

ORDINANCE NO. 6580

AN ORDINANCE TO AMEND CHAPTER 3.32 JUNK, SALVAGE, SCRAP PROCESSING AND STORAGE YARDS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, 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".

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

SECTION 1. That Chapter 3.32 Junk, Salvage, Scrap Processing and Storage Yards of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Sections 3.32.020 "License Required", 3.32.030 "Application For License", 3.32.040 "License Application Grant Or Denial"; 3.32.050 "License Required For Each Separate Location"; 3.32.140 "Suspension And Revocation"; 3.32.150 "Effect Of Revocation"; 3.32.170 "Fee" and 3.32.180 "Duration and Renewal" to now reads as follows:

Chapter 3.32 - JUNK, SALVAGE, SCRAP PROCESSING AND STORAGE YARDS

3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

3.32.060 Operational Requirements

3.32.070 Burning Regulations

3.32.080 Maintenance Requirements

3.32.090 Compliance With Other Provisions

3.32.100 Records Required

3.32.110 Purchase From Minor

3.32.120 Requirements Of Other Codes

3.32.130 Penalty For Violation

3.32.160 Nonprofit Collection Centers - Waiver Of Fee

3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

For the purposes of this chapter, the following words, terms, and phrases shall be deemed to have the following definitions:

Junk: Iron, lead, brass, steel, copper or other metal, glass, rags, paper, tires, railroad ties or other waste that may be used again in some form.

Junk dealer: Any person, persons, firm or corporation who, by themselves or acting by or through agents, engage in the business of buying, selling, receiving, collecting or dealing in junk, but not vehicles or salvage vehicles.

Junkyard: Any location in the city where a junk dealer operates his or her business without engaging in the business of operating a salvage yard or scrap processing yard.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or waterway, other than a device moved by human power or a device used exclusively upon stationary rails or tracks.

Salvage vehicle: Any vehicle or portion thereof not in running or operable condition, and/or not licensed for the current year as provided by law.

Salvage operator: Any person, persons, firm or corporation who engages in the business of a junk dealer and who engages in the business of operating a salvage yard.

Salvage yard: Any location in the city where any vehicle or salvage vehicles are bought or sold for the purpose of dismantling, sale, or resale of same for their parts, or for the purpose of converting the remainder of same into junk.

Scrap processor: Any person, persons, firm or corporation engaged in the operation of a scrap processing yard and in the business of a junk dealer.

Scrap processing yard: Any location in the city where any vehicles or salvage vehicles containing metal are processed by sorting, shearing to size and chemistry, baling to customer requirements and/or shredding to sell as classified melting stock as any grade of ferrous or nonferrous items with none of such materials being sold for use in the same form or manner as originally used but as melting stock.

Storage yard: A location used for the limited purpose of storing any salvage vehicle and shall not include any operation that would be defined as junk dealer, salvage operator, scrap processor, or any sales of any vehicle or parts thereof.

Licensee: Any junk dealer, salvage operator or scrap processor required to be licensed under the provisions of this chapter.

(Ord. 5257 § 1, 1996)

3.32.060 Operational Requirements

The operations of a junk, salvage, storage yard or scrap processing yard shall be carried on within a fully enclosed building, except that such operations may be conducted outside a building within the enclosed premises, provided the premises are fully surrounded and enclosed by a fence not less than six feet in height. Such fence shall be maintained in good repair at all times. Existing operators may be given until January 1, 1998, to comply with this provision upon application to the director of public health. It is also unlawful for any junk, salvage or scrap processing materials, salvage vehicles or parts thereof, or equipment used in connection therewith, whether owned by the licensee or someone else, to be stored or parked on any portion of the city's right-of-way, or parking area thereof, or for the same to be stored or parked outside building or fence, as prescribed herein, unless such storage or parking shall otherwise meet the requirements of this section.

(Ord. 5230 § 1, 1995)

3.32.070 Burning Regulations

It is unlawful for any fires other than those fully contained and used for heating purposes to be permitted upon the premises of any licensee hereunder, and only firewood shall be burned except in an incinerator approved by the fire marshal and health director.

