section 15.24.110, *Salvage and Storage Yard Regulations*, Section 15.24.120, *Rubble Dumps*, and Section 15.03.527, *Parking Lot*, and amending Section 15.03.609, *Storage Yard*, to bring consistency and clarity to the process of reviewing and approving salvage yards, storage yards, and rubble dumps.

### Background

The City currently has two separate processes for reviewing and approving storage yards, salvage yards, and rubble dump uses. The Community Development Department, in coordination with the City Clerk, has drafted the subject text amendments to bring clarity to these application and review processes. The proposed amendments were prompted by an on-going City-wide effort to migrate existing permit and application processes to a new software, Enterprise Permitting and Licensing. The proposed text amendments ensures that a clear process for reviewing and approving storage yards, salvage yards, and rubble dump uses is established prior to implementation of the new software system.

The unique, and oftentimes, environmentally sensitive nature of these uses requires input and review of multiple City departments to ensure all applicable City, state, and Federal codes and requirements are met. Currently, storage yards, salvage yards, and rubble dumps are regulated in Title 3: Business Regulations and Licenses, which requires applicants to obtain an annual license from the City Clerk. Per the existing language in Section 3.31.035, rubble dump licenses are to be reviewed by the Public Works, Health, and Community Development Departments. Per Section 3.32.040, salvage yard and storage yard licenses are to be reviewed by the Fire, Building, and Health Departments. (*Note: The City no longer has a Health Department; Health Department responsibilities were absorbed by Pottawattamie County.*) In addition to the licensing requirement, salvage yards, storage yards, and rubble dumps are only allowed with a conditional use permit from the Zoning Board of Adjustment in the I-2/General Industrial District. Rubble dumps are also allowed as conditional uses in the A-2/Parks, Estates and Agricultural District and I-3/Heavy Industrial District.

These separate approval processes result in the potential of allowing licenses to be issued which have not received a conditional use permit or do not otherwise comply with applicable zoning regulations. The proposed text amendments eliminates the licensing requirement and regulates storage yards, salvage yards, and rubble dump uses entirely through the conditional use permit process. In order to accomplish this, the Community Development Department is requesting to repeal Chapter 3.31, *Rubble Dumps*, amend Chapter

3.32, *Junk, Salvage, Scrap Processing and Storage Yards*, and amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

- Enacting Section 15.24.110, *Salvage and Storage Yards* – The purpose of this section, included as Attachment ‘A,’ is to establish a clear process for review and approval of new and expanding salvage and/or storage yards within the city. The included elements of the new Section 15.24.110 are outlined below:
  - *Required Approvals* - Any new and expanding salvage and/or storage yard shall be required to obtain a conditional use permit from the Zoning Board of Adjustment, in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Existing salvage and/or storage yards which were established prior to the adoption of the proposed ordinance and which did not receive a conditional use permit would be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC. Existing nonconforming salvage and/or storage yards which intensify their operation may be required to bring the operation into compliance with the proposed standards.
  - *Standards for New and Expanding Salvage and/or Storage Yards* –The purpose of the conditional use permit is to establish a set of conditions by which the salvage and/or storage yard shall abide by to ensure compatibility with surrounding development. In addition to these requirements, the proposed text amendment establishes a base line standard for regulating pavement, internal site circulation, screening, separation distances from certain uses, stacking, and environmental health for salvage and storage yards.
- Enacting Section 15.24.120, *Rubble Dumps* – The purpose of this section, included as Attachment ‘B,’ is to establish a clear process for review and approval of new and existing rubble dumps within the city. Due to the unique nature of rubble dumps and the need to ensure the inclusion of specific safety and environmental regulations, much of the language included in this section was carried over from Chapter 3.31, *Rubble Dump*. Language was added and/or modified in certain sections to replace the licensing requirements with the relevant conditional use permit language. Significant elements of proposed Section 15.24.120 are outlined below:
  - *Conditional Use Approval* – Any new, expanding, and/or dormant rubble dumps that wish to commence or re-commence such services shall obtain a conditional use permit from the Zoning Board of Adjustment, in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Existing rubble dumps which were established prior to the adoption of the proposed ordinance and which did not receive a conditional use permit would be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC.
  - *Notice of Hearing* – Per Section 15.02.090(D)(b) of the CBMC, written public notices are mailed out to all property owners within 200 feet of the exterior boundaries of the subject property for all conditional use permit requests. Proposed Section 15.24.120 increases this notification distance to 500 feet for rubble dump conditional use requests due to the unique nature of rubble dump operations and their potential to have significant long-term impacts on the site and surrounding area. The 500 foot notification boundary is included in the existing Chapter 3.31, but is a notable difference from the existing notification process for all other conditional use requests.
  - *Recordation of Conditional Use Permit* – Upon approval of a conditional use permit to operate a rubble dump, the applicant shall record a copy of the approved permit with the Pottawattamie County Recorder. This would ensure that relevant site information, including the location and size of rubble dump cells and the site close out plan, as required by the Iowa Department of Natural Resources, is on record and available to future property

owners/operators. The current Chapter 3.31 requires all rubble dump licenses to be recorded with the County.

