

ORDINANCE NO. 1540

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENISON, IOWA TO UPDATE NUISANCE INSPECTION AND COMMERCIAL USE REGULATIONS

WHEREAS, the City of Denison, Iowa has zoning and property regulations, which provide guidance on the standards for certain uses located within the various zoning districts; and

WHEREAS, these regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare, and the City of Denison's regulations also provide for code enforcement staff to inspect nuisance complaints; and

WHEREAS, the City of Denison's requirements are designed, among other things, to enhance public safety, improve the appearance of the community, and conserve the value of properties within the City and its extra-territorial jurisdiction; and

WHEREAS, the language of the Code of Ordinances is intended to provide predictable, uniform standards—which are subject to updating by the City Council from time to time.

NOW THEREFORE BE IT RESOLVED by the City Council of Denison, Iowa that it hereby amends City Code Chapters 50, 166 and 169 to update inspection and commercial use regulations. The Council further authorizes City staff to take all action necessary to effectuate this change, as follows:

SECTION 1. SECTION MODIFIED. Chapter 50 of the Code of Ordinances of the City of Denison, Iowa, is amended by adding a new Subsection 50.15 (changes italicized and in bold):

***50.15 RIGHT OF ENTRY.** The Code Enforcement Official may enter any premises on proof of authority for the purpose of inspecting any nuisance complaint, at such times as may be reasonably necessary to protect the public health, safety, and welfare.*

SECTION 2. SECTION MODIFIED. Chapter 166, Subsection 166.07.34 of the Code of Ordinances of the City of Denison, Iowa, is repealed and the following adopted in lieu thereof (changes italicized and in bold):

166.07 COMMERCIAL USE TYPES. Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

34. Vehicle Storage (Short-term). Short-term storage of operating or non-operating vehicles for a period of no more than ***ten (10) days***. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling

or salvage. Long-term storage beyond *ten (10) days* constitutes an Industrial Use Type.

SECTION 3. SECTION MODIFIED. Chapter 169, Subsection 169.05.01 of the Code of Ordinances of the City of Denison, Iowa, is repealed and the following adopted in lieu thereof (changes italicized and in bold):

169.05 COMMERCIAL USES.

1. Auto Service, Repair, Equipment Repair, Travel Center, Truck Stop, RV Storage, and Body Repair Uses.

A. No business engaged in automobile display, sales, service, repair, paint, or bodywork shall display on its premises *no more than five (5)* inoperable automobiles other than automobiles currently being painted or repaired for return to customers within *fourteen (14) days*, automobiles awaiting painting or repair within *fourteen (14) days*, or painted or repaired automobiles awaiting pickup by customers within *fourteen (14) days*. Any other inoperable automobiles on the premises, including any automobiles stored for the purpose of salvage of material or parts, must be stored inside a completely enclosed building or behind an approved barrier sufficient to shield the visibility of such automobiles from the public roads. Nothing in this section relieves such a business from compliance with other applicable provisions of this Code of Ordinances.

B. Any spray painting must take place within structures designed for that purpose and be approved by the Building Official.

C. All entrances and exits serving a gasoline or diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.

D. All fuel pumps shall be set back at least fifteen feet from any street line.

SECTION 4. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

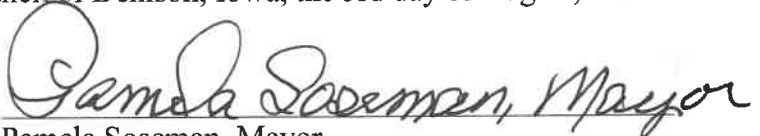
SECTION 5. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed First Reading by the City Council of Denison, Iowa, 3rd day of August, 2021.

Second & Third Readings waived by the City Council of Denison, Iowa, the 3rd day of August, 2021.

PASSED AND ENACTED by the City Council of Denison, Iowa, the 3rd day of August, 2021.


Pamela Soseman, Mayor

Attest:


Lisa K. Koch, City Clerk

CERTIFICATE

I, Lisa K. Koch, City Clerk of the City of Denison, Iowa, hereby certify that the foregoing Ordinance No. 1540 was published in a Denison Newspaper published at least once weekly and having general circulation in the City of Denison, Iowa on the 6th day of Aug 2021.


Lisa K. Koch, City Clerk