(Ord. 5194 § 7, 1995)

3.32.080 Maintenance Requirements

The holder of a license granted under the terms of this chapter shall maintain the premises in and upon which his or her business operations are conducted in as sanitary manner and conditions as is reasonable and consistent therewith, but in no event shall the licensee permit or suffer any condition to exist which by its nature constitutes a health or safety hazard to surrounding property or persons.

(Ord. 4992 § 1 (part), 1990)

3.32.090 Compliance With Other Provisions

The provisions of this chapter shall in no way relieve the holder of a license issued hereunder from compliance with other provisions, rules or regulations of the city of Council Bluffs, to which the licensee may be subject, nor shall he or she be relieved from the necessity of procuring such other licenses as may be required by the city, by reason of the nature and extent of the operations of the licensee.

(Ord. 4992 § 1 (part), 1990)

3.32.100 Records Required

- A. Every licensee shall keep for a period of three years from the date of each transaction legible records as follows:
 1. In the case of purchase of junk, the records shall set forth a description of the type and amount of junk purchased, the amount paid, the name and address of the seller from whom the junk is purchased, and the name and address of seller's agent, if any, who relinquishes physical control of the junk.
 2. In the case of transactions of vehicles or salvage vehicles, the records shall set forth the name of the seller from whom purchased together with his or her full address and the name and address of seller's agent, if any, who relinquishes physical control of the vehicle or salvage vehicle. The records shall also include the license number on any license plate attached to the vehicle or salvage vehicle, any vehicle identification number which is visible, or which upon reasonable inspection would become visible, and the model and year of the vehicle or salvage vehicle so purchased.
- B. The records shall at all times be kept open to inspection by the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city, the city attorney, and the Pottawattamie County attorney, or an assistant of either, and any other local, state or federal law enforcement personnel authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the salvage operator.
- C. In all transactions referred to in paragraph A of this section, where records are required to be kept, the licensee shall demand the seller, or agent or employee of the seller, to produce a driver's license which appears valid on its face or a social security card to establish the true and correct identity of the seller, or agent or employee of the seller. No licensee shall purchase any junk or any vehicle or salvage vehicle unless the seller, or employee or agent of the seller, has produced and displayed to the licensee a driver's license which appears valid on its face or a social security card.
- D. No junk, salvage or scrap dealer shall accept any junk, as defined in CBMC 3.32.010, unless he or she shall take a single fingerprint from such person and attach it to the card provided by the city. The fingerprint shall be taken from the right index finger; if the right index finger is missing, the fingerprint shall be taken from the left index finger. The print shall be clear and legible. The card shall become part of the record required herein. A notice shall be displayed in a prominent place to the effect that the dealer is required by city ordinance to fingerprint every person delivering or selling any junk to the dealer. Exception: The requirements of this paragraph shall not apply to ferrous metals and beverage cans.

(Ord. 5951 § 1, 2007)

3.32.110 Purchase From Minor

It is unlawful for any licensee to purchase any junk or vehicles or salvage vehicles from a minor without having secured the written consent of one of the parents or the legal guardian of the minor.

(Ord. 4992 § 1 (part), 1990)

3.32.120 Requirements Of Other Codes

All operations conducted in a junk, salvage or scrap processing yard located within the city shall be accomplished in accordance with and meet not less than the minimum requirements of the city's Uniform Building Code, current edition, as adopted; the city's National Electrical Code and local Uniform Electrical Rules supplementary thereto, as currently adopted, and the city's plumbing code, as adopted. (Ord. 4992 § 1 (part), 1990)

3.32.130 Penalty For Violation

Any person, persons, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment in jail for a term not to exceed thirty (30) days, and each day such violation is continued shall constitute a separate and distinct offense. (Ord. 4992 § 1 (part), 1990)

3.32.160 Nonprofit Collection Centers - Waiver Of Fee

- A. For purposes of interpreting this section, the term "nonprofit organization" shall mean any organization associated with a governmental body, any corporation holding a tax exempt status as permitted by the Internal Revenue Service, or any other organization which can prove to the satisfaction of the city council that its intended function is to benefit the public, and that the profit is not being utilized for someone's personal profit.
- B. A nonprofit organization taking part in a recycling project by means of operating a collection center for recyclables shall be exempt from all fees required by this chapter. It shall, however, be expected to comply with all other provisions.

