

ORDINANCE NO. 14,481

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,909, passed January 22, 2001, by amending Section 42-304 thereof, regarding the size and appointment of members to the Citizen Odor Board.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,909, passed January 22, 2001, is hereby amended by amending Section 42-304 thereof, regarding the size and appointment of members to the Citizen Odor Board, as follows:

Sec. 42-304. Citizen odor board.

- (a) There is established a citizen odor board consisting of no fewer than seven and no more than fifteen citizens. The mayor may recommend candidates to fill three positions on the citizen order board and every other member of the city council may recommend candidates to fill two positions on the board. Notwithstanding section 2-1059 regarding term limits, members of the citizen odor board may be reappointed for a third or subsequent consecutive term.
- (b) No less than 75 percent of the appointees shall reside in the area of the city generally acknowledged to experience odor problems.
- (c) A majority of the members serving on the citizen odor board shall constitute a quorum.
- (d) Each member shall serve on the board for a period of three years unless serving for an unexpired term caused by a vacancy due to death, resignation or for any other reason.
- (e) Members of the board:
 - (1) Shall maintain log books provided by the city recording occurrences of odor nuisances including dates, times, descriptions of the odors, wind directions and any other information deemed necessary by the enforcement official.
 - (2) May record personal testimony of reaction to the odor in respect to effects on health and the right of enjoyment of life or property.
 - (3) Shall submit the log books to the enforcement official on the first day of the month regarding incidents of odor nuisance of the previous month.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-2083), passed by the City Council of said City at a meeting held August 22, 2005 signed by the Mayor on August 22, 2005 and published as provided by law in the Business Record on September 5, 2005. Authorized by Publication Order No. 4839.

Diane Rauh, City Clerk