Title 3 BUSINESS REGULATIONS AND LICENSES

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~~**Chapter 3.02 - GENERAL PROVISIONS**~~
~~3.02.010 Licensing And Taxation~~

~~3.02.050 Charges To Be Paid Before License Issued~~

~~3.02.090 Penalties For Violations~~

~~**3.02.010 Licensing And Taxation**~~

~~The various objects, subjects, persons, trades, vocations, professions and occupations, with the City of Council Bluffs, shall be licensed, taxed and regulated as in this title provided.~~

~~(§ 1; Ord. dated July 3, 1882)~~

~~All licenses issued by the city in pursuance of any ordinance, shall expire and terminate on the first day of January of each year, except such licenses as are issued for any period or term less than one year. In all cases where licenses are taken out, save in the cases excepted as aforesaid, the amount to be paid therefor shall be in proportion to the time the same shall run from the date of issuing the same to the time of its termination. Provided, that in no case whatever shall the same be less than five dollars, except in cases of vehicles and common carriers in which case no license shall issue for less than the full compensation provided for the same for the year.~~

~~The City Clerk shall secure and furnish at expense of the city and issue to licensees, such license and registration plates, disks and cards as he or she may deem necessary and appropriate.~~

~~The Chief of Police shall keep a book containing a complete and perfect record of all licenses issued, showing the nature of the license, its date, expiration and to whom issued. In order that said record~~

~~shall be complete and perfect, the City Clerk shall furnish the Chief of Police at the end of every week a complete list of all the licenses issued during the week, showing the nature of the license, its date, expiration and to whom issued. At the end of each month both the City Clerk and the Chief of Police shall furnish the City Attorney and Council a list of all persons delinquent in license dues~~.

~~3.02.050 Charges To Be Paid Before License Issued~~

~~The City Clerk shall not issue any license until the party applying for the same shall have paid into the City Treasury the sum of money charged therefor by ordinance.~~

~~(§ 84; Ord. dated July 3, 1882)~~

~~All licenses shall be signed by the City Clerk and countersigned by the City Manager, and shall be invalid for all purposes until so signed and countersigned. They shall prescribe the form of licenses.~~

~~The City Clerk shall keep a register of all licenses, showing their nature, date, expiration and to whom issued.~~

~~The City Clerk shall keep a register of all licenses, showing their nature, date, expiration and to whom issued.~~

~~3.02.090 Penalties For Violations~~

~~Failure to register or pay fees as set out in this chapter shall be deemed a simple misdemeanor. Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95, in lieu of criminal prosecution.~~

~~(§ 88; Ord. dated July 3, 1882)~~

Chapter 3.06 - BENCHES AT BUS STOPS

3.06.010 Installation And Maintenance Permits - Administration And Enforcement
3.06.020 Rules And Regulations
3.06.040 Same - Grounds For Denial Or Cancellation
3.06.050 Same - Issuance Priority.
3.06.060 Same - Acceptance Presumes Agreement To Provisions
3.06.070 Construction Specifications - Advertising Matter
3.06.080 Bond - Liability Insurance
3.06.090 Purpose Of Chapter

3.06.010 Installation And Maintenance Permits - Administration And Enforcement

It is hereby made lawful for persons, firms or corporations to install and maintain benches upon public property at bus stop locations and to place advertising matter and signs upon such benches, subject to the regulations, limitations and qualifications of this chapter. The director of public works, or his/her

designee, is hereby vested with the administration and enforcement of this chapter and with the authority to issue all permits hereunder and shall have power to make reasonable regulations for the carrying out of the provisions hereof.

(Ord. 5749 § 1, 2002)

3.06.020 Rules And Regulations

All persons must comply with the following regulations in order to place a bus stop bench on public right-of-way:

1. Benches may be placed only along designated bus routes.
2. Only one bench may be placed at a bus stop location, unless additional benches are specifically authorized by the director of public works.
3. A bench placed within the right-of-way shall be placed so as not to impede or disrupt pedestrian traffic and where the distance from the face of the curb to the property line is eight feet or more. A bench shall only be placed on concrete improved surfaces. If an applicant wishes to place a bench in an area that is not covered by a concrete slab, said applicant shall be responsible for improving such location with a concrete surface constructed to city specifications.
4. The owner of the private bench shall agree to indemnify the city of Council Bluffs from any damages resulting from the bench being placed within the public right-of-way, by providing to the city of Council Bluffs an insurance certificate in the amount of one million dollars ($1,000,000.00), and by signing an indemnification agreement as prepared by the city attorney.
5. The owner of the private bench shall pay to the city of Council Bluffs an annual fee of fifty dollars ($50.00) per year/per bench placed within the public right-of-way. Payment shall be made annually prior to January 1st of each year.
6. The city right-of-way division of the public works department shall process the applications and retain a list of all bus benches.

(Ord. 5749 § 2, 2002)

3.06.040 Same - Grounds For Denial Or Cancellation

The permit for any bench shall be denied, or the permit cancelled under any of the following circumstances:

1. If the director of public works or his/her designee finds that the maintenance of a bench at the proposed location would tend to obstruct passage along a public way, or to create a hazard to persons traveling thereon.
2. If the director of public works or his/her designee finds that the maintenance of any such bench at a proposed location would not promote the convenience of the traveling public.
3. If the director of public works or his/her designee finds that the maintenance of any such bench adversely affects the abutting property owner or tenant.

(Ord. 5749 § 4, 2002)

3.06.050 Same - Issuance Priority.

Priority in the issuance of permits shall be according to priority in the date of filing applications, except that a permittee who applies for renewal before expiration of an old permit shall be granted priority over another applicant for a permit for the same location.

(Ord. 3247 § 5, January 16, 1950)

3.06.060 Same - Acceptance Presumes Agreement To Provisions

By acceptance of a permit hereunder, the permittee hereby agrees to be bound by all of the provisions of this chapter, agrees to inspect each bench periodically and to maintain the bench or benches in safe, clean, and slightly condition and to post and maintain an indemnifying bond and public liability insurance, as hereinafter required.

(Ord. 3247 § 6, January 16, 1950)

3.06.070 Construction Specifications - Advertising Matter

All benches installed by permission of this chapter conform rigidly to the following specifications:

1. The bench shall be not more than six feet in length, not to exceed forty-two (42) inches in height and thirty (30) inches in depth. The benches must be of heavy construction to weigh not less than four hundred (400) pounds. The end-pieces and legs, shall be constructed of concrete or solid metal, the back-rests shall be constructed of hardwood or plywood not less than three-quarters inches in thickness. The seat portion of the bench shall be constructed of hardwood or plywood not less than one and one-half inches in thickness. The several parts of the benches shall be joined by bolts of one-half inch or greater diameter.
2. Only such advertising matter shall be placed on the benches that is ordinarily displayed in other advertising mediums.

(Ord. 3785 § 1 (part), January 18, 1967: prior Ord. 3247 § 7, January 16, 1950)

3.06.080 Bond - Liability Insurance

The permittee shall defend, at his/her own expense, any litigation arising from the installation or maintenance of a bench for which he/she holds a permit. Before proceeding to install any bench hereunder, the permittee shall file individual bond in the penal sum of ten thousand dollars ($10,000.00), to save the city harmless from any damages or suit for damages alleged to arise from the installation or maintenance of any bench installed by him/her. Sureties on such bond are not required, but evidence of public liability insurance in the amounts hereinafter stated shall be filed at or prior to the time of filing applications for such permit with the director of public works or his/her designee. The public liability insurance shall be twenty-five thousand dollars ($25,000.00) for the death or injury of one person, with a total limit of personal injury liability of fifty thousand dollars ($50,000.00), and property damage of not less than one thousand dollars ($1,000.00).

One bond and one insurance policy may be filed to cover the maintenance of any number of benches. The city has notice, where such claim arises from the installation or maintenance of any bench installed hereunder.

(Ord. 5749 § 5, 2002)

3.06.090 Purpose Of Chapter

The purpose of this chapter is to assist the public of the city of Council Bluffs in the use of the streets by providing, subject to the regulation of the city council, benches for the use of the public and nothing herein contained shall be construed as permitting the placing of advertising matter upon any device in the public street other than the public convenience licensed by this chapter.

(Ord. 3247 § 11, 1950)

Chapter 3.08 - BEER AND LIQUOR CONTROL

3.08.010 Purpose
3.08.020 Definitions - Beer And Liquor Control
3.08.030 Eligibility For Liquor Control License Or Beer Permit
3.08.035 Prior Approval Of Building Permits
3.08.040 Conditions For Approval Of License Or Permit
3.08.045 Exceptions To CBMC 3.08.040 Paragraph E
3.08.050 Beer Permits - Classes
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3.08.100 Investigation Of Applicant
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3.08.200 Beer Brand Signs Prohibited
3.08.210 Suspension And Revocation
3.08.220 Effect Of Revocation
3.08.230 Appeal And Hearing
3.08.270 Penalties

3.08.010 Purpose

The purpose of this chapter is to provide administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer and liquor, for the protection of the safety, morals and general welfare of this community.

(Ord. 4034 § 2 (part), 1973)

3.08.020 Definitions - Beer And Liquor Control

Where words and phrases used in this chapter are defined by state law, such definitions shall apply to their use in this chapter and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, shall have the following meanings:

Person of good moral character: Any person who meets all of the following requirements:

1. He has such financial standing and good reputation as will satisfy the city council and the director that he or she will comply with the Iowa Beer and Liquor Control Act and all other laws, ordinances, and regulations applicable to his or her operations under state law.
2. He does not possess a federal gambling stamp.
3. He is not prohibited by the provisions of CBMC 3.08.220 from obtaining a liquor license or beer permit.
4. He is a citizen of the United States and a resident of Iowa, or licensed to do business in Iowa in the case of a corporation.
5. He has not been convicted of a felony. However, if his or her conviction of a felony occurred more than five years before the application for a license or permit, and if his or her rights of citizenship have been restored by the Governor, the director may determine that he or she is a person of good moral character notwithstanding such conviction.
6. If such person is a corporation, partnership, association, club, or hotel or motel the requirements of this paragraph shall apply to each of the officers, directors and partners of such person, and to any person who directly or indirectly owns or controls ten (10) percent or more of any class of stock of such person or has an interest of ten (10) percent or more in the ownership or profits of, such person. For the purpose of this provision, an individual and his or her spouse shall be regarded as one person.

Club: Any nonprofit corporation or association of individuals, which is the owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

Commercial establishment: A place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time, and the licensed premises of which conform to the ordinances of this city.

Grocery store: Any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

Pharmacy: A drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists or veterinarians are compounded and sold by a registered pharmacist.

Hotel or motel: A premises licensed by the state Department of Agriculture and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty (20) or more sleeping rooms.

Legal age: The legal drinking age as established by the state of Iowa.

(Ord. 4914 § 1, 1989)

3.08.030 Eligibility For Liquor Control License Or Beer Permit

Upon meeting the requirements imposed by state law and the ordinances of this city, a person who is of good moral character as defined by state law and this chapter, may apply for a liquor control license or a beer permit. In the case of a club, corporation or partnership, the officers of the club or corporation and the partners of a partnership shall be the persons of good moral character as defined by state law and this chapter.

(Ord. 4034 § 2 (part), 1973)

3.08.035 Prior Approval Of Building Permits

Prior to applying for a building permit to construct, alter or expand a liquor licensed establishment, the licensee or its agent shall request and receive a preliminary approval from the city clerk that the proposed construction, alteration or expansion is in compliance with this chapter. Any party aggrieved by such a determination may within fourteen (14) days appeal said determination to the city council by filing written notice of said appeal with the city clerk. The council shall then conduct a hearing on the matter within thirty (30) days and render its decision. This decision shall become final unless appealed to the district court within thirty (30) days of the date made.

(Ord. 4914 § 2, 1989)

3.08.040 Conditions For Approval Of License Or Permit

An applicant for a liquor control license or beer permit, as a further condition for approval by the city council, must give consent in writing on the application, that members of the fire, police and health departments and the building inspector may enter upon the premises without warrant to inspect for violations of the provisions of state law and of this chapter.

1. No liquor control license or beer permit shall be approved for premises which do not conform to all applicable laws, zoning uses, ordinances, resolutions, and health and fire regulations.
2. No licensee shall have or maintain any interior access to residential or sleeping quarters unless permission is granted by the state beer and liquor control director in the form of a living quarters permit.
3. The premises for which a class "B" beer permit is sought must be located within a business district or an area now or hereafter zoned as a business district and conform to the zoning requirement of this city.

4. The premises of a class "B" beer permit shall, at the time of the application, continue to be equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

5. No liquor control license or beer permit shall be issued for a premises which is not fully enclosed by walls, ceilings, and a floor made of a solid material. For the purposes of this section, screening, netting, lattice, canvas, or similar materials will not constitute a solid material.

(Ord. 4914 § 3, 1989)

3.08.045 Exceptions To CBMC 3.08.040 Paragraph E

1. Open-air Dining—Exception. If an applicant can establish that approximately fifty (50) percent of its gross revenue from items to be consumed on premise are derived, or are likely to be derived from the sale of nonalcoholic food items, and if the establishment is or is to be located in an area zoned C-4, C-3, or in an area zoned C-2 and is not within fifty (50) feet of a residential zone, or a nonresidential area other than C-4 or C-2, and is not within three hundred (300) feet of a residential use or zone. The restrictions established in CBMC 3.08.040 Paragraph E, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

    1. It must be so enclosed so that it may only be entered from that portion of the premises which is in compliance with CBMC 3.08.040 Paragraph E.

    2. All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.

    3. No amplified music shall be permitted in such area between the hours of 10:00 p.m. and 7:00 a.m. Amplified music will be permitted in such areas between the hours of 7:00 a.m. and 10:00 p.m., so long as it complies with sound levels specified in CBMC 4.50.080 Paragraph H. Special sound variances pursuant to CBMC 4.50.080 Paragraph G,2 may be granted. If any outdoor dining facility is cited for violating CBMC 4.50 three times in a twelve-month period that ultimately result in three convictions, the service of alcoholic beverages in such area shall be suspended for a twelve-month period.

    4. No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.

    5. Such area must be approved by the health department for open-air dining.

    6. Outdoor dining facilities in C-2 zones shall not allow alcohol sales or consumption in their outdoor areas between the hours of 12:00 midnight and 6:00 a.m.

    7. If the application is for an establishment in a C-2 zone, the applicant shall have the duty to notify all property owners within three hundred (300) feet of the premises to be licensed. This notice shall be given in the following fashion:

        1. Applicant shall establish a list of parties to be notified through utilization of the records of the county auditor;

2. Applicant shall prepare envelopes addressed to each of the parties identified in paragraph A,7,a of this section, with the appropriate postage for certified delivery affixed thereto;

3. Applicant shall prepare a notice for each of such property owners, advising of the nature of the action which is being sought, including the date it is to be acted upon by the city council;

4. Applicant shall deliver all of the above to the city clerk at least ten (10) days prior to the date at which the action is proposed to be taken;

5. It shall be the duty of the city clerk to insert the notices into the envelopes and deliver same to the post office within forty-eight (48) hours of receipt.

2. Golf-courses—Exception. The restrictions established in CBMC 3.08.040 Paragraph E shall not apply to golf courses consisting of fifteen (15) acres or more.

3. Stadium-type Activities—Exception. For the purpose of this section, a stadium-type activity is a sporting event to which there is controlled access. It shall only be permitted in areas zoned nonresidential and shall not be permitted within two hundred (200) feet of a residential use or zone; or if there are residential uses within two hundred (200) feet and the owner and/or occupant has signed a petition in support of the proposed use. The restrictions established in CBMC 3.08.040 Paragraph E, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

    1. It must be enclosed by a fence or a wall.

    2. It must be enclosed so that it may only be entered from that portion of the premises which is in compliance with CBMC 3.08.040 Paragraph E.

    3. All exits from such area other than those that go into the CBMC 3.08.040 Paragraph E compliant area shall be for emergency use only.

    4. No amplified music shall be permitted in such area.

    5. No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.

    6. If the area is within two hundred (200) feet of a residential use no activities shall be permitted therein after 10:00 p.m.

4. Special Events—Exception for Areas Zoned Other Than C-4. The restrictions established in CBMC 3.08.040 Paragraph E shall not apply to special events as long as they are not held within five hundred (500) feet of a residential use. For purposes of this exception, a special event shall last a maximum of seventy-two (72) hours.

    Special Event—Exceptions for areas zoned C-4. The restrictions established in CBMC 3.08.040 Paragraph E shall not apply to special events held in areas zoned C-4.

These special event exceptions shall only be permitted if the following restrictions are satisfied:

1. The area intended to be utilized as a temporary liquor license premises must be clearly delineated, and so enclosed so that it will only allow ingress to and egress from the area at specifically identified locations approved by the Fire Marshall or his/her designee;

2. The applicant has developed a plan to address crowd and traffic control as well as state and city health codes and concerns created by the special event which have been approved by the Police Chief, Public Works Director and/or other appropriate City Officials. The applicant shall identify sufficient off-street parking to accommodate the size of the proposed licensed premises within a reasonable distance of the event;

3. Variance to the five hundred (500) feet buffer from a residential use. If the applicant is unable to demonstrate the required five hundred (500) feet buffer from a conforming residential use, but is able to provide the city with a written, signed and notarized consent to authorization for the event from either the owner and/or occupant of each such residence, the buffer requirement may be waived;

4. Premises authorized under this exception shall not be permitted to operate between the hours of 12:00 midnight and 6:00 a.m.;

5. Applicant's failure to abide by any of these restrictions and the plans approved herein or any other city or state law governing the sale and/or dispensing of alcoholic beverages shall be grounds for the immediate cessation of a special event exception.