(Ord. 4992 § 1 (part), 1990)

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.

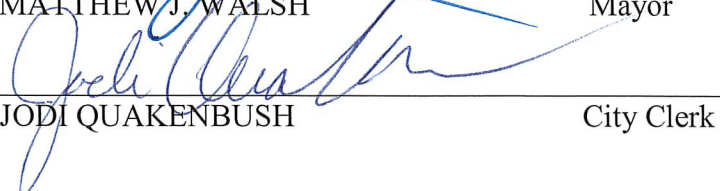
PASSED AND APPROVED

November 13, 2023.


MATTHEW J. WALSH

Mayor

Attest:


JODI QUAKENBUSH

City Clerk

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

Attachment E

Chapter 3.32 - JUNK, SALVAGE, SCRAP PROCESSING AND STORAGE YARDS

3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

~~3.32.020 License Required~~

~~3.32.030 Application For License~~

~~3.32.040 License Application Grant Or Denial~~

~~3.32.050 License Required For Each Separate Location~~

3.32.060 Operational Requirements

3.32.070 Burning Regulations

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~~3.32.150 Effect Of Revocation~~

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3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

For the purposes of this chapter, the following words, terms, and phrases shall be deemed to have the following definitions:

Junk: Iron, lead, brass, steel, copper or other metal, glass, rags, paper, tires, railroad ties or other waste that may be used again in some form.

Junk dealer: Any person, persons, firm or corporation who, by themselves or acting by or through agents, engage in the business of buying, selling, receiving, collecting or dealing in junk, but not vehicles or salvage vehicles.

Junkyard: Any location in the city where a junk dealer operates his or her business without engaging in the business of operating a salvage yard or scrap processing yard.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or waterway, other than a device moved by human power or a device used exclusively upon stationary rails or tracks.

Salvage vehicle: Any vehicle or portion thereof not in running or operable condition, and/or not licensed for the current year as provided by law.

Salvage operator: Any person, persons, firm or corporation who engages in the business of a junk dealer and who engages in the business of operating a salvage yard.

Salvage yard: Any location in the city where any vehicle or salvage vehicles are bought or sold for the purpose of dismantling, sale, or resale of same for their parts, or for the purpose of converting the remainder of same into junk.

Scrap processor: Any person, persons, firm or corporation engaged in the operation of a scrap processing yard and in the business of a junk dealer.

Scrap processing yard: Any location in the city where any vehicles or salvage vehicles containing metal are processed by sorting, shearing to size and chemistry, baling to customer requirements and/or shredding to sell as classified melting stock as any grade of ferrous or nonferrous items with none of such materials being sold for use in the same form or manner as originally used but as melting stock.

Storage yard: A location used for the limited purpose of storing any salvage vehicle and shall not include any operation that would be defined as junk dealer, salvage operator, scrap processor, or any sales of any vehicle or parts thereof.

Licensee: Any junk dealer, salvage operator or scrap processor required to be licensed under the provisions of this chapter.

(Ord. 5257 § 1, 1996)

3.32.020 License Required

~~It is unlawful for any person, firm or corporation to engage in the business of a junk dealer, salvage operator or scrap processor, as defined in this chapter, without having first obtained a license from the city to do so. It shall be the responsibility of the health department to enforce this requirement and all other requirements of this chapter.~~

(Ord. 5194 § 2, 1995)

3.32.030 Application For License

~~Any person, persons, firm or corporation desiring to engage in the business of being a junk dealer, salvage operator, salvage yard, storage yard, or scrap processor within the city must first make application for a license to do so, on a form to be furnished for such purpose by the office of the city clerk. The application shall contain the following information:~~

- ~~1. The name and place of residence of the applicant, as well as the business address, if any;~~
- ~~2. If the applicant is a firm, partnership, corporation or other legal entity, the names and addresses of all associates, partners or officers thereof, shall be set forth. If the applicant is a foreign corporation, adequate proof of authority to conduct business within the state of Iowa must be attached to or included in the application;~~