- *Bond* – Rubble dump applicants shall provide a bond, not less than ten thousand dollars, to the City in order to secure the City against damages and expenses, which may be incurred in the correction of site conditions. The specific bond amount shall be approved by the Zoning Board of Adjustment as part of the conditional use permit approval. This amount may be revised on an annual basis by the Community Development Department to reflect any estimated changes in the cost of closing the site.
  - *Regulations* – In addition to any specific conditions of an approved conditional use permit, all rubble dumps shall comply with the sixteen (16) regulations outlined in the proposed Section. These regulations were carried over from the current Chapter 3.31, with minor edits. The primary intent of these regulations is to ensure the environmental safety of rubble dump operations.
- Enacting Section 15.03.527, *Parking Lot*, included as Attachment ‘C,’ to create a definition for parking lots which clearly distinguishes a surface parking lot from a storage yard;
  - Amending Section 15.03.609, included as Attachment ‘D,’ by removing the health director reference from the definition of ‘storage yard’ and clarifying what constitutes a storage yard.

All City Departments and local utilities were notified of the proposed text amendment. Only one substantive comment was received:

- The Council Bluffs Public Works Department stated that applicants shall be made aware that stormwater management will be required as a part of the conditional use permit.

### **Recommendation**

The Community Development Department recommends approval to repeal Chapter 3.31, *Rubble Dumps*, and to amend Chapter 3.32 *Junk, Salvage, Scrap Processing and Storage Yards*, of the Council Bluffs Municipal Code by repealing Section 3.32.020, *License Required*, Section 3.32.030, *Application for License*, Section 3.32.040, *License Application Grant or Denial*, Section 3.32.050, *License Required for Each Separate Location*, Section 3.32.140, *Suspension and Revocation*, Section 3.32.150, *Effect of Revocation*, Section 3.32.170, *Fee*, and Section 3.32.180, *Duration and Renewal*; and to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Section 15.24.110, *Salvage and Storage Yard Regulations*, Section 15.24.120, *Rubble Dumps*, and Section 15.03.527, *Parking Lot*, and amending Section 15.03.609, *Storage Yard*, to bring consistency and clarity to the process of reviewing and approving salvage yards, storage yards, and rubble dumps.

### **Public Hearing**

Staff speaker for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

The City Planning Commission recommended approval to repeal Chapter 3.31, *Rubble Dumps*, and to amend Chapter 3.32, *Junk, Salvage, Scrap Processing and Storage Yards*, of the Council Bluffs Municipal Code

by repealing Section 3.32.020, *License Required*, Section 3.32.030, *Application for License*, Section 3.32.040, *License Application Grant or Denial*, Section 3.32.050, *License Required for Each Separate Location*, Section 3.32.140, *Suspension and Revocation*, Section 3.32.150, *Effect of Revocation*, Section 3.32.170, *Fee*, and Section 3.32.180, *Duration and Renewal*; and to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Section 15.24.110, *Salvage and Storage Yard Regulations*, Section 15.24.120, *Rubble Dumps*, and Section 15.03.527, *Parking Lot*, and amending Section 15.03.609, *Storage Yard*, to bring consistency and clarity to the process of reviewing and approving salvage yards, storage yards, and rubble dumps.

VOTE: AYE – Bass, Hutcheson, Knauss, Opperman, Rater, Rew, Stroebele, and Van Houten.  
NAY – None. ABSTAIN – None. ABSENT – Bailey and Watson. VACANT - One Motion: Carried.

**Attachments**

Attachment A: Proposed Section 15.24.110, *Salvage and Storage Yards*

Attachment B: Proposed Section 15.24.120, *Rubble Dumps*

Attachment C: Proposed Section 15.03.527, *Parking Lot*

Attachment D: Proposed Section 15.03.609, *Storage Yard*

Attachment E: Proposed Chapter 3.32, *Junk, Salvage, Scrap Processing and Storage Yards*

Prepared by: Haley Weber, Planner, Community Development Department