5. PC and A-3—Exception. The restrictions established in CBMC 3.08.040 Paragraph E shall not apply to liquor license establishments which are located in either a PC or an A-3 zone as long as the following criteria have been met:

    1. The licensed premises is not within five hundred (500) feet of a residential zone.

    2. Access to the licensed premises is restricted.

6. Open Air Tavern—Exception 1. In the C-4 zone, a liquor license establishment need not comply with the requirements of CBMC 3.08.040 Paragraph E if the non-complying portion of the liquor license premises meets the following conditions:

    1. It is contiguous to a liquor license premises that does comply with CBMC 3.08.040 Paragraph E.

    2. It is discernible from areas that are not part of the liquor license premises.

    3. Access to the area is restricted.

    4. No open containers of alcohol or consumption of alcohol are permitted in this area between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, or 12:00 a.m. and 7:00 a.m. on Fridays and Saturdays.

    5. Amplified music will be permitted in these areas during the hours that consumption is permitted, but will be subject to the city's noise ordinance.

6. If two violations of state law or the Council Bluffs Municipal Code occur in the outdoor area within a twelve-month period that result in the conviction of the owner and/or his/her employees or agents, the use of the outdoor area as part of the liquor license premises will cease for a period of twelve (12) months, starting on the date of the second conviction. The same penalty will occur if four different incidents occur in the outdoor area within a twelve-month period that result in at least one conviction of persons other than the owner or his/her employees or agents.

7. The fencing and/or railing that is constructed to restrict access (paragraph F,3 of this section) shall be so designed so as to allow viewing of the restricted access area from outside. Its design shall be approved by the historic preservation commission.

7. Open Air Tavern—Exception 2. In areas not zoned C-4, a liquor license establishment need not comply with the requirements of CBMC 3.08.040 Paragraph E if the liquor license establishment is a legal non-conforming use, the maximum area does not exceed one hundred fifty (150) square feet, and it meets the conditions set forth below:

    1. It must be so enclosed so that it may only be entered from that portion of the premises which is in compliance with CBMC 3.08.040 Paragraph E.

    2. All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.

    3. No open containers of alcohol or consumption of alcohol are permitted in this area between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, or 11:00 p.m. and 7:00 a.m. Fridays and Saturdays.

    4. Amplified music will be permitted in these areas during the hours that consumption is permitted, but will be subject to the city's noise ordinance.

    5. If two violations of state law or the Council Bluffs Municipal Code occur in the outdoor area within a twelve-month period that result in the conviction of the owner and/or his/her employees or agents, the use of the outdoor area as part of the liquor license premises will cease for a period of twelve (12) months, starting on the date of the second conviction. The same penalty will occur if four different incidents occur in the outdoor area within a twelve-month period that result in at least one conviction of persons other than the owner or his/her employees or agents.

    6. The fencing and/or railing that is constructed to restrict access shall be so designed as to allow viewing of the restricted access area from outside.

8. Special Events—Exception for City Controlled Property. The restrictions established in CBMC 3.08.040 Paragraph E shall not apply to special events to be held on property either owned or controlled by the city of Council Bluffs or other governmental body. The department, agency or governmental body in charge of said property may undertake or authorize such an event upon receiving confirmation that the health department, department of public works, police department and the fire department consent to the proposed activity. Once said consent has been obtained application may then be made with the city clerk for the appropriate license.

9. For purposes of this section, when determining the distance from a residential use or zone, it will be measured from the property line of the residential use or zone to the actual licensed premises.

10. For purposes of this section, nonresidential zones shall include those zones for which a residential dwelling is not a principal use.

(Ord. No. 6095, § 1, 7-12-2010; Ord. No. 6129, § 1, 6-13-11; Ord. No. 6161, § 1, 8-27-2012; Ord. No. 6171, § 1, 4-22-2013; Ord. No. 6235, § 1, 6-8-2015)

Editor's note— Ord. No. 6095, § 1, adopted July 12, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5882, § 1, 2006; Ord. No. 6040, § 1, 8-24-2009; Ord. No. 6069, § 1, 4-26-2010.

HISTORY
Amended by Ord. 6488 on 4/11/2022

3.08.050 Beer Permits - Classes

Beer permits shall be classed as established by the state of Iowa.

(Ord. 4914 § 5, 1989)

3.08.060 Liquor Licenses - Classes

Liquor control licenses shall be classed as established by the state of Iowa.

(Ord. 4914 § 6, 1989)

3.08.070 Prohibited Interest

It is unlawful for any person or persons to be either directly or indirectly interested in more than one class of beer permit.

(Ord. 4034 § 2 (part), 1973)

3.08.080 Separate Locations - Class "B" Or "C."

Every person holding a class "B" or class "C" permit having more than one place of business where such beer is sold shall be required to have a separate license for each separate place of business, except as otherwise prohibited by state law.

(Ord. 4034 § 2 (part), 1973)

3.08.090 Application, Contents: Bond

A verified application for the original issuance or the renewal of a liquor control license or a beer permit shall be filed at such time, in such number of copies, and in such form as the state director of beer and liquor control shall prescribe, on forms prescribed by him or her. The application shall be accompanied by the required fee and bond and be filed with the city council for approval or disapproval. The bond to be submitted shall be in a form prescribed by the state director and in the following amounts:

1. With any liquor control license and conditioned upon the payment of all taxes payable to the state under the provisions of the Iowa Beer and Liquor Control Act and compliance with all provisions of the Act. $5,000.00
2. With any beer permit and conditioned upon the faithful observance of the Iowa Beer and Liquor Control Act. $500.00

(Ord. 4034 § 2 (part), 1973)

3.08.100 Investigation Of Applicant

Upon receipt of an original application for a liquor license or beer permit by the city clerk, it shall be forwarded to the chief of police, who shall conduct an investigation and shall submit a written report on the applicant as to the truth of the facts averred in the application and a recommendation to the city council as to the approval of the license or permit. It shall be the duty of the health inspector, the building inspector, and the fire chief to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the city council by such officers.

(Ord. 4034 § 2 (part), 1973)

3.08.110 Simplified Application For Renewal

Upon receipt of an application for the renewal of a liquor license or beer permit, it shall be forwarded to the chief of police only, who shall conduct an investigation and shall submit a written report on the applicant as to the truth of the facts answered in the application and a recommendation to the city council as to the approval of the license or permit.

(Ord. 4034 § 2 (part), 1973)

3.08.120 Civil Liability

Every liquor control licensee and class "B" beer permittee shall furnish proof of financial responsibility either by the existence of a liability insurance policy or by posting bond in such amount as determined by the department.

(Ord. 4034 § 2 (part), 1973)

3.08.130 License And Permit Fees

The license and permit fee shall be as established by the state of Iowa.

(Ord. 4914 § 7, 1989)

3.08.140 Nature Of License Or Permit

A liquor control license or beer permit shall be a purely personal privilege and be revocable for cause. It shall not constitute property nor be subject to attachment and execution nor be alienable nor assignable, and in any case it shall cease upon the death of the permittee or licensee. However, the director may in his or her discretion allow the executor or administrator of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration of the permit

or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use same.

(Ord. 4034 § 2 (part), 1973)

3.08.150 Action By Council

Action taken by the city council shall be so endorsed on the application and thereafter the application, fee and bond shall be forwarded to the Iowa Beer and Liquor Control Department for such further action as is provided by law.

(Ord. 4034 § 2 (part), 1973)

3.08.160 Expiration Of License Or Permit

All liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. Six or eight month seasonal licenses or beer permits may be issued for a proportionate part of the license or permit fee. No seasonal license or permit shall be renewed except after a period of two months. Seasonal licensing shall be only as permitted by state regulation.

(Ord. 4034 § 2 (part), 1973)

3.08.170 Refunds

Any such licensee or permittee, or his or her executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of his or her creditors, may voluntarily surrender such license or permit to the department and when so surrendered the department shall notify the city, and the department and the city, or the city by itself in the case of a retail beer permit, shall refund to the person so surrendering the license or permit a proportionate amount of the fee paid for such license or permit as follows: If surrendered during the first three months of the period for which said license or permit was issued the refund shall be three-fourths of the amount of the fee; if surrendered more than three months but not more than six months after issuance the refund shall be one-half of the amount of the fee; if surrendered more than six months but not more than nine months after issuance the refund shall be one-fourth the amount of the fee. No refund shall be made, however, for a liquor control license or beer permit surrendered more than nine months after issuance. No refund shall be made to any licensee or permittee, upon the surrender of his or her license or permit, if there is at the time of said surrender a complaint filed with the department or the city, charging him or her with a violation of this chapter or provisions of the Iowa Beer and Liquor Control Act. If upon hearing on any such complaint the license or permit is not revoked or suspended, then the licensee or permittee shall be eligible, upon surrender of his or her license or permit, to receive a refund as herein provided. But if his or her license or permit is revoked or suspended upon such hearing he or she shall not be eligible for the refund of any portion of his or her license or permit fee. No refund shall be made for seasonal licenses or permits.

(Ord. 4034 § 2 (part), 1973)

3.08.180 Transfers

The council will, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the city, provided the premises to which the transfer is to be made would

have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law or ordinance. An applicant for such a transfer shall file with the application for transfer the fee as set by the director of beer and liquor control for transfers.

(Ord. 4034 § 2 (part), 1973)

3.08.190 Prohibited Sales And Acts

No person or club holding a liquor license or beer permit nor his or her agents or employees shall do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor or beer.
2. Sell or dispense any alcoholic liquor or beer on the premises covered by the license or permit, or permit the consumption thereon during any hours prohibited by the state of Iowa.
3. Sell alcoholic liquor or beer to any person on credit, except with a bona fide credit card. This provision shall not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.
4. Employ any person under the age of eighteen (18) years old in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold.
5. Sell, give or otherwise supply any alcoholic beverage or beer to any person knowing or having reasonable cause to believe him or her to be under legal age, or permit any person knowing or having reasonable cause to believe him or her to be under legal age, to consume any alcoholic beverage or beer.
6. Allow open containers of alcohol or consumption of alcohol in any area that qualifies as a CBMC 3.08.045 Paragraph F exception between the hours of 10:00 p.m. to 7:00 a.m. Sunday through Thursday, and 11:00 p.m. to 7:00 a.m. Fridays and Saturdays.
7. Allow any person to remove an open container of alcohol from any area that is licensed as a liquor license premise. Exception: This prohibition shall not apply when the open container is being carried out into a "publicly owned area" during a period of time it is being utilized pursuant to a special event permit as provided for in CBMC 8.10.025. Provided that the content of said open container can be classified as either beer or wine.
8. In the case of a retail beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer or any other beverage in or about his or her place of business.
9. Keep, or allow to be kept, gambling devices of any kind or description on the premises or place of business of the license or permit holder.
10. Permit or allow any live person to appear in any licensed premises in a state of nudity, as herein defined, to provide entertainment, to provide service, to act as hostess, manager or owner, or to serve as an employee in any capacity; or to permit or allow any live person to remain in or upon any licensed premises in a state of nudity, as herein defined.

For the purposes of this paragraph, the term "nudity" means the showing of the human male or female genitals, pubic area or buttocks, or the human female breast including the nipple or any portion below the nipple with less than full opaque covering.

(Ord. No. 6089, § 1, 7-12-2010; Ord. No. 6327, § 1, 4-23-2018)

Editor's note— Ord. No. 6089, § 1, adopted July 12, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 4914, § 8, 1989.

3.08.192 Signage Requirements

The person or club holding a liquor license shall post signage as follows:

1. In a conspicuous place at all exits informing patrons that it is a simple misdemeanor to leave the establishment with an open container of alcohol.
2. In all outdoor areas that are a part of a liquor license premises, a sign shall be posted in a conspicuous place that identifies the exception in CBMC 3.08.045 that the outdoor area is authorized under. It shall state the limited hours it may be used as part of the liquor license premises and inform the patrons of the establishment that it is a simple misdemeanor to consume in the area outside of these hours. It will list the other conditions set out in CBMC 3.08.045 for its use, and any that may have been added by the city council at the time the license including the outdoor area was approved.

(Ord. No. 6089, § 2, 7-12-2010)

3.08.195 Hours For Selling, Dispensing And Consumption Of Beer

The hours for selling, dispensing and consumption of beer or alcoholic beverage shall be as established by the state of Iowa.

(Ord. 4914 § 9, 1989)

3.08.200 Beer Brand Signs Prohibited

No signs or other matter advertising any brand of beer shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell beer at retail All such signs formerly erected shall be removed by the owner of same by July 1, 1974.

(Ord. 4034 § 2 (part), 1973)

3.08.210 Suspension And Revocation

Following notice and hearing, a liquor license or beer permit may be suspended for a period up to one year for violations of city ordinances, or suspended for a period up to one year for violations of law, and shall be suspended or revoked in accordance with the provisions of state law for any of the following causes:

1. Misrepresentation of any material fact in the application for such license or permit.
2. Violation of any of the provisions of the Iowa Beer and Liquor Control Act.

3. Any change in the ownership or interest in the business operated under a class "A," class "B" or class "C" liquor control license, or any beer permit which change was not previously reported to and approved by the city and the department.

4. An event which would have resulted in disqualification from receiving such license or permit when originally issued.

5. Any sale, hypothecation or transfer of such license or permit.

6. The failure or refusal on the part of any licensee or permittee to render any report or remit any taxes to the department under the state act.

(Ord. 4034 § 2 (part), 1973)

3.08.220 Effect Of Revocation

Any liquor control licensee or beer permittee whose license or permit is revoked under the Iowa Beer and Liquor Control Act shall not thereafter be permitted to hold a liquor control license or beer permit in the state of Iowa for a period of two years from the date of such revocation. The spouse and business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a liquor control license or beer permit, and no liquor control license or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two years from the date of such revocation. In the event a license or permit is revoked the premises which had been covered by such license or permit shall not be relicensed for one year.

(Ord. 4034 § 2 (part), 1973)

3.08.230 Appeal And Hearing

The right of appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose license or permit has been suspended or revoked. Any applicant who feels aggrieved by a decision of the director or city disapproving, suspending, or revoking issuance of a liquor control license or beer permit may, provided he or she has exercised his or her right of appeal to the hearing board as provided by state law, appeal from said decision, within ten (10) days to the district court of the county wherein the premises covered by the application are situated. The city may appeal a decision of the hearing board within ten (10) days to the district court of the county wherein the premises covered by the application are situated.

(Ord. 4034 § 2 (part), 1973)

3.08.270 Penalties

1. Any person who violates any of the provisions of this chapter shall be subject to a fine of not to exceed one hundred dollars ($100.00) or to imprisonment for not more than thirty (30) days.

2. The conviction of any liquor control licensee or beer permittee for a violation of any of the provisions of paragraphs A to F inclusive and CBMC 3.08.190 Paragraph I shall, subject to paragraph C of this section, be grounds for the suspension or revocation of the license or permit by the department or the city. However, if any liquor control licensee is convicted of any

violation of subsection (02), paragraphs (a), (d) or (e) of Section 49 or any beer permittee is convicted of a violation of subsection (02), paragraph (a) of said section of the Iowa Beer and Liquor Control Act, the liquor control license or beer permit shall be revoked and shall immediately be surrendered by the holder, and the bond of the license or permit holder shall be forfeited to the Department of Beer and Liquor Control.

3. If any licensee, beer permittee or employee of such licensee or permittee shall be convicted of a violation of CBMC 3.08.190 Paragraph E, or a retail beer permittee shall be convicted of a violation of paragraph F of said section, the city shall, in addition to the other penalties fixed for such violation by this section, assess a penalty as follows:

    1. Upon a first conviction, the violator's liquor control license or beer permit shall be suspended for a period of fourteen days.

    2. Upon a second conviction within a period of two years, the violator's liquor control license or beer permit shall be suspended for a period of thirty (30) days.

    3. Upon a third conviction within a period of five years, the violator's liquor control license or beer permit shall be suspended for a period of sixty (60) days.

    4. Upon a fourth conviction within a period of five years, the violator's liquor control license or beer permit shall be revoked.

(Ord. 4098 § 2, 1975; Ord. 4034 § 2 (part), 1973)

~~**Chapter 3.11 - HANDBILLS**~~

~~3.11.010 Posting Or Attaching Unlawful Without Consent~~
~~3.11.020 Unlawful Distribution And Attachment - Exceptions~~
~~3.11.030 Distributor's Permit Required - Fee~~
~~3.11.040 Distribution Incidental To Business - Permit Fee - Exceptions~~
~~3.11.050 Distribution By Local Merchants~~
~~3.11.060 Litter Receptacles - Contract Holders Expected~~
~~3.11.070 Penalty For Violations~~

~~**3.11.010 Posting Or Attaching Unlawful Without Consent**~~

~~It shall be unlawful for any person to paste, post, print, nail or otherwise fasten any handbill, sign, poster, advertisement or notice of any kind whatsoever, or cause the same to be done, on any curbstone, flagstone, or any portion or part of any sidewalk or street or upon any tree, lamp post, telegraph pole, telephone pole, hydrant, bridge, pier, fence or fence post, or upon any structure located within or upon any public property within the City of Council Bluffs, Iowa, without the express consent of the city authorities, and it shall be unlawful for any person to paste, post, print, nail or otherwise fasten any handbill, sign, poster, advertisement or notice of any kind or to cause the same to be done on any private property, wall, window, door, gate, fence, advertising board or sign board or on any other structure or building situated on private property unless such person is the owner thereof, without the consent in writing of the owner of such property, wall, window, door, gate, fence, advertising board or sign board or building or structure; provided, however, that the foregoing shall not be construed as~~

being applicable to the posting of legal notices by duly constituted public officers while engaged in the performance of a public duty and in the manner and places prescribed by law.