- ~~3. The address of the proposed business location of the applicant where such junk, salvage, storage yard, or scrap processing operations are to be conducted, giving the street address, legal description, and the total area in square feet available for use in such operation;~~
- ~~4. A statement as to whether sales at retail will be made on the premises wherein such junk, salvage, storage yard, or scrap processing operations are to be conducted;~~
- ~~5. A statement as to the nature and type of machinery or equipment to be used as a part of such junk, salvage, storage yard, or scrap processing operations;~~
- ~~6. If the applicant requesting the license was not in existence prior to April 28, 1931, or was not licensed prior to said date, a statement shall be filed with the application, setting forth the date of the meeting of the city's board of adjustment at which time the conditional use in the general manufacturing zone, or heavy industrial zone, was granted, thereby allowing such junk, salvage, or scrap processing operations under the provisions of what is now CBMC 15, Zoning.~~
- ~~7. A list of all citations which applicant has received in the previous five years for violations of this chapter, CBMC 4 or similar codes in other jurisdictions.~~

(Ord. 5194 § 3, 1995)

3.32.040 License Application Grant Or Denial

~~Subsequent to the filing of the application for a license, in the manner prescribed by CBMC 3.32.030, the city clerk shall refer the same to the fire chief, the sanitation superintendent, and the building official, each of whom shall cause the premises proposed to be used in such junk, salvage, storage yard, or scrap processing operations to be inspected and, following such inspections, shall each submit his/her written recommendation to the city council in connection therewith. The city council shall also receive a copy of applicant's response to CBMC 3.32.030 Paragraph G regarding previous citations. Thereafter, the city council shall, at either the next regular meeting or at a special meeting, either grant or deny the application. The city clerk shall notify the applicant of the council's decision within fourteen days of said action.~~

(Ord. 5194 § 4, 1995)

3.32.050 License Required For Each Separate Location

~~A junk, salvage, storage yard, or scrap processing license shall be required for each separate location at which junk, salvage, storage yard, or scrap processing operations are proposed to be conducted, and the fee required shall be commensurate therewith. The license shall be nontransferable, and in the event of the discontinuance of such operations by the licensee, either voluntarily or involuntarily, no refund for the unused portion of the period for which the same was issued shall be granted.~~

(Ord. 4992 § 1 (part), 1990)

3.32.060 Operational Requirements

The operations of a junk, salvage, storage yard or scrap processing yard shall be carried on within a fully enclosed building, except that such operations may be conducted outside a building within the enclosed premises, provided the premises are fully surrounded and enclosed by a fence not less than six feet in height. Such fence shall be maintained in good repair at all times. Existing operators may be given until January 1, 1998, to comply with this provision upon application to the director of public health. It is also unlawful for any junk, salvage or scrap processing materials, salvage vehicles or parts thereof, or equipment used in connection therewith, whether owned by the licensee or someone else, to be stored or parked on any portion of the city's right-of-way, or parking area thereof, or for the same to be stored or parked outside building or fence, as prescribed herein, unless such storage or parking shall otherwise meet the requirements of this section.

(Ord. 5230 § 1, 1995)

3.32.070 Burning Regulations

It is unlawful for any fires other than those fully contained and used for heating purposes to be permitted upon the premises of any licensee hereunder, and only firewood shall be burned except in an incinerator approved by the fire marshal and health director.

(Ord. 5194 § 7, 1995)

3.32.080 Maintenance Requirements

The holder of a license granted under the terms of this chapter shall maintain the premises in and upon which his or her business operations are conducted in as sanitary manner and conditions as is reasonable and consistent therewith, but in no event shall the licensee permit or suffer any condition to exist which by its nature constitutes a health or safety hazard to surrounding property or persons.

(Ord. 4992 § 1 (part), 1990)

3.32.090 Compliance With Other Provisions

The provisions of this chapter shall in no way relieve the holder of a license issued hereunder from compliance with other provisions, rules or regulations of the city of Council Bluffs, to which the licensee may be subject, nor shall he or she be relieved from the necessity of procuring such other licenses as may be required by the city, by reason of the nature and extent of the operations of the licensee.

