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Date November 8, 2010

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 subsection (B) of Section 42-256 thereof, and enacting a new subsection (B) to Section 42-256, and by adding and enacting a new subsection (E) to Section 42-259, regarding the application of the Noise Control Ordinance of the City of Des Moines to solid waste collection and other loading and unloading activities, and prohibiting solid waste collection activities within 150 feet of an R district or portion of a PUD district restricted to residential use between the hours of 7:00 p.m. and 6:00 a.m.",

**(Council Communication No. 10-663)**

presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, 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 subsection (B) of Section 42-256 thereof, and enacting a new subsection (B) to Section 42-256, and by adding and enacting a new subsection (E) to Section 42-259, regarding the application of the Noise Control Ordinance of the City of Des Moines to solid waste collection and other loading and unloading activities, and prohibiting solid waste collection activities within 150 feet of an R district or portion of a PUD district restricted to residential use between the hours of 7:00 p.m. and 6:00 a.m.

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 amended by Ordinance No. 14,746 passed February 25, 2008, and by Ordinance No. 14,752 passed April 7, 2008, be and is hereby amended by repealing subsection (B) of Section 42-256 thereof, and enacting a new subsection (B) to Section 42-256, and by adding and enacting a new subsection (E) to Section 42-259, regarding the application of the Noise Control Ordinance of the City of Des Moines to solid waste collection and other loading and unloading activities, and prohibiting solid waste collection activities within 150 feet of an R district or portion of a PUD district restricted to residential use between the hours of 7:00 p.m. and 6:00 a.m., as follows:

**Sec. 42-256. Specific activities prohibited.**

.....  
(B) *Loading and unloading.* No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 7:00 p.m. and ~~7~~6:00 a.m. the following morning as to create a noise disturbance across a residential real property boundary or within a noise sensitive area. This subsection shall not apply to the engine noise generated by the activities covered-regulated by section 42-259 of this article.  
.....

**Sec. 42-259. Motorized vehicles.**

.....  
(E) No person operating or in control of a garbage truck or other motor vehicle engaged

in the business of solid waste collection, shall use such vehicle to pick up or empty a dumpster or other container used for the collection or storage of solid at any location in, or within 150 feet of, an R district or portion of a PUD district restricted to residential use, between the hours of 7:00 p.m. and 6:00 a.m. the following morning, subject to the following:

- (1) Trash pickup at elementary and secondary schools and hospitals is exempt from this requirement.
- (2) The city manager or the city manager's designee may grant an exception to this limitation on the timing of trash pickup where such exception is necessary to avoid an unreasonable risk of harm created by the unusual circumstances of the site. Any such exception may be subject to reasonable conditions imposed to minimize the detrimental impact of granting such exception, and shall be subject to reconsideration in the event of changed circumstances.

Sec. 2. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, and March 1, 2011.

FORM APPROVED:



Roger K. Brown  
Assistant City Attorney