(Ord. 3677 § 1; November 4, 1963)

3.11.020 Unlawful Distribution And Attachment - Exceptions

It shall be unlawful for any person, firm or corporation, to circulate, distribute, scatter or place or to cause to be circulated, distributed, scattered or placed on or in any of the city's public streets, alleys, sidewalks, public grounds and places, or in or on automobiles or other vehicles private or public and which may be parked on the city's public streets, alleys or parking lots or on any private lot within the city, or to post, fasten or attach or to cause to be posted, fastened or attached to any property located upon such public streets, alleys, sidewalks, public grounds and places, any printed, mimeographed, lithographed, multi-graphed, photographed, or written dodgers, handbills, posters, circulars, cards or other advertising matter of any type or kind, or to scatter or cause to be scattered about on any private property or grounds in the city of Council Bluffs, Iowa, any dodgers, handbills, circulars, cards or posters, without first having secured the written consent of the owner or person in charge thereof and it shall also be unlawful for any person, firm or corporation to throw, leave, or deposit, or to cause to be thrown, left or deposited in or upon any private yard, porch, doorway, or other place on private property, any handbills, circulars, cards, pamphlets, shopping news or any other advertising matter of any kind of nature, including so-called shopping news, unless same shall be placed in either a receptacle or container provided for such purpose, or unless same shall be fastened or attached to such private yard, porch, doorway or other place upon said private property with a suitable device such as a rubber band, clip or tack and done in such a manner so as not to mar, deface or destroy the property upon which same shall be emplaced, and in all events in such a manner as to prevent such advertising matter from being blown about or littering any street, alley, or property, public and private, located within said city; provided, however, that such advertising matter shall not be placed or caused to be placed in the private receptacle designated for the receipt of United States Mail; and provided further that the requirements set forth herein shall not be applicable to any newspaper or other publication issued at regular intervals for which a subscription charge is made and collected and other printing news of a general nature keeping advertising space open therein and with general advertising matter therein contained.

(Ord. 3677 § 1, 1963)

3.11.030 Distributor's Permit Required - Fee

Any person, firm or corporation who follows the calling, trade, profession and occupation and engages in the business of distributing handbills, circulars, cards, pamphlets or other advertising matter, shall be required to secure a Solicitors permit so to do and the fee for such permit shall be twenty-five dollars ($25.00) per year for each person acting as a principal therein.

(Ord. 3677 § 1, 1963)

3.11.040 Distribution Incidental To Business - Permit Fee - Exceptions

Any person, firm or corporation who shall distribute handbills, circulars, cards, pamphlets or other advertising matter, as an incident to the conduct of his or her business or profession but who does not

~~follow the calling, trade, profession, occupation and business of an advertising distributor, shall be required to secure a permit so to do and the fee therefore shall be five dollars per year; provided, however, that the requirements contained herein shall not be applicable to public or charitable enterprises or entertainments where private gain or profit is not sought.~~

~~(Ord. 3677 § 1, 1963)~~

~~3.11.050 Distribution By Local Merchants~~

~~The provisions set forth in this chapter shall not prevent any local merchant with a permanent place of business within the city of Council Bluffs, Iowa, from distributing his or her own handbills or advertisements, and said merchant shall not be required to secure a permit for the distribution of his or her own advertising material, as elsewhere provided in this chapter.~~

~~(Ord. 3677 § 1, 1963)~~

~~3.11.060 Litter Receptacles - Contract Holders Expected~~

~~The provisions of this chapter relative to the posting of advertising material on the city's public streets, sidewalks, or other public places within the city shall not be applicable to any person, firm or corporation who has entered into a written contract with the city of Council Bluffs, Iowa, wherein said person, firm or corporation is permitted the right to install and maintain litterbug receptacles and to inscribe or place advertising material on the sides of said receptacles, subject to the terms and conditions set forth in said contract.~~

~~(Ord. 3677 § 1, 1963)~~

~~3.11.070 Penalty For Violations~~

~~Any person, firm or corporation who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than five dollars or be imprisoned for a term not to exceed thirty (30) days, and such conviction shall subject such person, firm or corporation to the revocation of the permit hereinbefore required.~~

~~(Ord. 3677 § 1, 1963)~~

Chapter 3.12 - ALARM SYSTEMS

3.12.010 Definitions - Alarm Systems
3.12.020 Alarm Systems - Compliance With Chapter
3.12.030 Alarm System Registration Required
3.12.040 Registration Application Fee - Termination And Renewal
3.12.050 Current Information, Term Of Registration And Renewal
3.12.060 Maintenance Of Alarm Systems
3.12.070 Required Information For PCCC Notification
3.12.080 False Alarm Fees
3.12.090 Suspension Or Revocation Of License Or Permit
3.12.100 Appeal Procedure
3.12.110 Notices

3.12.120 Penalty

3.12.010 Definitions - Alarm Systems

As used in this chapter, unless the context otherwise requires:

Alarm business: Any person (i) who installs alarm systems, other than a principal, or (ii) who, pursuant to an agreement with a principal, communicates the presence of an emergency which is sounded or signaled by an alarm system, to the Pottawattamie County Communications Center ("PCCC") in any manner or by any means.

Alarm system: Any device (other than a device installed upon premises occupied by the city) to detect, deter, sound, prevent or signal an intrusion or other criminal activity, fire, rescue or other emergency situation (collectively "emergency") which, when activated, employs the use of:

1. An audible annunciator; or
2. A visual signal or other means to alert the PCCC of an emergency, whether directly or indirectly.

Audible annunciator: Part of an alarm system which, when activated, sounds or signals an emergency by means of a bell, siren, buzzer or similar sound-producing device which is audible at a distance of fifty (50) feet from the protected premises.

Coordinator: The mayor of the city of Council Bluffs, Iowa, or his/her designee authorized to perform such duties imposed by this chapter.

False alarm: Any alarm that is activated on purpose or by accident, or by system malfunction when there is no intrusion, fire, smoke or medical emergency. The city shall have full authority and discretion to determine those situations and/or circumstances that may constitute a false alarm, but which are not set forth below.

1. Error or Mistake. Any action by any person, firm, corporation or other entity owning or operating any dwelling, building or place, or any action of an agent or employee thereof, which results in the activation of any alarm system when no emergency exists.
2. Malfunction. Any unintentional activation of any alarm system caused by a mechanical malfunction, flaw in design, installation or maintenance of the system. Any activation caused by extraordinary violent conditions of nature, such as tornadoes, floods or earthquakes, shall not be considered a malfunction.
3. Intentional Misuse. Any intentional activation of an alarm system when no burglary, hold-up, fire or other emergency exists or is in progress.
4. Alarms that are cancelled by the alarm company before the responding police officer arrives at the scene shall not be classified as a false alarm. However, with the exception of fire alarms, if an alarm has been cancelled three times during the same thirty (30) day period, the fourth alarm shall constitute a false alarm.

Principal: The person, firm, partnership, association, corporation, company or organization whose premises are or will be protected by an alarm system. If the premises are leased, the principal shall be

the person in possession or control of the protected premises, unless more than one tenant is served by a single alarm system, in which event, "principal" means the owner of the protected premises.

Protected premises: The area which is or will be covered by an alarm system.

(Ord. 5760 § 2 (part), 2003)

3.12.020 Alarm Systems - Compliance With Chapter

It shall be unlawful for any person to install, use, or maintain an alarm system in violation of any of the requirements of this chapter.

(Ord. 5760 § 2 (part), 2003)

3.12.030 Alarm System Registration Required

Any alarm system installed on protected premises shall be registered with the police as set forth below:

1. Existing Alarm Systems. Any alarm system which has been installed as of the effective date of this chapter shall be registered by the principal within sixty (60) days of such effective date.
2. New Alarm Systems. Any new alarm system installed after the effective date of this chapter shall be registered by the alarm business within ten (10) days following installation. Annual registration of the alarm system is the responsibility of the principal.

(Ord. 5760 § 2 (part), 2003)

3.12.040 Registration Application Fee - Termination And Renewal

1. The city, or its designee, shall register each alarm system installed on protected premises upon receipt from the registering principal of the following information on forms provided for that purpose:
    1. The name, address and telephone number of the principal;
    2. The type of premises (e.g., home, office, variety store, etc.) and the name of any business operating in the protected premises by which the protected premises is known;
    3. The address of the protected premises. If the protected premises is in a residential, commercial or industrial complex (e.g., office building, apartment house, shopping center, etc.), the address shall include the name, if any, by which the complex is commonly known;
    4. The names, addresses and telephone numbers including home phone numbers, of at least three natural persons and, if applicable, an alarm business who have access to the protected premises and who may be notified in the event the alarm is activated; and
    5. Certification by the principal that the principal's immediate family, tenants or employees (as appropriate under the circumstances) who have access to the protected premises have been given training which include procedures and practices to avoid false alarms and steps to follow in the event the alarm system is accidentally activated.

2. Along with a registration application, the alarm business or principal shall remit a registration fee in the amount of twenty-five dollars ($25.00), payable to the city, and, if applicable, a late charge of twenty-five dollars ($25.00).

3. The city or designee shall register the alarm system by issuing to the principal a permit bearing the name of the principal, the address of the protected premises, and an identification number, and setting forth the expiration date of the registration. The registration of any alarm system shall not obligate the city or PCCC to respond or accord any priority to any emergency.

4. The term of any registration shall expire upon the earlier of: (i) twelve (12) calendar months from the date of issuance, or (ii) whenever there is a change of the principal.

5. Registration shall be renewed by the principal at least ten (10) days prior to the expiration of each term by registering with the city or its designee in the same manner as provided in paragraph A of this section.

(Ord. 5760 § 2 (part), 2003)

3.12.050 Current Information, Term Of Registration And Renewal

Within ten (10) days following any change of circumstances, the principal shall supplement or amend all information which was provided to the police department at the time of registration. No additional fee shall be due unless the change has terminated the registration as provided in CBMC 3.12.040 Paragraph D,2.

(Ord. 5760 § 2 (part), 2003)

3.12.060 Maintenance Of Alarm Systems

1. The principal shall, at all times, be responsible for the proper maintenance and repair of the alarm system, including the repair or replacement of any component or design feature.

2. Each alarm system shall be maintained so that each audible annunciator will automatically silence within fifteen (15) minutes after being activated, and will not be reactivated unless a new emergency occurs.

3. An alarm system incorporating an audible annunciator shall not be tested between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.

(Ord. 5760 § 2 (part), 2003)

3.12.070 Required Information For PCCC Notification

Any alarm business communicating the presence of an emergency to the PCCC shall provide the following information:

1. The name of the principal, the address of the protected premises, the type of premises (home, office, etc.) and the business name, if any, by which the premises are known. Such information shall be repeated a second time at the end of the message;

2. The name and telephone number of the principal, business, or its agent having ready access to the protected premises; and

3. The apparent nature or type of an emergency indicated, e.g., burglary in progress, robbery, fire, rescue or other emergency.

(Ord. 5760 § 2 (part), 2003)

3.12.080 False Alarm Fees

1. The principal shall pay a fee to the city for such false alarm, except fire alarms, within thirty (30) days of invoice in accordance with the schedule of fees as outlined in CMBC 2.08. Failure to make full payment within thirty (30) days of the invoice shall result in a late fee in accordance with the schedule of fees as outlined in CMBC 2.08..

(Ord. 5760 § 2 (part), 2003)

3.12.090 Suspension Or Revocation Of License Or Permit

1. The following shall constitute grounds for suspension and/or revocation of a license or permit:
    1. The violation of any of the provisions of this chapter;
    2. When an alarm system is knowingly activated by a licensee, permit holder, owner or employee or agent of the parties, in a situation where no burglary, fire intrusion, robbery, medical emergency or other emergency is actually in progress;
    3. When the licensee, permit holder, owner or an employee or agent of the parties has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license or any report or record required to be filed with the city; or
    4. Failure to pay applicable fees.
2. The city or designee, in the case of suspension, shall serve the permit holder with a written order of suspension stating the reasons for the suspension. The order shall be effective immediately if personally served, or seventy-two (72) hours after the order of suspension has been deposited by ordinary mail, postage prepaid, in the U.S. mail to the address provided on the permit. When an order becomes effective, the permit holder shall immediately discontinue the use of any alarm system requiring a permit under this chapter, and cease all operations conducted under the authority of any permit, unless such alarm is mandated or required as a matter of federal, state or local law and cannot be disconnected. If the owner or operator of such alarm system continues to maintain the use of the alarm, for each "false alarm" as defined in CBMC 3.12.010, the owner or operator of the alarm shall be charged a fee per response according to the provisions contained in CBMC 3.12.080.
3. A suspension shall become a revocation thirty (30) days after the order of suspension becomes effective unless the permit holder files an appeal of the order of suspension in the manner as hereinafter set forth in this chapter. When an appeal is filed, the order of suspension shall be stayed pending final determination of the appeal. The suspension shall become a revocation if the decision of the hearing officer upholds the suspension, unless the decision is ultimately

overruled by the city council pursuant to CBMC 3.12.100. The suspension shall be dissolved immediately if the decision of the hearing officer reverses the suspension. If the hearing officer and/or city council concur in the suspension and at least fifteen (15) days have elapsed since notification to the licensee of the suspension, the suspension shall be deemed a revocation of the permit.

4. If any permit is revoked pursuant to this chapter, the permit holder shall immediately surrender the permit to the city clerk.

5. Whenever an alarm system which is under suspension, revocation or renewal has been repaired so as to be capable of functioning properly, and the city has received from an alarm company written certification to such effect, the city may recommend reinstatement of the alarm permit, and the permit shall then be issued or reinstated.

6. Any permit holder aggrieved by the decision of the city shall have the right of appeal regarding a denial of an application for a permit or renewal thereof; or for any penalty assessed or any order of suspension issued. The appeal will follow the process set forth in CBMC 3.12.100.

(Ord. 5760 § 2 (part), 2003)

3.12.100 Appeal Procedure

An alarm system owner who receives a notice of a false alarm and believes that notice was improperly issued may appeal the notice to the city attorney's office within thirty (30) days of receiving the notice. A designated hearing officer may make a determination on the information contained in the appeal form or schedule a hearing, if necessary. The hearing officer may determine the false alarm should be chargeable or non-chargeable against the alarm system owner. If the false alarm is determined to be chargeable, the penalty, if any, shall be paid in full within thirty (30) days of the date of the decision of the appeal. Any alarm system owner wishing to appeal the decision of the hearing officer may appeal that decision in writing to the Council Bluffs city council within ten (10) days of the hearing officer's decision. Any further appeals shall be to the Iowa District Court of Pottawattarnie County.

(Ord. 5760 § 2 (part), 2003)

3.12.110 Notices

1. Notice or billing from the city to any alarm system registration holder shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage prepaid, addressed to the registration holder at the address shown in the city's registration records. A certificate signed by the person who mailed the notice or billing shall be prima facie evidence of the facts stated therein with respect to such notice or billing.

2. Notice to the city or payment under this section shall be effective when received by the appropriate city office or designee.

(Ord. 5760 § 2 (part), 2003)

3.12.120 Penalty

Failure to register or pay fees as set out in this chapter shall be deemed a simple misdemeanor. Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95, in lieu of criminal prosecution.

(Ord. 5760 § 2 (part), 2003)

~~Chapter 3.14 - PUBLIC ENTERTAINMENT~~

~~3.14.010 License Required - Fees~~
~~3.14.020 Carnivals And Similar Exhibitions - Application - Council Authority~~
~~3.14.030 Carnivals And Similar Exhibitions - Expense Of Policing - Payment And Deposit~~
~~3.14.040 Penalty For Violation Of CBMC 3.14.030~~
~~3.14.050 Temporary Structures - Condition Of Premises - Guaranty Deposit~~
~~3.14.060 Temporary Structures - Inspection Of Premises Upon Removal - Amount Of Deposit Refund~~
~~3.14.070 Temporary Structures - Expenses Deducted From Deposit When Premises Cleaned By City~~
~~*Obstructing entry of police officers — See CBMC 8.56.045.~~

~~3.14.010 License Required - Fees~~

~~No person shall give a public entertainment for gain or profit, without a license from the city, and the charge for such license shall be as follows:~~

1. ~~Menagerie or circus, or two combined, with or without sideshow, twenty-five dollars ($25.00) to one hundred and fifty dollars ($150.00), in the discretion of the city manager, for each day such show be exhibited. Such license shall include street parades.~~

2. ~~Other shows: Any show other than a menagerie or circus, twenty-five dollars ($25.00) per day.~~

3. ~~Street exhibition, ten dollars ($10.00) per day.~~

4. ~~Theatricals: For each theatrical performance, the sum of five dollars; for six performances, eighteen dollars ($18.00); for twelve (12) performances, twenty-four dollars ($24.00); for twenty-four (24) performances, thirty dollars ($30.00); provided, that no theatrical license shall extend beyond one month from the date thereof (when the same is not in a licensed hall of the city). For each theatrical performance held or given in any tent or other temporary structure or upon any vacant lot or ground, for each day or fraction thereof, fifteen dollars ($15.00).~~

5. ~~Museum: For a museum of natural and artificial curiosities, paintings and works of art, not accompanied by theatrical representations, ten dollars ($10.00) per month (when the same is not in a licensed hall in the city).~~

6. ~~For every other exhibition, concert or performance for profit, not given by residents of the city, the sum of five dollars (when the same is not in a licensed hall of the city).~~

7. No license shall be required for any entertainment given by the citizens of this city, when the same shall not be for gain or profit to the persons giving such entertainment.