(Ord. 4992 § 1 (part), 1990)

3.32.100 Records Required

1. Every licensee shall keep for a period of three years from the date of each transaction legible records as follows:
 1. In the case of purchase of junk, the records shall set forth a description of the type and amount of junk purchased, the amount paid, the name and address of the seller from whom the junk is purchased, and the name and address of seller's agent, if any, who relinquishes physical control of the junk.
 2. In the case of transactions of vehicles or salvage vehicles, the records shall set forth the name of the seller from whom purchased together with his or her full address and the name and address of seller's agent, if any, who relinquishes physical control of the vehicle or salvage vehicle. The records shall also include the license number on any license plate attached to the vehicle or salvage vehicle, any vehicle identification number which is visible, or which upon reasonable inspection would become visible, and the model and year of the vehicle or salvage vehicle so purchased.
2. The records shall at all times be kept open to inspection by the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city, the city attorney, and the Pottawattamie County attorney, or an assistant of either, and any other local, state or federal law enforcement personnel authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the salvage operator.
3. In all transactions referred to in paragraph A of this section, where records are required to be kept, the licensee shall demand the seller, or agent or employee of the seller, to produce a driver's license which appears valid on its face or a social security card to establish the true and correct identity of the seller, or agent or employee of the seller. No licensee shall purchase any junk or any vehicle or salvage vehicle unless the seller, or employee or agent of the seller, has produced and displayed to the licensee a driver's license which appears valid on its face or a social security card.
4. No junk, salvage or scrap dealer shall accept any junk, as defined in CBMC 3.32.010, unless he or she shall take a single fingerprint from such person and attach it to the card provided by the city. The fingerprint shall be taken from the right index finger; if the right index finger is missing, the fingerprint shall be taken from the left index finger. The print shall be clear and legible. The card shall become part of the record required herein. A notice shall be displayed in a prominent place to the effect that the dealer is required by city ordinance to fingerprint every person delivering or selling any junk to the dealer. Exception: The requirements of this paragraph shall not apply to ferrous metals and beverage cans.

(Ord. 5951 § 1, 2007)

3.32.110 Purchase From Minor

It is unlawful for any licensee to purchase any junk or vehicles or salvage vehicles from a minor without having secured the written consent of one of the parents or the legal guardian of the minor.

(Ord. 4992 § 1 (part), 1990)

3.32.120 Requirements Of Other Codes

All operations conducted in a junk, salvage or scrap processing yard located within the city shall be accomplished in accordance with and meet not less than the minimum requirements of the city's Uniform Building Code, current edition, as adopted; the city's National Electrical Code and local Uniform Electrical Rules supplementary thereto, as currently adopted, and the city's plumbing code, as adopted.

(Ord. 4992 § 1 (part), 1990)

3.32.130 Penalty For Violation

Any person, persons, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment in jail for a term not to exceed thirty (30) days, and each day such violation is continued shall constitute a separate and distinct offense.

(Ord. 4992 § 1 (part), 1990)

3.32.140 Suspension And Revocation

~~Following reasonable notice and an opportunity to be heard, the city council may suspend or revoke the license or licenses of any licensee under this chapter for the following reasons:~~

- ~~1. Upon a final conviction in a court of competent jurisdiction for a violation of any provision of this chapter, the city council may suspend the license or licenses of a licensee for a period of up to sixty days.~~
- ~~2. Upon a final conviction in a court of competent jurisdiction for a violation of CBMC 3.32.120 where the violation involves property that is stolen, the city council may revoke the license or licenses of a licensee.~~
- ~~3. If any person shall intentionally misrepresent any material fact in making application for a license under this chapter, the city council may revoke the license of the licensee or suspend the license for a period of sixty days.~~

(Ord. 4992 § 1 (part), 1990)

3.32.150 Effect Of Revocation

~~Any licensee under this chapter whose license is revoked pursuant to CBMC 3.32.140 shall not thereafter be permitted to hold a license under this chapter, for a period of two years from the date of such revocation. A spouse or business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license has been revoked shall not be issued a license under this chapter for a period of two years from the date of such revocation. In the event a license is revoked, the city council shall grant the licensee a reasonable period of time to dispose of its inventory and business.~~

(Ord. 4992 § 1 (part), 1990)

3.32.160 Nonprofit Collection Centers - Waiver Of Fee

1. For purposes of interpreting this section, the term "nonprofit organization" shall mean any organization associated with a governmental body, any corporation holding a tax exempt status as permitted by the Internal Revenue Service, or any other organization which can prove to the satisfaction of the city council that its intended function is to benefit the public, and that the profit is not being utilized for someone's personal profit.
2. A nonprofit organization taking part in a recycling project by means of operating a collection center for recyclables shall be exempt from all fees required by this chapter. It shall, however, be expected to comply with all other provisions.

