

★ **Roll Call Number**

Agenda Item Number

54C

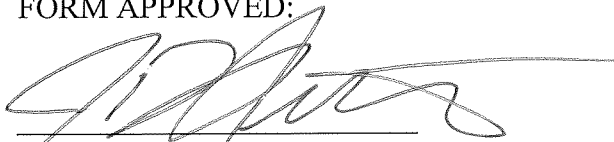
Date December 16, 2019

An Ordinance entitled, "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, as heretofore amended, by repealing Section 42-304, and by amending Section 42-305, by striking references to the Citizen Odor Board",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:



Jeffrey D. Lester
City Attorney

(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

ORDINANCE NO. _____

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, as heretofore amended, by repealing Section 42-304, and by amending Section 42-305, by striking references 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, as heretofore amended, is hereby amended by repealing Section 42-304, and by amending Section 42-305, by striking references to the Citizen Odor Board, as follows:

Sec. 42-304. ~~Citizen odor board.~~Reserved.

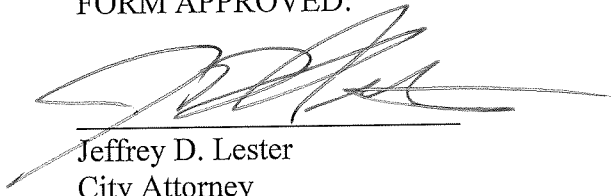
- (a) ~~There is established a citizen odor board consisting of no fewer than seven and no more than fifteen citizens. The mayor may recommend candidates to fill three positions on the citizen order board and every other member of the city council may recommend candidates to fill two positions on the 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 aeknowledged 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. 42-305. Reports to city council.

- (a) The city manager shall provide a report to the city council containing all data generated through the odor hotline ~~and received from the reports of the citizen odor board.~~
- (b) Reports on any enforcement action undertaken by the environmental health division shall also be included.
- (c) Such report shall be made no later than the second council meeting of each month.

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

FORM APPROVED:



Jeffrey D. Lester
City Attorney