(Ord. 2146 § 5, 1912)

3.14.020 Carnivals And Similar Exhibitions - Application - Council Authority

All carnivals or shows or exhibitions of like nature desiring to stand, show or perform in the city of Council Bluffs, Iowa, shall first make application so to do to the city council. The city council shall consider such application and authorize the city clerk to issue or not to issue a license to the carnival or show or exhibition of like nature to stand, show or perform, and no such license shall be granted except by a majority vote of the city council.

(Ord. 2846 § 1, 1930)

3.14.030 Carnivals And Similar Exhibitions - Expense Of Policing - Payment And Deposit

All carnivals or shows or exhibitions of like nature shall pay to the city of Council Bluffs, the cost and expense of policing such carnivals or shows or exhibitions and prior to the issuance of any license to any carnival or show or exhibition of like nature to stand or show in Council Bluffs, such carnival or show or exhibition of like nature shall sign an agreement to pay the expense of all special police officers which, at the discretion of the chief of police, may be necessary or advisable to use in the policing of said carnival or show or exhibition of like nature and shall deposit with the city clerk an initial sum of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) at the discretion of the city manager to apply on such expense.

(Ord. 2836 § 1, 1930)

3.14.040 Penalty For Violation Of CBMC 3.14.030

Any person or persons violating any of the provisions of CBMC 3.14.030 shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed one hundred dollars ($100.00).

(Ord. 2836 § 2, 1930)

3.14.050 Temporary Structures - Condition Of Premises - Guaranty Deposit

At the time the city clerk shall issue any license to any circuit, menagerie, show or other exhibition to be given in tents or other temporary enclosure or structure in the city of Council Bluffs, Iowa, the clerk shall require the licensee to deposit with him or her the sum of fifty dollars ($50.00) as a guaranty that the premises and surrounding streets occupied by the licensee shall be left in a clean and sanitary condition.

(Ord. 2652 § 1, 1925)

3.14.060 Temporary Structures - Inspection Of Premises Upon Removal - Amount Of Deposit Refund

Upon the removal of the licensee from the premises occupied, the clerk shall direct the city engineer to make an inspection of such premises, and if the same are left in a clean and sanitary condition, the clerk shall refund to said licensee the sum of forty-eight dollars ($48.00), retaining the balance to reimburse the city for the expense of making such examination.

~~(Ord. 2652 § 2, 1925)~~

~~**3.14.070 Temporary Structures - Expenses Deducted From Deposit When Premises Cleaned By City**~~

~~In the event such examination shows a breach of such guaranty, the city engineer shall direct the cleaning of such premises and surrounding streets, keeping an accurate record of the cost of such work and shall thereafter render the clerk a statement of such expense, including a fee of five dollars for such superintendence and the clerk shall deduct from such deposit the amount thereof and refund the balance to said licensee.~~

~~(Ord. 2652 § 3, 1925)~~

Chapter 3.15 - ADULT ENTERTAINMENT BUSINESS - LICENSE REQUIRED

3.15.010 Definitions - Adult Entertainment Business
3.15.020 License
3.15.030 Display Of License
3.15.040 License Term
3.15.050 License Renewal
3.15.060 Exception
3.15.070 Application For Adult Entertainment Business License - Contents, Renewals, Required Fees
3.15.080 Prohibited Activities Of Adult Entertainment Business
3.15.090 Escorts/Models - Permit Required
3.15.100 Term Of Permit
3.15.110 Permit Renewal
3.15.120 Permit Identification Card
3.15.130 Permit Renewal Application
3.15.140 Unlawful Acts
3.15.150 Sign Required
3.15.160 Sale Or Transfer
3.15.170 Change Of Location Or Name
3.15.180 Suspension Or Revocation Of A License Or Permit
3.15.190 Conducting As A Nuisance
3.15.200 Penalty

3.15.010 Definitions - Adult Entertainment Business

For the purposes of this chapter, the definitions listed in CBMC 15.03 are adopted by reference and in addition, the following words, terms and phrases shall be deemed to have the following meanings:

Introductory service: A service offered or performed by any person for consideration, the principal purpose of which is to aid persons to become socially acquainted or to otherwise assist persons to meet for social purposes, or which service is generally known or should be known by the offering or performing party to be used by the recipients thereof for the purpose of obtaining information about other persons to be used for social purposes and which involves sessions or other activities where materials distinguished or characterized by an emphasis on matter depicting, describing or relating to

specified sexual activities or specified anatomical areas are provided for observation by or communications to the persons paying such consideration or where models are used.

Nude or seminude: A state of dress in which any specified anatomical area is displayed.

Specified anatomical areas: Any of the following:

1. Less than completely opaquely covered pubic hair, pubes, perineum, anus or buttocks of a male or female; less than completely and opaquely covered female nipple, areola or breast below a point of immediately above the top of the areola, except as is necessary in the feeding of an infant; and

2. Male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified sexual activities: Any of the following:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts or representations of acts of human masturbation, sexual intercourse, sodomy, bestiality, oral copulation or flagellation;

3. Fondling or erotic touching of human genitals, pubic region, buttock or female breast;

4. Excretory functions as part of or in connection with any of the activities set forth in paragraph G,1 through G,4 above.

(Ord. 5104 § 1 (part), 1992)

3.15.020 License

It is unlawful for any person to engage in, conduct or carry on, in or upon any premises or real property located or situated within the city, the activities of an adult entertainment business or adult entertainment activities as set out in CBMC 15.03.024, unless there has been granted to such person a valid license, pursuant to the provisions of this chapter. A separate license shall be required for each location within the city at which an adult entertainment business it to be established.

(Ord. 5121 § 1, 1993)

3.15.030 Display Of License

Every adult entertainment business shall display a valid license in a conspicuous place within the business so that the same may be readily seen by persons entering the premises.

(Ord. 5104 § 1 (part), 1992)

3.15.040 License Term

The term of an adult entertainment business license shall be for a period of one year; provided, however, that all licenses shall expire on June 30th of each year unless sooner suspended or revoked.

(Ord. 5104 § 1 (part), 1992)

3.15.050 License Renewal

An adult entertainment business license, issued pursuant to the provisions of this chapter, which has not been suspended or revoked, may be renewed for a period not to exceed one year upon written application to the city clerk made ~~at least thirty (30) days~~ prior to the expiration date of the current valid license. The application of renewal of a license shall contain all of the information required by CBMC 3.15.070 and shall be processed in accordance with the provisions of this chapter.

(Ord. 5104 § 1 (part), 1992)

3.15.060 Exception

The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to a person in the lawful business of:

1. An employment agency licensed under the laws of the state of Iowa;
2. To the state of Iowa or any of its political subdivisions;
3. To any private school as defined in Iowa Code § 261A.4;
4. To a person who, as a part of his or her regular employment duties for a business enterprise that is not an adult entertainment business, occasionally escorts people for or on behalf of the business enterprise.

(Ord. 5104 § 1 (part), 1992)

3.15.070 Application For Adult Entertainment Business License - Contents, Renewals, Required Fees

1. Any person desiring to obtain a license, or renew an existing license, to operate an adult entertainment business, shall make application to the city clerk. Prior to submitting such application for a license, or renewal of a license, a nonrefundable fee ~~of two hundred fifty dollars ($250.00)~~ as listed in the schedule of fees in CMBC 2.08 shall be paid to the city clerk to defray the cost of the investigation and report required by this chapter. The city clerk shall issue a receipt showing that such application or renewal fee has been paid. License issuance or renewal fees required under this chapter shall be in addition to any license, permit or fee required under any other chapter of this code.
2. Neither the filing of an application for a license or renewal thereof, nor payment of an application or renewal fee, shall authorize the conducting of an adult entertainment business until such license has been granted or renewed.
3. Each applicant for an adult entertainment business license or renewal shall furnish the following information:
    1. The present or proposed address where the business is to be conducted;
    2. The full true name under which the business will be conducted;
    3. The full true name and any other names used by the applicant~~, date of birth and social security number~~;

4. The present residence and business addresses, ~~and~~ telephone numbers and email of the applicant;

5. Acceptable written proof that the applicant, manager or other person principally in charge of the operation of the business is at least eighteen years of age;

6. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation, and the names, residence addresses, ~~dates of birth and social security numbers~~ of each of its current officers and directors. If the applicant is a partnership, the applicant shall set forth the names, residence addresses, ~~dates of birth and social security numbers~~ of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this paragraph pertaining to corporations shall apply. The corporation or partnership applicant shall designate one of its officers or general partners to act as its responsible managing officer. The designated person shall complete and sign all application forms required of an individual applicant under this chapter, but only one application fee shall be charged;

7. In the event the applicant is not the owner of record of the real property upon which the adult entertainment business is or is to be located, the application must be accompanied by a notarized statement from the owner of record of the property acknowledging that an adult entertainment business is or will be located on the property. In addition to furnishing such notarized statement, the applicant shall furnish the name and address of the owner of record of the property, as well as a copy of the lease or rental agreement pertaining to the premises in which the adult entertainment business is or will be located;

~~8. A full and detailed definition of the service to be provided;~~ (Not something we obtain today)

9. The applicant's business, occupation or employment history for the three-year period immediately preceding the date of filing the application. If the applicant is a corporation or partnership, the applicant shall supply this information for each officer, director or partner;

10. The permit history of the applicant, or in the case of a corporation or partnership, of each director, officer, or partner, for the five-year period immediately preceding the date of filing the application, including whether the applicant has ever had a similar license issued by this or any other city, county, state or agency, and whether that license has been suspended or revoked;

11. All criminal convictions and civil infraction violations of the applicant or each corporate director, officer, or partner, excluding simple misdemeanor traffic offenses, including the date, place, nature and sentence of each conviction or infraction; and

12. Such other identification and/or information as the city clerk may require in order to discover the truth of the matters required to be set forth in the application.

4. ~~When any change occurs regarding the written information required by paragraph C of this section to be included in the application, the applicant or license holder, as the case may be, shall give written notification of such change to the city clerk within twenty-four hours after such change.~~ (Not something we obtain today)

5. The city clerk shall refer the application to the chief of police or designee, ~~health department~~, fire department, ~~building division~~, and planning department. These officials shall recommend to the clerk whether or not to grant or renew the license.

6. The city clerk, within thirty (30) days after receiving the application, shall grant the license or renewal license only if the clerk finds that all of the following requirements have been met:

    1. The required fees have been paid;

    2. The application and location conforms in all respects to the provisions of this chapter and other applicable provisions of the city and state codes;

    3. The applicant has not knowingly made a material misrepresentation of fact in the application;

    4. The applicant has fully cooperated in the investigation of the application; and

    5. The applicant, manager or other person principally in charge of the operation of the business is at least eighteen years of age.

7. If the city clerk does not find that all of the requirements set forth in paragraphs F,1 through F,5 of this section have been met, the clerk shall deny the application for the license or renewal thereof. In the event the application for the license or renewal is denied by the city clerk, written notice of the denial shall be given to the applicant, specifying the ground or grounds of such denial. Notice of denial of the application for the license or renewal shall be deemed to have been served if it in fact is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant at the residence address set forth in the application for the permit or renewal thereof. Any applicant whose application for an adult entertainment business license or renewal has been denied by the city clerk, may appeal such denial to the city council within twenty (20) days of such denial. Applicants may seek prompt judicial review of this administrative action in any court of competent jurisdiction.

(Ord. 5241 § 1, 1995)

3.15.080 Prohibited Activities Of Adult Entertainment Business

1. No holder of an adult entertainment business license shall employ any person under eighteen years of age.

2. No holder of an adult entertainment business license shall furnish any merchandise or services to any person who is under eighteen years of age, except that escort services may be provided at the special instance and request of a parent, guardian or other person in lawful custody of the person upon whose behalf the escort service is engaged.

3. No adult entertainment business shall be conducted in any manner that permits the observation of model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use.

4. No holder of an adult entertainment business license or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by this code or any laws of the state or the United States.

5. ~~No adult entertainment business shall employ escorts or models who do not possess a permit as required by CBMC 3.15.090~~.

6. No part of the interior of the adult entertainment business shall be visible from the outside of the premises.

(Ord. 5104 § 1 (part), 1992)

~~**3.15.090 Escorts/Models - Permit Required**~~

~~It shall be unlawful for any person to act as an escort/model unless there has been granted to such person a valid permit, pursuant to the provisions of this chapter. Such permit shall be issued to the address of the employer of the escort/model, who must in turn also hold a valid adult entertainment business license issued by the city pursuant to the provisions of this chapter. Upon request, the city clerk may issue a new card whenever the escort/model changes employers.~~

~~(Ord. 5104 § 1 (part), 1992)~~

~~**3.15.100 Term Of Permit**~~

~~The term of an escort/model permit shall be for a period of one year; provided, however, that all licenses shall expire on June 30th of each year unless sooner suspended or revoked.~~

~~(Ord. 5104 § 1 (part), 1992)~~

~~**3.15.110 Permit Renewal**~~

~~An escort/model permit, issued pursuant to the provisions of this chapter, which has not been suspended or revoked, may be renewed for a period of one year upon written application to the city clerk made at least sixty days prior to the expiration date of the current valid permit.~~

~~The application for renewal of a permit shall contain all of the information required in CBMC 3.15.130 and shall be processed in accordance with the provisions of this chapter.~~

~~(Ord. 5104 § 1 (part), 1992)~~

~~**3.15.120 Permit Identification Card**~~

~~Each escort/model permit holder shall be issued an identification card which will also serve as an escort model permit. The permit holder shall carry such card upon his or her person when acting as an escort/model and produce the same for inspection upon request. Each permit holder shall immediately~~

surrender, to the city clerk, any escort/model permit issued by the city upon the suspension, revocation or expiration of such permit, or upon leaving employment as an escort/model. A valid permit may be transferred to the premises of a new employer upon payment of a ten dollar ($10.00) transfer fee.

(Ord. 5104 § 1 (part), 1992)

3.15.130 Permit Renewal Application

1. Any person desiring to obtain a permit or renewal of an existing permit, to act as an escort/model, shall make application to the city clerk. Prior to submitting such application for a permit or renewal of a permit, a nonrefundable fee of two hundred fifty dollars ($250.00) shall be paid to the city clerk to defray, in part, the cost of the investigation and report required by this chapter. The city clerk shall issue a receipt showing that such permit application or renewal fee has been paid. Permit fees required under this chapter shall be in addition to any license, permit or fee required under any other chapter of the code.

2. Neither the filing of an application for a permit, or renewal thereof, nor the payment of an application or renewal fee, shall authorize a person to act as an escort/model until such permit has been granted or renewed.

3. Each applicant for an escort/model permit or renewal thereof, shall furnish the following information:

    1. The present or proposed address of the applicant's employer who has an adult entertainment business license;

    2. The full true name under which the business will be conducted;

    3. The full true name and any other names used by the applicant in the past three years;

    4. The present residence address and telephone numbers of the applicant;

    5. Each residence of the applicant for the three year period immediately preceding the date of filing of the application and the inclusive dates of each such address;

    6. Social security number of the applicant;

    7. Acceptable written proof that the applicant is at least eighteen (18) years of age;

    8. The applicant's height, weight, color of eyes and hair and date of birth;

    9. Two photographs of the applicant, at least two inches by two inches in size, taken within the six-month period immediately preceding the date of the filing of the application;

    10. The business, occupation or employment history of the applicant for the three-year period immediately preceding the date of the filing of the application;

    11. The permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant in previously operating in this or any other city, county, state or territory, has ever had any similar license or permit issued by such agency revoked or suspended, or has had any

professional or vocational license or permit revoked or suspended, and the reason or reasons therefor;

12. All criminal convictions suffered by the applicant, including chapter violations but excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature and sentence of each such conviction;

13. A certificate from a medical doctor licensed to practice in the state of Iowa, stating that the applicant has within thirty (30) days immediately preceding the date of the application been examined and found to be free of any contagious or communicable disease;

14. Satisfactory evidence that the applicant is employed or has been offered employment, by an adult entertainment business holding a valid license issued by the city including the name and address of the employer or prospective employer and the fact that such employment or continued employment is contingent upon the issuance of said permit; and

15. Such other identification and information as the city clerk may require in order to discover the truth of the matters required to be set forth in the application.