(Ord. 4992 § 1 (part), 1990)

3.32.170 Fee

~~The fee for a license requested pursuant to this chapter shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.~~

(Ord. 5166 § 1, 1994)

3.32.180 Duration And Renewal

~~All junk, salvage, scrap processing and storage yard licenses issued pursuant to the provisions of this chapter, unless sooner suspended or revoked, shall expire each year on the first day of January. All junk, salvage, scrap processing and storage yard licenses may be renewed thereafter annually upon written application of the licensee and payment of the renewal fee set forth in the prevailing schedule of fees as most recently adopted by the city council.~~

(Ord. 5166 § 2, 1994)

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.

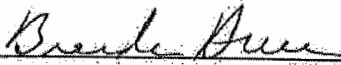
Jodi Quakenbush, City Clerk

2023 (11) 4 - 1 Saturday

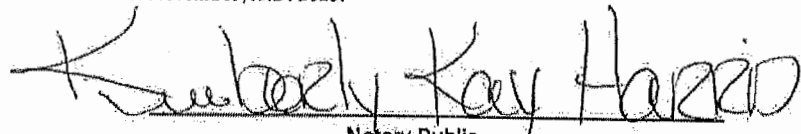
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

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. 058753
Commission Exp. Jan. 31

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

Publication Cost: \$48.01
Customer Number: 1003258
Order Number: 0000390248

E-mail

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.

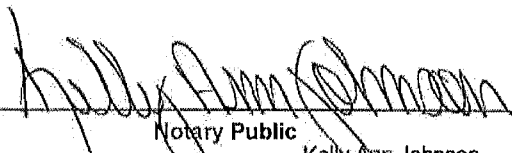
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

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

Kelly Ann Johnson
NOTARY PUBLIC

**State of Virginia
County of Hanover**

My Commission expires

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: \$188.07
Customer Number: 1003258
Order Number: 0000392531

E-mail

jquakenbush@councilbluffs-ia.gov

ORDINANCE NO. 6580
AN ORDINANCE TO AMEND CHAPTER 3.32 JUNK, SALVAGE, SCRAP PROCESSING AND STORAGE YARDS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, 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".

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

CITY OF COUNCIL BLUFFS, IOWA
SECTION 1. That Chapter 3.32 Junk, Salvage, Scrap Processing and Storage Yards of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Sections 3.32.020 "License Required", 3.32.030 "Application For License", 3.32.040 "License Application Grant Or Denial", 3.32.050 "License Required For Each Separate Location", 3.32.140 "Suspension And Revocation", 3.32.150 "Effect Of Revocation", 3.32.170 "Fee" and 3.32.180 "Duration and Renewal" to now read as follows:

Chapter 3.32 - JUNK, SALVAGE, SCRAP PROCESSING AND STORAGE YARDS

3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

3.32.050 Operational Requirements

3.32.070 Burning Regulations

3.32.080 Maintenance Requirements

3.32.090 Compliance With Other Provisions

3.32.100 Records Required

3.32.110 Purchase From Minor

3.32.120 Requirements Of Other Codes

3.32.130 Penalty For Violation

3.32.160 Nonprofit Collection Centers - Waiver Of Fee

3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

For the purposes of this chapter, the following words, terms, and phrases shall be deemed to have the following definitions:

Junk: Iron, lead, brass, steel, copper or other metal, glass, rags, paper, tires, railroad ties or other waste that may be used again in some form.

Junk dealer: Any person, persons, firm or corporation who, by themselves or acting by or through agents, engage in the business of buying, selling, receiving, collecting or dealing in junk, but not vehicles or salvage vehicles.

