

## ORDINANCE NO. 857

### AN ORDINANCE AMENDING CHAPTER 105 OF THE ELDORA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Eldora, Iowa:

Section 1. **Purpose.** The purpose of this ordinance is to amend portions of Chapter 105 Solid Waste Control of the Eldora Municipal Code.

Section 2. The following Sub-Section of the Eldora Municipal Code is hereby amended by deleting the present Sub-Section and inserting in lieu thereof the following:

#### 105.05 OPEN BURNING RESTRICTED

9. Special Permit. In addition, the Council may, by special permit, approve and allow open burning where the applicant demonstrates such burning does not pose a significant health or safety risk to the public. Applicants for special permits shall pay a fee set by resolution of the council. The application for special permit shall set forth the time and date of the proposed burning, the reasons therefor and the measures taken to ensure safety and control of the burning.

#### 105.10 WASTE STORAGE CONTAINERS

6. Permitted Dumpsters for Bulky Waste. One or more dumpsters used primarily for the purpose of disposal of construction, renovation, and any other bulky waste other than regular residential waste may be placed upon a residential property or in the City parking only after obtaining a permit from the City. Dumpsters may also be approved by permit for placement on City streets and roads, with the exception of traveled portions of Washington Street from 11th Avenue south to the corporate city limits and traveled portions of all of Edgington Avenue. A dumpster permit may be issued by the City Clerk upon completion of a permit form and payment of a fee set by resolution. A dumpster permit issued by the City Clerk shall be valid for 60 days. If an applicant requires a permit beyond 60 days, the applicant must pay an additional fee set by resolution and the City Clerk may issue one 60 day extension. Three-hundred and sixty-five (365) days must pass from the first day of a valid dumpster permit before another permit may be issued for the same property. Any other exceptions to allow dumpsters that are normally prohibited must be expressly approved by the City Council upon a showing of extraordinary circumstances justifying issuance of a permit and with any conditions or limits the City Council deems appropriate.

Section 3. **Effect.** All other Sections of said Chapters shall remain unchanged and in full force and effect.

Section 4. **Severability.** If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of the Code is, for any reason, held to be invalid or enforceable as to any person or circumstances, the application of such section, subsection, paragraph, subparagraph, sentence, clause or phrase to persons or circumstances other than those as to which it shall be held invalid or unenforceable, shall not be affected thereby, and all other provisions of the Code, in all other respects, shall be and remain valid and enforceable.

Section 5. **Effective Date.** This ordinance and the Eldora City Code shall be in full force and shall take effect, from and after the adoption and publication of this ordinance.

Passed and approved by the City Council of the City of Eldora, Iowa this 8<sup>th</sup> day of October, 2019.

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David W. Dunn, Mayor

ATTEST:

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Chandra Kyte, City Clerk

Introduced: 10-08-2019  
Passed 1<sup>st</sup> Consideration: 10-08-2019  
Passed 2<sup>nd</sup> Consideration: 10-08-2019  
Passed 3<sup>rd</sup> Consideration: 10-08-2019  
  
Passed & Adopted: 10-08-2019

CERTIFICATE

STATE OF IOWA )  
(ss:  
HARDIN COUNTY )

I, Chandra Kyte, City Clerk of the City of Eldora, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said municipality showing proceedings of the Council and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action there at was duly and publicly held in accordance with the notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and seal of the municipality hereto affixed this 8<sup>th</sup> day of October, 2019.

SEAL:

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Chandra Kyte, City Clerk

STATE OF IOWA )  
(ss:  
HARDIN COUNTY )

On this 8<sup>th</sup> day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Chandra Kyte, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Eldora, Iowa, that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council and that Chandra Kyte acknowledged the execution of the instrument to be her voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

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Notary Public and for the State of Iowa