4. The application shall be referred to the chief of police for investigation and recommendation.

5. The chief of police shall have a reasonable period of time in which to investigate the application and background of the applicant.

6. The chief of police, within thirty (30) days after receiving the application, shall recommend granting the permit, or renewal thereof, only if he or she finds that all of the following requirements have been met:

1. The required fees have been paid;

2. The application conforms in all respects to the provisions of this chapter;

3. The applicant has not knowingly made a material misrepresentation of fact in the application;

4. The applicant has fully cooperated in the investigation of the application;

5. The applicant has furnished an acceptable medical certificate in compliance with paragraph C,13 of this section;

6. The applicant has not had an adult entertainment business or escort/model permit or other similar license or permit denied or suspended or revoked for cause by the city or any other city or county located in or out of this state within the past twelve (12) months immediately preceding the date of the filing of the application;

7. The applicant is at least eighteen years of age; and

8. The applicant has not in the past twenty-four months been convicted or pleaded guilty to a misdemeanor or felony crime of moral turpitude or a misdemeanor or felony crime involving sexual misconduct or any offenses involving pimping, pandering, prostitution or lewd conduct.

7. If the chief of police does not find that all of the requirements set forth in paragraph F of this section have been met, the chief shall recommend denial of the application for the permit or renewal thereof. In the event the application for the permit or renewal is denied by the city clerk, written notice of such denial shall be given to the applicant specifying the ground or grounds of such denial. Notice of denial of the application for the permit or renewal thereof shall be deemed to have been served if it in fact is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant and his or her address as set forth in the application for the permit or renewal thereof. Any applicant whose application for an escort/model permit, or renewal thereof, has been denied by the city clerk may appeal such denial to the city council within twenty (20) days of such denial. Applicants may seek prompt judicial review of this administrative action in any court of competent jurisdiction.

8. When any change occurs regarding the written information required by paragraph C of this section, the applicant or permit holder, as the case may be, shall give written notification of such change to the city clerk within twenty-four hours after such change.

(Ord. 5104 § 1 (part), 1992)

3.15.140 Unlawful Acts

It is unlawful for:

1. The holder of an escort/model permit to escort, offer to escort or perform any activity described in CBMC 3.15.010 definition Escort for any person under eighteen years of age, except that escort services may be provided at the special instance and request of the parent, guardian or other person in lawful custody of the person on whose behalf the escort or introductory service is engaged;

2. An escort or model to offer to sell any merchandise or perform any act or offer any services as described in CBMC 3.15.010 definitions Model and Introductory service upon any premises not licensed as an adult entertainment business;

3. Any person while upon any premises licensed as an adult entertainment business to place his or her hands upon or touch with any part of his or her body or fondle in any manner a sexual or genital part of any other person;

4. A patron while on the premises of an adult entertainment business to disrobe so as to become nude except in preparation for bathing or swimming and while actually bathing;

5. An escort to disrobe so as to become nude while performing any of the services listed in CBMC 3.15.010 definition Escort.

(Ord. 5104 § 1 (part), 1992)

~~3.15.150 Sign Required~~

~~The holder of an adult entertainment business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen years is allowed on the premises. The sign shall comply with the city's sign regulations. This section shall not be construed to prohibit the holder from establishing an older age limitation for coming on the premises.~~

~~(Ord. 5104 § 1 (part), 1992)~~

~~3.15.160 Sale Or Transfer~~

~~Upon the sale or transfer of any interest in an adult entertainment business, the license shall immediately become null and void. A new application shall be made by any person, firm or entity desiring to own or operate the adult entertainment business. A fee of two hundred fifty dollars ($250.00) shall be payable for each such application. Any application involving the sale or other transfer of any interest in an existing adult entertainment business, as well as any license which may thereafter be granted, shall be subject to the provisions of this chapter.~~

~~(Ord. 5104 § 1 (part), 1992)~~

~~3.15.170 Change Of Location Or Name~~

1. ~~A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate an "adult" use business under the authority of a permit and/or license at any place other than the address designated in the application.~~

2. ~~No license holder shall operate an adult entertainment business under any name or designation not specified in the license.~~

~~(Ord. 5104 § 1 (part), 1992)~~

~~3.15.180 Suspension Or Revocation Of A License Or Permit~~

~~If the city clerk finds that any person holding an adult entertainment business license under the provisions of this chapter has violated any of the provisions of this chapter, state or federal law or conducts such business in such a manner as would have been grounds for denial of a permit as set forth in CBMC 3.15.070 Paragraph G, or if the city clerk finds that any person holding an escort/model permit is engaging in behavior or actions which violate any of the provisions of this chapter, or any state or federal law or which would have been grounds for denial of a license or permit as set forth in CBMC 3.15.130 Paragraph F, the clerk may suspend or revoke the license or permit. No such suspension or revocation shall become effective until the permit or license holder has been notified in writing of the right of such license or permit holder to appeal the suspension or revocation to the city council within twenty (20) days of the date of notice of such suspension or revocation. Notification to the license or permit holder shall be made either by personal delivery or by certified or registered mail, return receipt requested, addressed to the license or permit holder at such license or permit holder's residence address as set forth on the application for a license or permit or renewal thereof. If a timely appeal is filed, the suspension or revocation shall be stayed and shall become effective only upon a final decision of the city council. Otherwise, the suspension or revocation shall become effective after the timely appeal period has expired.~~

(Ord. 5104 § 1 (part), 1992)

3.15.190 Conducting As A Nuisance

Any adult entertainment business which is declared to be a nuisance as defined in CBMC 1.97.030, is subject to the provisions of CBMC 8.54. The city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding and proceedings for the abatement, removal, or enjoyment thereof, in the manner provided by law. The city attorney shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishments and retrain and enjoin any person from operating, conducting, or maintaining an adult entertainment business contrary to the provisions of this chapter.

(Ord. 5430 § 1, 1998)

3.15.200 Penalty

Any person firm, partnership, corporation, or any legal entity found guilty of a violation of any of the provisions of this chapter shall upon conviction be subject to a fine not exceeding one hundred dollars ($100.00) or be imprisoned for a term not exceeding thirty (30) days. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. 5104 § 1 (part), 1992)

Not Something we have issued licenses for in over 15 years.

Chapter 3.20 - ENDURANCE CONTESTS

3.20.010 Hours - Permission Required
3.20.020 Penalty For Violation

3.20.010 Hours - Permission Required

No person, firm or corporation shall, within the city of Council Bluffs, operate, stage, exhibit, put on, engage in, or take part in any public show, theatrical production, exhibition, dance marathon, or walking marathon or endurance contest or any amusement or entertainment of whatsoever kind and nature, between the hours of twelve midnight and noon, unless written permission therefor is granted by the city manager.

(Ord. 2890 § 1, 1933)

3.20.020 Penalty For Violation

Any person, firm or corporation violating any of the provisions of this chapter shall be fined in any sum not exceeding one hundred dollars ($100.00) or by imprisonment not exceeding thirty (30) days.

(Ord. 2890 § 2, 1933)

Chapter 3.24 - GAMES AND AMUSEMENTS

3.24.010 Shooting Galleries - License Required - Fee
3.24.030 Horoscopic Views - License Required
3.24.040 Lung Testers - License Required - Fee
3.24.050 Skill Games - License Required - Fee
3.24.060 Games Of Chance - License Required - Fee

3.24.010 Shooting Galleries - License Required - Fee

No person shall carry on, or take part in carrying on, any pistol gallery or shooting gallery without license therefore from the city, and the charge for such license shall be ten dollars ($10.00) per month, or fifty dollars ($50.00) per annum.

(Ord. dated 7-3-1882 § 16)

3.24.030 Horoscopic Views - License Required

No person shall keep horoscopic views for gain or profit without a license therefor from the city, and the charge shall be five dollars per month.

(Ord. dated 7-3-1882 § 18)

3.24.040 Lung Testers - License Required - Fee

No person shall for gain or profit keep for use by others any lung tester or muscle developer without a license therefor from said city, and the charge for such license shall be five dollars per month.

(Ord. dated 7-3-1882 § 19)

3.24.050 Skill Games - License Required - Fee

Any person or persons who open up in the city any wheel of fortune, striking jack, ball throwing or any other game or exhibition for the purpose of exhibiting skill, in any building, street, alley or other place, without first having obtained from the city of Council Bluffs a license therefor, shall be guilty of a misdemeanor, and shall, on conviction, be fined in a sum not exceeding twenty dollars ($20.00), which fine shall be collected as is provided by law.

(Ord. dated 7-3-1882 § 89)

3.24.060 Games Of Chance - License Required - Fee

Any person or persons who wish to open or exhibit any game of chance for amusement or the exhibition of skill as named in this chapter, shall procure from the city a license therefor, which said license shall be issued by the city clerk signed by the city manager, for one month only, and the same shall be nontransferable or assignable, and shall be issued only on payment to the city clerk the sum of ten dollars ($10.00).

(Ord. dated 7-3-1882 § 90)

Not Something we have issued licenses for in over 15 years.

~~Chapter 3.31 - RUBBLE DUMPS~~

~~3.31.005 Purpose Of Chapter~~
~~3.31.010 Definitions - Rubble Dumps~~
~~3.31.015 Storage Of Rubble~~
~~3.31.025 License Required~~
~~3.31.030 Application For License~~
~~3.31.035 Application To Council~~
~~3.31.040 Hearing Required~~
~~3.31.045 Notice Of Hearing~~
~~3.31.050 Conduct Of Hearing~~
~~3.31.055 Action By Council~~
~~3.31.060 Recordation Of License~~
~~3.31.065 Fee~~
~~3.31.070 Bond~~
~~3.31.075 Manner Of Issuance~~
~~3.31.080 Regulations~~
~~3.31.085 Penalty For Violation~~
~~3.31.090 Suspension, Revocation Or Reinstatement Of License - Appeals~~
~~3.31.095 Duration And Renewal~~

~~3.31.005 Purpose Of Chapter~~

~~The purpose of this chapter is to provide for the controlled dumping of rubble within the city limits of Council Bluffs, Iowa.~~

~~(Ord. 4851 § 1 (part), 1988)~~

~~3.31.010 Definitions - Rubble Dumps~~

~~For the purpose(s) of this chapter, the following words, terms and phrases shall have the meanings set forth:~~

~~Rubble: Stone, brick or similar inorganic matter.~~

~~Rubble dump: Any land, premises or property used for the storage of rubble.~~

~~Storage of rubble: The placement or rubble on any parcel of ground for a period of fourteen days or more.~~

~~(Ord. 4851 § 1 (part), 1988)~~

~~3.31.015 Storage Of Rubble~~

~~It is unlawful to place or store rubble on any parcel of ground which is not licensed as a rubble dump.~~

~~(Ord. 4851 § 1 (part), 1988)~~

3.31.025 License Required

1. License Required. It is unlawful for any person to use any land, premises or property in the city for the storage of any rubble without first securing a license to do so from the city.

2. Exception. This chapter shall not prohibit the storage, stockpiling, processing or sales of rock, stone, sand, gravel, coal, cement materials, dirt, soil or any other similar material produced by excavating, quarrying or mining of such materials for purposes of sale, provided that same be restricted to the Class G-M and A-2 districts and not be so stored for a period greater than one hundred fifty (150) days.

3. Exception—Area Restrictions. This exception shall be further restricted in that it will not apply to locations:

    1. Within one thousand (1,000) feet of the nearest edge of the right-of-way of Interstate 29, Interstate 80, North 16th Street, South 35th Street, 23rd Avenue, South 24th Street south of 23rd Avenue, the South Expressway, and Old Highway 375 from Tostevin Street south to the city limits; and

    2. Within three hundred (300) feet of any lot in a residential district or a preexisting residential use.

(Ord. 4893 § 1, 1989)

3.31.030 Application For License

The application for a license required by this chapter shall be filed with the city clerk and shall contain an engineering plan that sets forth:

1. A description and plat of the land to be used for the rubble dump;

2. A description of the sequence and plan of operation;

3. The type and capacity of equipment to be used for operations;

4. Existing and proposed roadways and easements;

5. Existing topography and watercourses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations, including final elevations;

6. Proposed measures to control storm drainage;

7. Estimated volume of rubble to be placed in the rubble dump;

8. Approximate date of completion;

9. Types of materials to be placed in the rubble dump;

10. Whether it will be a private rubble dump used exclusively by the applicant for his or her materials or a public rubble dump, operated by the applicant and receiving materials from others;

11. Days and hours of the week the rubble dump will be in operation;

12. The names and addresses of the last-known owners of property within five hundred (500) feet of the location for which a license is requested, as shown by the county real property tax records; and

13. The addresses of any occupied buildings on property within five hundred (500) feet of the location for which a license is requested.

(Ord. 4851 § 1 (part), 1988)

3.31.035 Application To Council

Upon receipt by the city clerk. the application shall be reviewed by the directors of public works, health and community development. Once reviewed by the health director, community development department and public works department, the application for a license shall be forwarded to the city council with their recommendations attached.

(Ord. 4851 § 1 (part), 1988)

3.31.040 Hearing Required

The city clerk shall set a hearing date, which date shall be the date of the second council meeting following the date upon which the application and attached recommendations are received, at which time all parties interested in the granting or denying of the rubble dump license may appear before the council and be heard.

(Ord. 4851 § 1 (part), 1988)

3.31.045 Notice Of Hearing

The city clerk shall notify, or cause to be notified, by certified mail, every occupant of any building on any property or the owner of record of any property, within five hundred (500) feet of the location for which the license has been requested pursuant to this chapter, that a hearing thereon has been set before the city council. The notice shall state therein the date, time and purpose of such hearing, and shall be mailed not less than five days prior to the date of hearing. The city clerk shall publish such notice in the official newspaper of the city not less than five days prior to the date set for the hearing. Failure to send notice by mail to any such property owner where the address of such owner is not recorded, or to any occupant where an address or occupant is unknown, shall not invalidate any proceedings regarding the application. Any other notice as may be deemed desirable and practical may be given.

(Ord. 4851 § 1 (part), 1988)

3.31.050 Conduct Of Hearing

Upon the date fixed for the hearing provided for in this chapter, and for which proper notice has been given, the city council shall hear all objections made to the issuance of a license pursuant to this chapter, as well as any evidence submitted by all parties interested in the matter.

(Ord. 4851 § 1 (part), 1988)

3.31.055 Action By Council

If, after consideration of all the evidence produced at the hearing provided for in this chapter, the city council shall find and determine that the location of the premises for which a license has been requested shall not constitute a hazard to the public health, general welfare or public safety of the residents within five hundred (500) feet of such location, or the city as a whole, the city council may approve the rubble dump license application notwithstanding any provisions of the city's zoning ordinances to the contrary. After proper recordation as provided for in this chapter, the city council may issue or may cause to be issued a rubble dump license for the approved application. In no event shall the city council issue or cause to be issued a license until after a public hearing has been held and proper recordation has taken place.

(Ord. 4851 § 1 (part), 1988)

3.31.060 Recordation Of License

After initial approval by the city council for a rubble dump license, but before said license may be granted, the applicant shall record a document to be provided by the city, in the Pottawattamie County recorder's office so as to provide notice of the existence of such rubble dump.

(Ord. 4851 § 1 (part), 1988)

3.31.065 Fee

The fee for a license requested pursuant to this chapter shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.

(Ord. 4851 § 1 (part), 1988)

3.31.070 Bond

1. No license requested pursuant to this chapter shall be issued until the applicant delivers to the city a cash or corporate surety bond in the amount of five thousand dollars ($5,000.00) for the first acre or portion thereof of proposed rubble storage, and an additional five thousand dollars ($5,000.00) for each additional acre estimated to be in the process of being filled during the course of a year conditioned as follows:

    1. That the licensee, his or her agents and servants, will faithfully operate the rubble dump for which the license is issued in accordance with the provisions of this chapter:

    2. That the licensee, his or her agents and servants, will comply with all the terms, conditions, provisions and regulations contained in this chapter:

    3. That the licensee, his or her agents and servants, will save harmless the city from any expense incurred through the failure of the licensee, his or her agents and servants, to operate and maintain the rubble dump as required by this chapter, including any expense the city may be put to for correcting any condition or violation of this chapter by the city's own labor and equipment whenever the city council determines it is necessary for the city to correct any unsanitary condition or conditions violative of this

chapter or from any damages growing out of the negligence of the licensee or his or her agents or servants;

4. That the licensee shall pay for damages done to curbs, sidewalks or sewers on the premises of the rubble dump from trucks, equipment or over-burden placed on them when found to be broken from these causes;

5. Bond shall run for a period of three years after the rubble dump site has been finished and brought to final grade.

2. The amount of the bond required may be revised annually by the health director to reflect any estimated change in costs of closing the site.

(Ord. 4851 § 1 (part), 1988)

3.31.075 Manner Of Issuance

Whenever the city council authorizes the issuance of a rubble dump license, it shall consist of an original and duplicate original. The original shall be recorded in the office of the register of deeds and returned to the city clerk, who shall keep a permanent file of all such original licenses issued. The duplicate shall be delivered to the applicant as evidence of his or her authority to operate a rubble dump. The license shall state any restrictions or limitations.