Junkyard: Any location in the city where a junk dealer operates his or her business without engaging in the business of operating a salvage yard or scrap processing yard.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or waterway; other than a device moved by human power or a device used exclusively upon stationary rails or tracks.

Salvage vehicle: Any vehicle or portion thereof not in running or operable condition, and/or not licensed for the current year as provided by law.

Salvage operator: Any person, persons, firm or corporation who engages in the business of a junk dealer and who engages in the business of operating a salvage yard.

Salvage yard: Any location in the city where any vehicle or salvage vehicles are bought or sold for the purpose of dismantling, sale, or resale of same for their parts, or for the purpose of converting the remainder of same into junk.

Scrap processor: Any person, persons, firm or corporation engaged in the operation of a scrap processing yard and in the business of a junk dealer.

Scrap processing yard: Any location in the city

where any vehicles or salvage vehicles containing metal are processed by sorting, shearing to size and chemistry, baling to customer requirements and/or shredding to sell as classified melting stock as any grade of ferrous or nonferrous items with none of such materials being sold for use in the same form or manner as originally used but as melting stock.

Storage yard: A location used for the limited purpose of storing any salvage vehicle and shall not include any operation that would be defined as junk dealer, salvage operator, scrap processor, or any sales of any vehicle or parts thereof.

Licensee: Any junk dealer, salvage operator or scrap processor required to be licensed under the provisions of this chapter.

(Ord. 5257 § 1, 1996)

3.32.050 Operational Requirements

The operations of a junk, salvage, storage yard or scrap processing yard shall be carried on within a fully enclosed building, except that such operations may be conducted outside a building within the enclosed premises, provided the premises are fully surrounded and enclosed by a fence not less than six feet in height. Such fence shall be maintained in good repair at all times. Existing operators may be given until January 1, 1998, to comply with this provision upon application to the director of public health. It is also unlawful for any junk, salvage or scrap processing materials, salvage vehicles or parts thereof, or equipment used in connection therewith, whether owned by the licensee or someone else, to be stored or parked on any portion of the city's right-of-way, or parking area thereof, or for the same to be stored or parked outside building or fence, as prescribed herein, unless such storage or parking shall otherwise meet the requirements of this section.

(Ord. 5230 § 1, 1995)

3.32.070 Burning Regulations

It is unlawful for any fires other than those fully contained and used for heating purposes to be permitted upon the premises of any licensee hereunder, and only firewood shall be burned except in an incinerator approved by the fire marshal and health director.

(Ord. 5194 § 7, 1995)

3.32.080 Maintenance Requirements

The holder of a license granted under the terms of this chapter shall maintain the premises in and upon which his or her business operations are conducted in as sanitary manner and conditions as is reasonable and consistent therewith, but in no event shall the licensee permit or suffer any condition to exist which by its nature constitutes a health or safety hazard to surrounding property or persons.

(Ord. 4992 § 1 (part), 1990)

3.32.090 Compliance With Other Provisions

The provisions of this chapter shall in no way relieve the holder of a license issued hereunder from compliance with other provisions, rules or regulations of the city of Council Bluffs, to which the licensee may be subject, nor shall he or she be relieved from the necessity of procuring such other licenses as may be required by the city, by reason of the nature and extent of the operations of the licensee.

(Ord. 4992 § 1 (part), 1990)

3.32.100 Records Required

A. Every licensee shall keep for a period of three years from the date of each transaction legible records as follows:

1. In the case of purchase of junk, the records shall set forth a description of the type and amount of junk purchased, the amount paid, the name and address of the seller from whom the junk is purchased, and the name and address of seller's agent, if any, who relinquishes physical control of the junk.

2. In the case of transactions of vehicles or salvage vehicles, the records shall set forth the name of the seller from whom pur-

chased together with his or her full address and the name and address of seller's agent, if any, who relinquishes physical control of the vehicle or salvage vehicle. The records shall also include the license number on any license plate attached to the vehicle or salvage vehicle, any vehicle identification number which is visible, or which upon reasonable inspection would become visible, and the model and year of the vehicle or salvage vehicle so purchased.