(Ord. 4851 § 1 (part), 1988)

3.31.080 Regulations

The following regulations shall be followed by any applicant to whom a license is granted by the city council for operation of a rubble dump, and it shall be unlawful not to follow these regulations:

1. When rubble exists on the site at the time the license is issued, such rubble shall be collected, compacted and covered with dirt or other cover material at least three feet in depth at the finished grade;

2. No refuse other than limited rubble or earth may be put in a rubble dump. All burning is prohibited. The health director may, at his/her discretion, allow materials other than rubble to be placed in the rubble dump. However, these nonrubble materials may never exceed five percent of the total volume of materials placed in any rubble dump;

3. No rubble dump operation shall be conducted so the fill will be placed in streambeds or other areas where watercourses would be obstructed or where erosion by the stream would remove cover material;

4. The licensee shall provide for surface drainage on the rubble dump site which will permit the drainage of storm water within six hours after the last precipitation;

5. The licensee shall take the necessary measures to eliminate dust on the rubble dump site. Access to the rubble dump site shall be controlled by proper fencing, gates, locks and other measures necessary to control access;

6. Routes used by trucks to and from the rubble dump site shall be approved by the public works department;

7. When mud, dirt or spilled debris accumulates on streets from trucks or from rubble dump equipment, it shall be removed by the licensee immediately;

8. The rubble shall not exceed a maximum of four feet of depth prior to its compaction. Rubble shall not exceed a size that cannot be worked into the rubble dump site by the equipment used for spreading and compacting the working face of the site, and shall under no circumstances exceed three feet by three feet in size;

9. The compacting and leveling equipment must traverse all of the area where rubble is deposited. When the slope of a bank is too steep to traverse, then the fill must proceed from the base of the slope;

10. Rubble shall be covered with dirt or sand at least weekly or more frequently when requested by the enforcing officer;

11. Only earth shall be placed over utility lines in the fill area as specified by the public works director;

12. When rubble has been brought up to three feet of the desired grade, it shall be covered with at least thirty-six (36) inches of compacted dirt and seeded in such a manner to prevent erosion. The finally graded and seeded surface shall be maintained at final grade free from erosion and in a well-seeded manner for a period of three years after filling operations have been completed. Final slopes shall not exceed a ratio of one foot vertical to three feet horizontal;

13. Existing topsoil shall be used for cover material, when possible, by removing the dirt prior to filling and by placing this dirt directly over the completed section of the rubble dump, or by stockpiling this dirt until needed. Otherwise, the source of cover material shall be designated when application for a license is made;

14. No materials other than those stated on the application shall be placed in the rubble dump without permission from the city council, and any such improper materials shall be immediately removed at the direction of the health director;

15. Materials shall not be placed on land without using the proper bank stabilization and filling methods. Materials placed in the proper manner and conforming to this chapter will not be in violation of any antidumping prohibitions of this chapter or any other ordinance;

16. The licensee shall not excavate down to the water table or create a sump that will not drain;

17. The licensee shall not violate the terms of his or her application and license;

18. At the request of the city or abutting property owner(s), screening shall be provided to the extent necessary to reasonably satisfy the requesting party;

19. The director of health may allow variations from the regulation of this section; provided he/she finds that the proposed variation is satisfactory in that it addresses the problem sought to be alleviated by the regulation from which the variance is requested.

(Ord. 4851 § 1 (part), 1988)

3.31.085 Penalty For Violation

Any person, firm, partnership, corporation or any legal entity found guilty of a violation of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.00) or be imprisoned for a term not exceeding thirty (30) days. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95, Municipal Infraction Citation Process, in lieu of criminal prosecution.

(Ord. 4851 § 1 (part), 1988)

3.31.090 Suspension, Revocation Or Reinstatement Of License—Appeals

1. The director of the health department shall have the power to order the suspension or revocation of any license for the violation of the terms and provisions of this chapter. Notification of the order of suspension or revocation shall be made in writing and personally delivered or sent by certified mail. Such order shall not become effective until the expiration of the time for appeal. Pending the determination of such appeal, the operation of any order of suspension or revocation shall be stayed.

2. Notwithstanding the other provisions of this chapter, whenever the health authority finds unsanitary or other conditions in the operation of a rubble dump which, in his/her judgment, constitute an immediate and imminent substantial hazard to the public health, because of the continued operation of the rubble dump, he/she may, without prior warning, notice or hearing, issue a written notice to the license holder or operator citing such condition, specifying the corrective action to be taken; and, if deemed necessary, such order shall state that the license is immediately suspended or revoked, and any rubble dump operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health authority shall be afforded a hearing as soon as possible, by the board of health. If the revocation or suspension is upheld, the aggrieved party may appeal as hereinafter provided. Any person whose license has been suspended or revoked may, at any time, make application for reinspection for the purpose of reinstatement of the license and shall pay a reinspection fee in the sum of fifty dollars ($50.00), which shall not be refundable. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his or her opinion, the conditions causing suspension or revocation of the license have been corrected, the health authority shall make a reinspection. If the applicant has corrected conditions so as to comply with the requirements of this chapter, the license shall be reinstated. Should such reinstatement be denied, the applicant may appeal as provided in paragraph C of this section.

3. Any person aggrieved by the suspension or revocation of any license provided for in this chapter may appeal to the city council within ten (10) days of the order.

(Ord. 4851 § 1 (part), 1988)

3.31.095 Duration And Renewal

All rubble dump licenses issued pursuant to the provisions of this chapter, unless sooner suspended or revoked, shall expire each year on the first day of January. All rubble dump licenses may be renewed thereafter annually upon written application of the licensee and payment of the renewal fee set forth in the prevailing schedule of fees as most recently adopted by the city council.

(Ord. 5167 § 1, 1994)

Chapter 3.32 - JUNK, SALVAGE, SCRAP PROCESSING AND STORAGE YARDS

3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards
3.32.020 License Required
3.32.030 Application For License
3.32.040 License Application Grant Or Denial
3.32.050 License Required For Each Separate Location
3.32.060 Operational Requirements
3.32.070 Burning Regulations
3.32.080 Maintenance Requirements
3.32.090 Compliance With Other Provisions
3.32.100 Records Required
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3.32.120 Requirements Of Other Codes
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3.32.140 Suspension And Revocation
3.32.150 Effect Of Revocation
3.32.160 Nonprofit Collection Centers - Waiver Of Fee
3.32.170 Fee
3.32.180 Duration And Renewal

3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

For the purposes of this chapter, the following words, terms, and phrases shall be deemed to have the following definitions:

Junk: Iron, lead, brass, steel, copper or other metal, glass, rags, paper, tires, railroad ties or other waste that may be used again in some form.

Junk dealer: Any person, persons, firm or corporation who, by themselves or acting by or through agents, engage in the business of buying, selling, receiving, collecting or dealing in junk, but not vehicles or salvage vehicles.

Junkyard: Any location in the city where a junk dealer operates his or her business without engaging in the business of operating a salvage yard or scrap processing yard.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or waterway, other than a device moved by human power or a device used exclusively upon stationary rails or tracks.

Salvage vehicle: Any vehicle or portion thereof not in running or operable condition, and/or not licensed for the current year as provided by law.

Salvage operator: Any person, persons, firm or corporation who engages in the business of a junk dealer and who engages in the business of operating a salvage yard.

Salvage yard: Any location in the city where any vehicle or salvage vehicles are bought or sold for the purpose of dismantling, sale, or resale of same for their parts, or for the purpose of converting the remainder of same into junk.

Scrap processor: Any person, persons, firm or corporation engaged in the operation of a scrap processing yard and in the business of a junk dealer.

Scrap processing yard: Any location in the city where any vehicles or salvage vehicles containing metal are processed by sorting, shearing to size and chemistry, baling to customer requirements and/or shredding to sell as classified melting stock as any grade of ferrous or nonferrous items with none of such materials being sold for use in the same form or manner as originally used but as melting stock.

Storage yard: A location used for the limited purpose of storing any salvage vehicle and shall not include any operation that would be defined as junk dealer, salvage operator, scrap processor, or any sales of any vehicle or parts thereof.

Licensee: Any junk dealer, salvage operator or scrap processor required to be licensed under the provisions of this chapter.

(Ord. 5257 § 1, 1996)

3.32.020 License Required

It is unlawful for any person, firm or corporation to engage in the business of a junk dealer, salvage operator or scrap processor, as defined in this chapter, without having first obtained a license from the city to do so. It shall be the responsibility of the health department to enforce this requirement and all other requirements of this chapter.

(Ord. 5194 § 2, 1995)

3.32.030 Application For License

Any person, persons, firm or corporation desiring to engage in the business of being a junk dealer, salvage operator, salvage yard, storage yard, or scrap processor within the city must first make application for a license to do so, on a form to be furnished for such purpose by the office of the city clerk. The application shall contain the following information:

1. The name and place of residence of the applicant, as well as the business address, if any;
2. If the applicant is a firm, partnership, corporation or other legal entity, the names and addresses of all associates, partners or officers thereof, shall be set forth. If the applicant is a foreign corporation, adequate proof of authority to conduct business within the state of Iowa must be attached to or included in the application;

3. The address of the proposed business location of the applicant where such junk, salvage, storage yard, or scrap processing operations are to be conducted, giving the street address, legal description, and the total area in square feet available for use in such operation;

4. A statement as to whether sales at retail will be made on the premises wherein such junk, salvage, storage yard, or scrap processing operations are to be conducted;

5. A statement as to the nature and type of machinery or equipment to be used as a part of such junk, salvage, storage yard, or scrap processing operations;

6. If the applicant requesting the license was not in existence prior to April 28, 1931, or was not licensed prior to said date, a statement shall be filed with the application, setting forth the date of the meeting of the city's board of adjustment at which time the conditional use in the general manufacturing zone, or heavy industrial zone, was granted, thereby allowing such junk, salvage, or scrap processing operations under the provisions of what is now CBMC 15, Zoning.

7. A list of all citations which applicant has received in the previous five years for violations of this chapter, CBMC 4 or similar codes in other jurisdictions.

(Ord. 5194 § 3, 1995)

3.32.040 License Application Grant Or Denial

Subsequent to the filing of the application for a license, in the manner prescribed by CBMC 3.32.030, the city clerk shall refer the same to the fire chief, the sanitation superintendent, and the building official, each of whom shall cause the premises proposed to be used in such junk, salvage, storage yard, or scrap processing operations to be inspected and, following such inspections, shall each submit his/her written recommendation to the city council in connection therewith. The city council shall also receive a copy of applicant's response to CBMC 3.32.030 Paragraph G regarding previous citations. Thereafter, the city council shall, at either the next regular meeting or at a special meeting, either grant or deny the application. The city clerk shall notify the applicant of the council's decision within fourteen days of said action.

(Ord. 5194 § 4, 1995)

3.32.050 License Required For Each Separate Location

A junk, salvage, storage yard, or scrap processing license shall be required for each separate location at which junk, salvage, storage yard, or scrap processing operations are proposed to be conducted, and the fee required shall be commensurate therewith. The license shall be nontransferable, and in the event of the discontinuance of such operations by the licensee, either voluntarily or involuntarily, no refund for the unused portion of the period for which the same was issued shall be granted.

(Ord. 4992 § 1 (part), 1990)

3.32.060 Operational Requirements

The operations of a junk, salvage, storage yard or scrap processing yard shall be carried on within a fully enclosed building, except that such operations may be conducted outside a building within the enclosed premises, provided the premises are fully surrounded and enclosed by a fence not less than six feet in

height. Such fence shall be maintained in good repair at all times. Existing operators may be given until January 1, 1998, to comply with this provision upon application to the director of public health. It is also unlawful for any junk, salvage or scrap processing materials, salvage vehicles or parts thereof, or equipment used in connection therewith, whether owned by the licensee or someone else, to be stored or parked on any portion of the city's right-of-way, or parking area thereof, or for the same to be stored or parked outside building or fence, as prescribed herein, unless such storage or parking shall otherwise meet the requirements of this section.

(Ord. 5230 § 1, 1995)

3.32.070 Burning Regulations

It is unlawful for any fires other than those fully contained and used for heating purposes to be permitted upon the premises of any licensee hereunder, and only firewood shall be burned except in an incinerator approved by the fire marshal and health director.

(Ord. 5194 § 7, 1995)

3.32.080 Maintenance Requirements

The holder of a license granted under the terms of this chapter shall maintain the premises in and upon which his or her business operations are conducted in as sanitary manner and conditions as is reasonable and consistent therewith, but in no event shall the licensee permit or suffer any condition to exist which by its nature constitutes a health or safety hazard to surrounding property or persons.

(Ord. 4992 § 1 (part), 1990)

3.32.090 Compliance With Other Provisions

The provisions of this chapter shall in no way relieve the holder of a license issued hereunder from compliance with other provisions, rules or regulations of the city of Council Bluffs, to which the licensee may be subject, nor shall he or she be relieved from the necessity of procuring such other licenses as may be required by the city, by reason of the nature and extent of the operations of the licensee.

(Ord. 4992 § 1 (part), 1990)

3.32.100 Records Required

1. Every licensee shall keep for a period of three years from the date of each transaction legible records as follows:

    1. In the case of purchase of junk, the records shall set forth a description of the type and amount of junk purchased, the amount paid, the name and address of the seller from whom the junk is purchased, and the name and address of seller's agent, if any, who relinquishes physical control of the junk.

    2. In the case of transactions of vehicles or salvage vehicles, the records shall set forth the name of the seller from whom purchased together with his or her full address and the name and address of seller's agent, if any, who relinquishes physical control of the vehicle or salvage vehicle. The records shall also include the license number on any license plate attached to the vehicle or salvage vehicle, any vehicle identification

number which is visible, or which upon reasonable inspection would become visible, and the model and year of the vehicle or salvage vehicle so purchased.

2. The records shall at all times be kept open to inspection by the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city, the city attorney, and the Pottawattamie County attorney, or an assistant of either, and any other local, state or federal law enforcement personnel authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the salvage operator.

3. In all transactions referred to in paragraph A of this section, where records are required to be kept, the licensee shall demand the seller, or agent or employee of the seller, to produce a driver's license which appears valid on its face or a social security card to establish the true and correct identity of the seller, or agent or employee of the seller. No licensee shall purchase any junk or any vehicle or salvage vehicle unless the seller, or employee or agent of the seller, has produced and displayed to the licensee a driver's license which appears valid on its face or a social security card.

4. No junk, salvage or scrap dealer shall accept any junk, as defined in CBMC 3.32.010, unless he or she shall take a single fingerprint from such person and attach it to the card provided by the city. The fingerprint shall be taken from the right index finger; if the right index finger is missing, the fingerprint shall be taken from the left index finger. The print shall be clear and legible. The card shall become part of the record required herein. A notice shall be displayed in a prominent place to the effect that the dealer is required by city ordinance to fingerprint every person delivering or selling any junk to the dealer. Exception: The requirements of this paragraph shall not apply to ferrous metals and beverage cans.

(Ord. 5951 § 1, 2007)

3.32.110 Purchase From Minor

It is unlawful for any licensee to purchase any junk or vehicles or salvage vehicles from a minor without having secured the written consent of one of the parents or the legal guardian of the minor.

(Ord. 4992 § 1 (part), 1990)

3.32.120 Requirements Of Other Codes

All operations conducted in a junk, salvage or scrap processing yard located within the city shall be accomplished in accordance with and meet not less than the minimum requirements of the city's Uniform Building Code, current edition, as adopted; the city's National Electrical Code and local Uniform Electrical Rules supplementary thereto, as currently adopted, and the city's plumbing code, as adopted.

(Ord. 4992 § 1 (part), 1990)

3.32.130 Penalty For Violation

Any person, persons, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars ($100.00) or imprisonment in jail for a term not to exceed thirty (30) days, and each day such violation is continued shall constitute a separate and distinct offense.

(Ord. 4992 § 1 (part), 1990)

3.32.140 Suspension And Revocation

Following reasonable notice and an opportunity to be heard, the city council may suspend or revoke the license or licenses of any licensee under this chapter for the following reasons:

1. Upon a final conviction in a court of competent jurisdiction for a violation of any provision of this chapter, the city council may suspend the license or licenses of a licensee for a period of up to sixty days.

2. Upon a final conviction in a court of competent jurisdiction for a violation of CBMC 3.32.120 where the violation involves property that is stolen, the city council may revoke the license or licenses of a licensee.

3. If any person shall intentionally misrepresent any material fact in making application for a license under this chapter, the city council may revoke the license of the licensee or suspend the license for a period of sixty days.

(Ord. 4992 § 1 (part), 1990)

3.32.150 Effect Of Revocation

Any licensee under this chapter whose license is revoked pursuant to CBMC 3.32.140 shall not thereafter be permitted to hold a license under this chapter, for a period of two years from the date of such revocation. A spouse or business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license has been revoked shall not be issued a license under this chapter for a period of two years from the date of such revocation. In the event a license is revoked, the city council shall grant the licensee a reasonable period of time to dispose of its inventory and business.

(Ord. 4992 § 1 (part), 1990)

3.32.160 Nonprofit Collection Centers - Waiver Of Fee

1. For purposes of interpreting this section, the term "nonprofit organization" shall mean any organization associated with a governmental body, any corporation holding a tax exempt status as permitted by the Internal Revenue Service, or any other organization which can prove to the satisfaction of the city council that its intended function is to benefit the public, and that the profit is not being utilized for someone's personal profit.