B. The records shall at all times be kept open to inspection by the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city, the city attorney, and the Pottawattamie County attorney, or an assistant of either, and any other local, state or federal law enforcement personnel authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the salvage operator.

C. In all transactions referred to in paragraph A of this section, where records are required to be kept, the licensee shall demand the seller, or agent or employee of the seller, to produce a driver's license which appears valid on its face or a social security card to establish the true and correct identity of the seller, or agent or employee of the seller. No licensee shall purchase any junk or any vehicle or salvage vehicle unless the seller, or employee or agent of the seller, has produced and displayed to the licensee a driver's license which appears valid on its face or a social security card.

D. No junk, salvage or scrap dealer shall accept any junk, as defined in CBMC 3.32.010, unless he or she shall take a single fingerprint from such person and attach it to the card provided by the city. The fingerprint shall be taken from the right index finger; if the right index finger is missing, the fingerprint shall be taken from the left index finger. The print shall be clear and legible. The card shall become part of the record required herein. A notice shall be displayed in a prominent place to the effect that the dealer is required by city ordinance to fingerprint every person delivering or selling any junk to the dealer. Exception: The requirements of this paragraph shall not apply to ferrous metals and beverage cans.

(Ord. 5951 § 1, 2007)

3.32.110 Purchase From Minor

It is unlawful for any licensee to purchase any junk or vehicles or salvage vehicles from a minor without having secured the written consent of one of the parents or the legal guardian of the minor.

(Ord. 4992 § 1 (part), 1990)

3.32.120 Requirements Of Other Codes

All operations conducted in a junk, salvage or scrap processing yard located within the city shall be accomplished in accordance with and meet not less than the minimum requirements of the city's Uniform Building Code, current edition, as adopted; the city's National Electrical Code and local Uniform Electrical Rules supplementary thereto, as currently adopted, and the city's plumbing code, as adopted.

(Ord. 4992 § 1 (part), 1990)

3.32.130 Penalty For Violation

Any person, persons, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment in jail for a term not to exceed thirty (30) days, and each day such violation is continued shall constitute a separate and distinct offense.

(Ord. 4992 § 1 (part), 1990)

3.32.160 Nonprofit Collection Centers - Waiver Of Fee

A. For purposes of interpreting this section, the term "nonprofit organization" shall mean any organization associated with a governmental body, any corporation holding a tax exempt status as permitted by the Internal

Revenue Service, or any other organization which can prove to the satisfaction of the city council that its intended function is to benefit the public, and that the profit is not being utilized for someone's personal profit.

B. A nonprofit organization taking part in a recycling project by means of operating a collection center for recyclables shall be exempt from all fees required by this chapter. It shall, however, be expected to comply with all other provisions.

(Ord. 4992 § 1 (part), 1990)

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 st Consideration: 10/23/2023 2 nd Consideration: 11/13/2023 3 rd Consideration: 11/27/2023 Planning Commission: 10/10/23
Subject/Title Request: Repeal Chapter 3.31, <i>Rubble Dumps</i>, and amend Chapter 3.32, <i>Junk, Salvage, Scrap Processing and Storage Yards</i>, of the Council Bluffs Municipal Code by repealing Section 3.32.020, <i>License Required</i>, Section 3.32.030, <i>Application for License</i>, Section 3.32.040, <i>License Application Grant or Denial</i>, Section 3.32.050, <i>License Required for Each Separate Location</i>, Section 3.32.140, <i>Suspension and Revocation</i>, Section 3.32.150, <i>Effect of Revocation</i>, Section 3.32.170, <i>Fee</i>, and Section 3.32.180, <i>Duration and Renewal</i>; and to amend Title 15: <u>Zoning</u> of the Council Bluffs Municipal Code by enacting Section 15.24.110, <i>Salvage and Storage Yard Regulations</i>, Section 15.24.120, <i>Rubble Dumps</i>, and Section 15.03.527, <i>Parking Lot</i>, and amending Section 15.03.609, <i>Storage Yard</i>, 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: <u>Business Regulations and Licenses</u>, 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. (<i>Note: The City no longer has a Health Department; Health Department responsibilities were absorbed by Pottawattamie County.</i>) 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, <i>Rubble Dumps</i>, 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