2. A nonprofit organization taking part in a recycling project by means of operating a collection center for recyclables shall be exempt from all fees required by this chapter. It shall, however, be expected to comply with all other provisions.

(Ord. 4992 § 1 (part), 1990)

3.32.170 Fee

The fee for a license requested pursuant to this chapter shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.

~~(Ord. 5166 § 1, 1994)~~

~~3.32.180 Duration And Renewal~~

~~All junk, salvage, scrap processing and storage yard licenses issued pursuant to the provisions of this chapter, unless sooner suspended or revoked, shall expire each year on the first day of January. All junk, salvage, scrap processing and storage yard licenses may be renewed thereafter annually upon written application of the licensee and payment of the renewal fee set forth in the prevailing schedule of fees as most recently adopted by the city council.~~

~~(Ord. 5166 § 2, 1994)~~

Above sections addressed in other areas of the code (zoning)

Chapter 3.34 - JUKE BOXES AND AMUSEMENT DEVICES

3.34.010 Definitions - Juke Boxes And Amusement Devices
3.34.030 License Required - Operators - Distributors - Exemptions
3.34.040 License Application - Minimum Age Limit
3.34.050 Same - Duplicate Copy - Investigation And Approval Of Applicant
3.34.060 License Fees - Expiration Date
3.34.070 Refunds
3.34.080 Invalidation Of Existing Licenses
3.34.090 Amusement Parks
3.34.100 Posting Of License - Transfer Of Location
3.34.110 Allowing Placement Without License
3.34.120 Allowing Machines After Expiration Or Revocation Of License
3.34.130 Installation Of Unlicensed Machine By Distributor
3.34.140 Impounding Of Machines - Storage And Auction
3.34.150 Revocation Of License
3.34.160 Pinball Machines And Similar Devices
3.34.170 Gambling Devices - Seizure And Destruction
3.34.180 Penalty For Violation

3.34.010 Definitions - Juke Boxes And Amusement Devices

Juke box: Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or opening, or by payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

Mechanical amusement device: Any machine which upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It includes such devices as marble machines, pinball machines, skill ball, mechanical grab machines, and all games, operations or transactions similar thereto under whatever name they may be indicated.

Person, firm, corporation, or association: As used herein include the following: any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in

whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this section.

Operator: As used herein refers to and includes the person who operates the place of business where the mechanical amusement device or devices is or are physically located.

Distributor: As used herein refers to and includes the person or persons who sell, lease or deliver possession or custody of juke boxes or mechanical amusement devices to the operator or operators thereof.

(Ord. 3589 § 1, 1960)

3.34.030 License Required - Operators - Distributors - Exemptions

1. Any operator displaying for public patronage or keeping for operation any juke box or mechanical amusement device as herein defined by CBMC 3.34.010, shall be required to obtain a license from the city of Council Bluffs, upon payment of a license fee. Application for such license shall be made to the city clerk upon a form to be supplied by the city clerk for that purpose.
2. Any distributor who sells, leases or delivers possession or custody of mechanical amusement devices to the operator, shall be required to obtain a license from the city upon payment of a license fee. Application for such license shall be made to the city clerk upon a form to be supplied by the city clerk for that purpose.
3. Any operator displaying for public patronage or keeping for operation an amusement device distributed by the Iowa Lottery shall be exempt from the licensing requirement of this section until October 1, 1987.
4. The Iowa Lottery shall be exempt from the distributor licensing requirement established by this section.

(Ord. 4732 § 2, 1987)

3.34.040 License Application - Minimum Age Limit

1. The application for the operator's license shall contain the following information:
    1. Name and address of the applicant, age, date and place of birth;
    2. Prior convictions of applicant, if any;
    3. Place where the machine or device is to be displayed or operated and the business conducted at that place;
    4. Whether the license covers a juke box or coin-operated amusement device;

5. The name of the manufacturer, the type of machine, the serial number of each machine, and the license number of the distributor who will sell, lease, or deliver the machine or device to the operator.

2. The application for the distributor's license shall contain the following information:
    1. Name and address of the applicant, age, date and place of birth;
    2. Prior convictions of applicant, if any;
    3. That he/she is of good moral character.
3. No license shall be issued to any applicant unless he/she shall be over eighteen years of age.

(Ord. 4732 § 3, 1987)

3.34.050 Same - Duplicate Copy - Investigation And Approval Of Applicant

Application for license shall be made out in duplicate, one copy being referred to the chief of police and the other copy to the electrical inspector.

1. The chief of police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character, and either approve or disapprove the application.
2. No license shall be issued to any applicant unless approved by the chief of police and the city's electrical inspector.

(Ord. 3589 § 5, 1960)

3.34.060 License Fees - Expiration Date

Every applicant, before being granted an operator's license, shall pay an annual license fee as listed in the schedule of fees in CMBC chapter 2.08 for the privilege of operating or maintaining for operation each juke box or mechanical amusement device as defined in CBMC 3.34.010Every applicant, before being granted a distributor's license, shall pay a license fee as listed in the schedule of fees in CMBC chapter 2.08. Fees for all licenses issued under the terms of this chapter shall be payable at the time of issuance and shall be effective until the next succeeding April 1st. Licenses shall expire on the first day of April of each year. If such period is less than one year, the fee shall be prorated on a monthly basis from date of issuance to the following April 1st.

(Ord. 3589 § 6, 1960)

3.34.070 Refunds

Any operator, licensee, his or her executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of such licensee for the benefit of his or her creditors may voluntarily surrender any license issued under this chapter to the city council, and when so surrendered, the city council shall refund to the person so surrendering the license a proportionate amount of the license fee paid for such license, as follows: if surrendered during the first three months of the period when the license was issued, the refund shall be three-fourths of the amount of the license

fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the license fee; if surrendered more than six months but not more than nine months after issuance the refund shall be one-fourth of the amount of the license fee. No refunds shall be made, however, for any license surrendered more than nine months after issuance. No refunds shall be made to any licensee upon the surrender of his or her license if there is at the time of the surrender a criminal charge pending against him or her or her in any court for the violation of any of the provisions of this chapter. If, however, upon hearing on such charge, the licensee is found and adjudged to be not guilty of the violation, he or she shall be eligible for a refund on the license, as above set forth.

(Ord. 3589 § 7, 1960)

3.34.080 Invalidation Of Existing Licenses

Any operator's license issued prior to the enactment of this chapter into law is declared to be void and of no further force and effect; but any amount paid for any such existing license by the licensee shall be credited against the amount due and owing for a new license as provided under the terms of this chapter.

(Ord. 3589 § 8, 1960)

~~**3.34.090 Amusement Parks**~~

~~Any person, firm, corporation or association operating an amusement park in which juke boxes and/or mechanical amusement devices are displayed for public patronage or operation shall, in lieu of the license fee provided in CBMC 3.34.060, pay a license fee of one hundred fifty dollars ($150.00) per month for each month said park is open and in operation and said devices are in use, said license fee to cover all such machines and devices kept and used in said park. The provisions of this section, however, shall not relieve the operator of the amusement park from filing an application and securing a license for each machine operated within the confines of said park.~~

~~(Ord. 3589 § 9, 1960)~~

3.34.100 Posting Of License - Transfer Of Location

1. The operator's license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premise wherein the device is to be operated or maintained to be operated.
2. If the licensee moves his or her place of business to another location within the city of Council Bluffs, the license or licenses may be transferred to such new location upon the application to the city clerk, giving the street and number of the new location. The new location shall be approved by the chief of police and the electrical inspector in the same manner as provided in CBMC 3.34.050.

(Ord. 3589 § 10, 1960)

3.34.110 Allowing Placement Without License

It is unlawful for the owner, lessee, agent, manager, or any other person in charge of any premises within the city of Council Bluffs, to permit or allow any juke box or mechanical amusement device to be installed or placed upon the premises owned or leased by him or her or under his or her management, control or supervision, unless and until such machine has been duly licensed as provided herein.

(Ord. 3589 § 11, 1960)

3.34.120 Allowing Machines After Expiration Or Revocation Of License

It is unlawful for the owner, operator, lessee, agent, manager, or any other person in charge of any premises within the city of Council Bluffs, to permit or allow any juke box or amusement device to be upon the premises under his or her management, control or supervision after any license issued for said machine has expired or has been revoked by action of the city council or of any court.

(Ord. 3589 § 12, 1960)

3.34.130 Installation Of Unlicensed Machine By Distributor

It is unlawful for any distributor to place or install any juke box or amusement device upon the premises of any operator unless and until such machine has been duly licensed as herein provided.

(Ord. 3589 § 13, 1960)

~~**3.34.140 Impounding Of Machines - Storage And Auction**~~

~~Any juke box or amusement device found upon the premises of any tavern, drugstore, grocery store, service station, restaurant, or on the premises of any other business establishment or on the premises of any fraternal, veterans, civic, charitable, or any other similar organization or association, which machine is not duly licensed as herein provided, shall be impounded and a charge for such impounding of five dollars plus one dollar for each day of storage of the same, shall be made. In the event of the failure, neglect or refusal of the owner or of any other person claiming any interest, right or title in and to said machine, to claim the same within ten (10) days after the date of the impounding of the same, or the failure, neglect or refusal to pay the charge incident to the impounding of the same, said machine shall be sold at public auction, said sale to be conducted within thirty (30) days after the tenth day following the date of the impounding, upon one publication in a newspaper of general circulation within the city of Council Bluffs, setting forth the date, time and place of said sale, such publication to be not less than five days prior to the date of sale. Upon the sale of said machine or machines there shall be deducted from the sale price charges incident to the impounding and storage of said machine, together with the costs of the sale and the costs of the publication of the notice of sale, and the balance of the sale price shall be paid over to the owner or other person showing his or her right, title or interest in and to said proceeds.~~

(Ord. 3589 § 14, 1960)

3.34.150 Revocation Of License

Every license issued under this chapter is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any juke box or mechanical amusement device contrary to the provisions of this chapter, the ordinances of the city of Council Bluffs, or the laws of the state of Iowa. Said license may be revoked by the city council after

written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten (10) days' notice of the hearing shall be given the licensee. At such hearing the licensee and his or her attorney may present and submit evidence of witnesses in his or her defense.

(Ord. 3589 § 1 5, 1960)

~~3.34.160 Pinball Machines And Similar Devices~~

~~Notwithstanding the provisions of CBMC 3.34.020 or CBMC 8.34, it is lawful for any person to own, operate, or play mechanical or electronic amusement devices even though the machine or device awards free games or one or more additional balls or shots upon attaining a certain score. These machines and devices are not lawful under this section if they award or are played for cash or merchandise prizes or if the machines or devices are equipped with a push button or other device for releasing free games which are not played off and a meter for measuring the games released or a device by which a person may increase his or her chances of winning free games by inserting additional coins.~~

(Ord. 4187 § 1, 1976)

~~3.34.170 Gambling Devices - Seizure And Destruction~~

~~If the chief of police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded, and if upon the trial of any person for allowing same to be used as a gambling device or for keeping a gambling device said person be found guilty, such machine shall be destroyed by the police.~~

Gambling devices are handled by the State

(Ord. 3589 § 17, 1960)

~~3.34.180 Penalty For Violation~~

~~Any person, firm, corporation or association violating any of the provisions of this chapter, in addition to the revocation of his or her or its license, shall be liable to a fine or penalty of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each offense, or imprisonment in jail for not less than two days nor more than thirty (30) days.~~

(Ord. 3589 § 18, 1960)

Have never issued a penalty for this section

~~Chapter 3.36 - MINIATURE GOLF~~

~~3.36.010 License Required~~
~~3.36.020 Application For License~~
~~3.36.030 License Fee And Running Period~~
~~3.36.040 Hours - Complaints By Adjoining Property Owners~~
~~3.36.050 Penalty For Violation~~

~~3.36.010 License Required~~

It is unlawful for any person, partnership, firm or corporation to install, erect, maintain or operate a miniature golf course in the city of Council Bluffs, Iowa, for hire, without having first obtained and secured a license so to do from the city clerk of the city of Council Bluffs, in accordance with the provisions of this chapter.

(Ord. 2837 § 1, 1930)

3.36.020 Application For License

Any person, partnership, firm or corporation desiring to erect or install a miniature golf course in the city of Council Bluffs, for hire, shall first make application to the city clerk setting out in detail the place it is desired to erect and install same, which application shall be referred by the city clerk to the building inspector for investigation and recommendation to the city council.

(Ord. 2837 § 2, 1930)

3.36.030 License Fee And Running Period

Before any miniature golf course, for hire, shall be installed, erected, operated or maintained the applicant shall pay as a license fee for each eighteen (18) hole miniature golf course or fraction thereof, the sum and amount of one hundred dollars ($100.00) per year, all license fees to be paid to the city clerk, in advance, and to expire one year from the date of issuance thereof.

(Ord. 2837 § 3, 1930)

3.36.040 Hours - Complaints By Adjoining Property Owners

It is unlawful for any person, partnership, firm or corporation to maintain or operate any miniature golf course in the city of Council Bluffs, Iowa, for hire, after twelve midnight, whenever ten (10) residents residing within a radius of three hundred (300) feet of such golf course shall, in writing, file with the chief of police a complaint that the operation of such golf course constitutes a nuisance or interferes with their rest or the comfortable enjoyment of their property. In case of such complaints so received, the chief of police shall have authority to close such miniature golf courses at twelve midnight.

(Ord. 2837 § 4, 1930)

3.36.050 Penalty For Violation

Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined in an amount not less than five dollars nor more than one hundred dollars ($100.00).

(Ord. 2837 § 5, 1930)

Chapter 3.38 - MOTION PICTURE THEATERS

3.38.010 License Fee Inside Fire Limits
3.38.020 License Fee Outside Fire Limits
3.38.030 License Fee For Transient Businesses
3.38.040 Penalty For Violation

For provisions concerning fire regulations, see CBMC 12.

3.38.010 License Fee Inside Fire Limits

All persons, firms or corporations engaged in the business of conducting a motion picture theater in this city, located within the fire limits, shall pay as a license fee for the conduct of same the amount of fifty dollars ($50.00) per year, providing the seating capacity of the same is five hundred (500) persons or less and the amount of five cents per seat per year for all additional seats when the seating capacity of the theater is over five hundred (500) persons.

(Ord. approved November 20, 1916 § 40)

3.38.020 License Fee Outside Fire Limits

All persons, firms or corporations engaged in the business of conducting a motion picture theater in this city located outside of the fire limits shall pay as a license fee for the conducting of same the amount of twenty-five dollars ($25.00) per year, provided the seating capacity is five hundred (500) persons or less and the amount of five cents per seat per year for all additional seats when the seating capacity is over five hundred (500) persons.

(§ 41 of Ord. approved November 20, 1916)

3.38.030 License Fee For Transient Businesses

Any person, firm or corporation conducting a transient moving picture business shall pay as a license fee for the conduct of same the amount of twenty-five dollars ($25.00) for a period of ten (10) days' conduct or any portion thereof, and shall pay the sum of two dollars and fifty cents per day for each day that the same is conducted beyond the period of ten (10) days.

(§ 42 of Ord. approved November 20, 1916)

3.38.040 Penalty For Violation

Any person, firm or corporation or any agent thereof violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars ($10.00) nor more than fifty dollars ($50.00), and each day's maintenance of any such theater without a license shall be considered a separate offense.

(§ 43 of Ord. approved November 20, 1916)

Chapter 3.44 - PAWNBROKERS

3.44.010 Definition
3.44.020 License Required
3.44.030 Affidavit Of Intent And Place Of Business
3.44.040 Bond
3.44.050 License Fee
3.44.060 Register To Be Kept - Copies To Chief Of Police And Patron
3.44.070 Records Open To Inspection
3.44.080 Recording Absolute Purchases - Holding Period For Inspection
3.44.090 Minors
3.44.100 License For Each Place - Agents
3.44.110 Bond And License Filing Fee
3.44.120 Notice To The Public
3.44.130 Serial Number Required
3.44.140 Penalty For Violation
3.44.150 Report Format
3.44.160 Police Holds
3.44.170 Information To Be Collected
3.44.180 Required Use Of Electronic Reporting System

Editor's note— Ord. No. 6307, § 1, adopted October 23, 2017, amended CBMC 3.44 in its entirety to read as herein set out. Former CBMC 3.44.010—CBMC 3.44.160, pertained to similar subject matter, and derived from Ord. No. 4224, 1978; Ord. No. 5381, 1998; Ord. No. 5729, 2002 and Ord. No. 6166, adopted February 25, 2013.

3.44.010 Definition

Any person who loans money on deposit of personal property, or who deals in the purchase of personal property on condition of selling the same back again at a stipulated price, or who makes a public display at his or her place of business of the sign generally used by pawnbrokers to denote their business: Three gilt or yellow balls, or who publicly exhibits any sign of money to loan on personal property, is declared to be a pawnbroker.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.020 License Required

No person shall carry on or engage in business as a pawnbroker in the city without first having obtained a license therefor from the city, and such license shall conform to those now provided for, or that may hereafter be provided by ordinance.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.030 Affidavit Of Intent And Place Of Business

Before such license is issued, the applicant therefor shall make an affidavit before some officer authorized by law to administer oaths, that he or she will faithfully observe and carry out all the provisions, regulations and requirements of any ordinance then in force or that may be hereafter passed, in relation to pawnbrokers or their business, and shall also set out fully the street and number where such business is to be transacted. Said affidavit shall be filed with the city clerk. In addition, prior to issuance of any license, the clerk shall cause an investigation of such applicant to be made by the police department to determine if such applicant is of good moral character, and has complied with all requirements of this chapter.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.040 Bond

Every person applying for a license to engage in carrying on the business of a pawnbroker shall, at the time such license is issued to him, enter into a bond with the city, with two or more good and sufficient securities, to be approved by the city council, in the penal sum of two thousand dollars ($2,000.00), conditioned that such applicant will strictly and faithfully observe all ordinances, regulations and requirements of the city in relation to pawnbrokers or their business, and will pay all costs, fines and penalties incurred on account of his or her failure or neglect in that behalf, and will pay all damages resulting to any person by reason of his or her wrongful purchasing, taking or receiving, in pledge or on deposit, stolen property. The bond shall be filed with the city clerk and may be sued upon by any person damaged, as aforesaid, in the name of the city, for the use of such person, but in no event shall the city be liable for any costs in such suit.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.050 License Fee

Every pawnbroker shall, for such license, pay the sum as listed in the schedule of fees in CMBC chapter 2.08, and shall pay the same in advance.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.060 Register To Be Kept - Copies To Chief Of Police And Patron

Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him or her at his or her place of business, which register shall show the date of all loans or purchases and the names of all persons who have left any description of property on deposit as a collateral security or as delivery on sale thereof. Opposite such name and date shall be written in plain hand the person's age and motor vehicle operator's or chauffeur's license number, or social security number, or other identification of public record; the full description of all such property purchased or received on deposit as collateral security; the manufacturer's identifying insignia or serial number if applicable; the time when the loan falls due; the amount of purchase money or the amount loaned and the interest charged and picture number. The pawnbroker shall make such entries within one hour after the receipt or purchase of such property. Every entry shall be made in ink, shall not in any manner be erased, obliterated or defaced, and a copy thereof shall be sent to the chief of police before noon of the following day. In addition to this, he or she shall give to the party negotiating or selling a plain, written or printed ticket for the loan, and a plain, written or printed receipt of the articles purchased having on

each a copy of the entries required by this chapter to be kept in his or her register, for which no charge shall be made.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.070 Records Open To Inspection

The register shall at all times be kept open to inspection of the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city; the city attorney, and the prosecuting attorney of Pottawattamie County, and anyone authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the pawnbroker. The pawnbroker shall also, upon request, show and exhibit to any such person or officer, for inspection, any article or articles purchased, taken or received by him.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.080 Recording Absolute Purchases - Holding Period For Inspection

Every pawnbroker shall, on the absolute purchases of any personal property, enter the same in the register in the same manner as property received on pledge, and shall for thirty (30) days after the purchase keep the same at his or her place of business, subject to inspection by the officers and persons mentioned in CBMC 3.44.070, as fully and to the same extent as goods received on pledge.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.090 Minors

It is unlawful for any pawnbroker, junk or secondhand dealer to purchase or receive within the city any property from any person under the age of eighteen (18) years.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.100 License For Each Place - Agents

A license shall be required of every pawnbroker for each and every place where such business is transacted, and it shall be unlawful for anyone to act as agent or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in said affidavit and license.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.110 Bond And License Filing Fee

In all cases the city clerk shall charge a fee for each license and for each bond filed as listed in the schedule of fees in CMBC chapter 2.08 .

(Ord. No. 6307, § 1, 10-23-2017)

3.44.120 Notice To The Public

Every pawnbroker shall display a notice to his or her customers in a prominent place to the effect that he or she is required by city ordinance to digitally photograph and fingerprint every person pawning or

selling an item to him/her, as well as a digital photograph of the person's driver's license or identification card.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.130 Serial Number Required

No pawnbroker shall accept as collateral security or purchase any camera, radio, television set, lawnmower, typewriter, adding machine, tape recorder, tape player, still or moving picture projector, or any other item which normally bears a manufacturer's serial number or other identifying insignia, unless said item has, plainly visible thereon, the manufacturer's serial number or other identifying insignia.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.140 Penalty For Violation

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.150 Report Format

The chief of police may require pawnbrokers to provide required information to the police department in a specific format, including the use of an internet-based, electronic reporting system. In the event the city enters into an agreement to utilize an electronic reporting system, it shall be the exclusive means by which such transactions are reported to the chief of police. All records, photographs, identification and information required under this chapter shall be digitally created and delivered to the chief of police no later than 12:00 p.m. on the following business day.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.160 Police Holds

Law enforcement agencies and officers may place a hold on any item owned or held by a pawnbroker if such item is related or possibly related to a crime or criminal investigation. Once the police hold is removed and the owner is advised, the pawnbroker must hold the item for up to thirty (30) days for the owner to claim. After thirty (30) days, the pawnbroker may dispose of such item in the pawnbroker's normal course of action in handling unclaimed property.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.170 Information To Be Collected

At the time of purchase, in addition to the requirements of CBMC 3.44.060, the pawnbroker shall use the required electronic reporting system to collect the following:

1. A digital photograph of the purchased item;

2. A digital photograph of the seller, without any hat or sunglasses, and such photograph shall depict the subject in a non-distorted, readily identifiable fashion.
3. A digital signature of the seller or digital photograph of the seller's signature;
4. A clear and identifiable digital scan of the seller's right index finger or, if the right index finger is missing, the digital scan shall be taken of the left index finger; and
5. A digital photograph or digitally scanned image of the driver's license or identification card of the seller, sufficiently clear to allow all information to be read.

(Ord. No. 6307, § 1, 10-23-2017)

3.44.180 Required Use Of Electronic Reporting System

In the event the city enters into an agreement to utilize an electronic reporting system all pawnbrokers shall operate and maintain an internet-based computer system with digital photographic capability sufficient to comply with the reporting requirements described in CBMC 3.44.150 and CBMC 3.44.160. In the event that the electronic reporting system is unavailable to digitally record a transaction for any reason, the pawnbroker shall make a complete written report of the transaction which shall be entered into the electronic reporting system as soon as practicable. Any malfunction or failure of any equipment required to carry out the reporting requirements of this chapter shall not exempt pawnbroker from recording and reporting the information required under this chapter, and such malfunction or failure shall be corrected by the pawnbroker as soon as practicable. Any costs associated with providing required information to the police department in the format required under this chapter shall be borne by the pawnbroker.

(Ord. No. 6307, § 1, 10-23-2017)

~~**Chapter 3.46 - POOL AND BILLIARD HALLS**~~

~~3.46.010 License Required - Fee~~
~~3.46.020 Minors~~
~~3.46.030 Hours~~
~~3.46.040 Open To View From Street~~
~~3.46.050 Attachment Of License To Table Or Board~~
~~3.46.060 Penalty For Violation~~

~~**3.46.010 License Required - Fee**~~

~~No person shall keep for gain or profit any billiard table, pool table, bagatelle table, pigeon-hole table or shovel board, for use by others, without a license therefor from the city, and the charge for such license shall be twenty-five dollars ($25.00) per year for one table or board, and fifteen dollars ($15.00) per year for each additional table or board, which said license may, at the request of the licensee, be taken out quarterly by payment of one-fourth of said amount of annual fee therefor.~~

~~(Ord. 2590 § 1, 1924)~~

~~**3.46.020 Minors**~~

In addition to the licenses provided for, any person who keeps or maintains for gain, profit or otherwise any billiard hall, pool table, bagatelle table, pigeon-hole table, or shovel board, and who maintains any hall, place or building where any such tables, boards or games are kept for public use, or used by the public or others, the owners, keepers or persons in charge of any such tables, games, pool or billiard hall, or other place where such games are kept for public use or where the same are used for hire or otherwise, by the public, shall not permit any minors to use any of the tables, boards or other devices or games therein, or to remain in or congregate in any such hall, building or place where such tables are kept for such use.

(Ord. 2590 § 2, 1924)

3.46.030 Hours

No owner, keeper or person in charge of any hall, room or place where any such tables, boards or games as are described in the preceding section are kept as therein described, shall keep such pool room, billiard hall or place open later than eleven p.m. or earlier than six a.m., except on Saturdays, on which closing time shall be twelve p.m., nor shall any such place be kept open on the first day of the week commonly called Sunday.

(Ord. 3007, 1939: Ord. 2590 § 3, 1924)

3.46.040 Open To View From Street

All parts of the room or place where any of the tables or games licensed in CBMC 3.46.010 are kept, shall be in plain view of the street, unobstructed by screens, blinds, painted windows or any other device.

(Ord. 2590 § 4, 1924)

3.46.050 Attachment Of License To Table Or Board

The city clerk shall keep a book wherein he or she shall register the number of any and all such tables and boards that are licensed. Upon licensing a table or board, the city clerk shall deliver to the licensee a metallic plate. The licensee shall securely fasten the same in some conspicuous place upon such licensed table or board, and keep the same so fastened during the time such license is in force, and upon the expiration or forfeiture of such license, said licensee shall return the metallic plate to the city clerk.

(Ord. 2590 § 5, 1924)

3.46.060 Penalty For Violation

Any person violating or failing or neglecting to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars ($100.00), and the city clerk shall, upon conviction, revoke any license granted to such person.

(Ord. 2590 § 6, 1924)

Chapter 3.48 - PUBLIC BUILDINGS AND HALLS

3.48.010 Public Buildings - License Required - Definition
3.48.020 Public Hall - License Required - Definition

~~*For provisions regarding motion picture theaters, see CBMC 3.38.~~

~~**3.48.010 Public Buildings - License Required - Definition**~~

~~No person owning or controlling a public building, or any part thereof, as lessee, agent or otherwise, shall use or allow any other person or persons to use such building, or any part thereof, for proper purposes as a public building without a license therefor from the city, and the charge for such license shall be one hundred dollars ($100.00) per year. Every building, of which the whole or a part may be designated or used for the giving of theatrical exhibitions, shall be deemed a public building.~~

~~(§ 80 of Ord. dated July 3, 1882)~~

~~**3.48.020 Public Hall - License Required - Definition**~~

~~No person owning or controlling a public hall, as lessee, agent or otherwise, shall use, or allow any other person or persons to use such public hall as a public hall without a license therefor from the city, and the charge for such license shall be one hundred dollars ($100.00) per year. Every hall kept for rent or use for dances, balls, concerts, lectures or such like entertainments, shall be deemed a public hall.~~

~~(§ 81 of Ord. dated July 3, 1882)~~

Chapter 3.52 - SECONDHAND DEALERS

3.52.010 Definition
3.52.020 License Required
3.52.030 Affidavit Of Intent And Place Of Business
3.52.040 Bond
3.52.050 License Fee
3.52.060 Register To Be Kept - Copies To The Chief Of Police And Patron
3.52.070 Register Open To Inspection
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3.52.090 Minors
3.52.100 License For Each Place Of Business - Agents
3.52.110 Bond And License Filing Fee
3.52.120 Notice To The Public
3.52.130 Serial Number Required
3.52.135 Report Format
3.52.140 Penalty For Violation
3.52.150 Information To Be Collected
3.52.160 Required Use Of Electronic Reporting System
3.52.170 Exclusions

*For provisions regarding junk dealers, see CBMC 3.32.

For provisions regarding pawnbrokers, see CBMC 3.44.

3.52.010 Definition

Any person, firm or corporation who shall engage in the business of buying, selling or dealing in secondhand clothing, cassettes, compact discs, DVD's, jewelry, bullion, electronics, musical instruments, guns, rifles, shotguns, firearms, goods, wares or merchandise is hereby declared to be a secondhand dealer.

(Ord. 4230 § 1 (part), 1978)

(Ord. No. 6167, § 1, 2-25-2013; Ord. No. 6318, § 1, 2-26-2018)

3.52.020 License Required

No person shall carry on or engage in business as a secondhand dealer in the city without first having obtained a license therefor from the city, and such license shall conform to those now provided for, or that may hereafter be provided by ordinance.

(Ord. 4230 § 1 (part), 1978)

3.52.030 Affidavit Of Intent And Place Of Business

Before such license is issued, the applicant therefor shall make an affidavit before some officer authorized by law to administer oaths, that he or she will faithfully observe and carry out all the provisions, regulations and requirements of any ordinance then in force or that may be hereafter passed, in relation to secondhand dealers or their business, and shall also set out fully the street and number where such business is to be transacted. Said affidavit shall be filed with the city clerk. In addition, prior to issuance of any license, the clerk shall cause an investigation of such applicant to be made by the police department to determine if such applicant is of good moral character, and has complied with all requirements of this chapter.

(Ord. 4230 § 1 (part), 1978)

3.52.040 Bond

Every person applying for a license to engage in carrying on the business of a secondhand dealer shall, at the time such license is issued to him or her, enter into a bond with the city of Council Bluffs, with two or more good and sufficient securities, to be approved by the city council, in the penal sum of two thousand dollars ($2,000.00), conditioned that such applicant will strictly and faithfully observe all ordinances, regulations and requirements of the city in relation to secondhand dealers or their business, and will pay all costs, fines and penalties incurred on account of his or her failure or neglect in that behalf, and will pay all damages resulting to any person by reason of his or her wrongful purchasing of stolen property; which bond shall be filed with the city clerk and may be sued upon by any person damaged, as aforesaid, in the name of the city, for the use of such person, but in no event shall the city be liable for any costs in such suit.

(Ord. 4230 § 1 (part), 1978)

3.52.050 License Fee

Every secondhand dealer shall, for such license, pay the sum as listed in the schedule of fees in CMBC Chapter 2.08, and shall pay the same in advance.

(Ord. 4230 § 1 (part), 1978)

3.52.060 Register To Be Kept - Copies To The Chief Of Police And Patron

Every secondhand dealer shall keep a register of all purchases of all articles made by him or her at his or her place of business, which register shall show the date of all purchases and the names of all persons from whom said purchases were made. Opposite such name and date shall be written in plain hand the person's age and motor vehicle operator's or chauffeur's license number, or social security number, or other identification of public record, the full description of all such property purchased, the manufacturer's identifying insignia or serial number if applicable, the amount of purchase money, and the picture number. He or she shall make such entries within one hour after the purchase of such property. Every entry shall be made in ink, shall not in any manner be erased, obliterated or defaced, and a copy thereof shall be sent to the chief of police before noon of the following day. In addition to this, he or she shall give to the party selling, a plain, written or printed receipt for the articles purchased having on it a copy of the entries required by this chapter to be kept in his or her register, for which no charge shall be made.

(Ord. 4230 § 1 (part), 1978)

3.52.070 Register Open To Inspection

The register shall at all times be kept open to inspection of the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city, the city attorney, and the prosecuting attorney of Pottawattamie County, and anyone authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the secondhand dealer. The secondhand dealer shall also, upon request, show and exhibit to any such person or officer, for inspection, any article or articles purchased by him.

(Ord. 4230 § 1 (part), 1978)

(Ord. No. 6318, § 1, 2-26-2018)

3.52.080 Holding Period For Inspection

Every secondhand dealer shall, for fifteen (15) days after the purchase of any personal property, keep the same at his/her place of business, subject to inspection by the officers and persons mentioned in CBMC 3.52.070.

(Ord. No. 6167, § 1, 2-25-2013)

3.52.090 Minors

It is unlawful for any secondhand dealer to purchase or receive, within the city, any property from any person under the age of eighteen (18) years.

(Ord. 4230 § 1 (part), 1978)

3.52.100 License For Each Place Of Business - Agents

A license is required of every secondhand dealer for each and every place where such business is transacted, and it shall be unlawful for anyone to act as agent or solicitor for any secondhand dealer while such secondhand dealer is engaged in such business in a place other than that specified in his or her affidavit and license.

(Ord. 4230 § 1 (part), 1978)

3.52.110 Bond And License Filing Fee

In all cases the city clerk shall charge a fee for each license and for each bond filed as listed in the schedule of fees in CMBC chapter 2.08 .

(Ord. 4230 § 1 (part), 1978)

3.52.120 Notice To The Public

Every secondhand dealer shall display a notice to his or her customers in a prominent place to the effect that he or she is required by city ordinance to digitally photograph and fingerprint every person pawning or selling an item to him/her, as well as a digital photograph of the person's driver's license or identification card.

(Ord. No. 6318, § 1, 2-26-2018)

Editor's note— Ord. No. 6318, § 1, adopted February 26, 2018, amended CBMC 3.52.120 in its entirety to read as herein set out. Former CBMC 3.52.120, pertained to photograph to be taken, and derived from Ord. No. 4230, 1978 and Ord. No. 6167, adopted February 25, 2013.

3.52.130 Serial Number Required

No secondhand dealer shall purchase any camera, radio, television set, lawnmower, typewriter, adding machine, tape recorder, tape player, still or moving picture projector, or any other item which normally bears a manufacturer's serial number or other identifying insignia, unless said item has plainly visible thereon the manufacturer's serial number or identifying insignia, and shows no indication of said serial number or identifying insignia being removed.

(Ord. 4230 § 1 (part), 1978)

3.52.135 Report Format

The chief of police may require secondhand dealers to provide required information to the police department in a specific format, including the use of an internet-based electronic reporting system. In the event the city enters into an agreement to utilize an electronic reporting system, it shall be the exclusive means by which such transactions are reported to the chief of police. All records, photographs, identification and information required under this chapter shall be digitally created and delivered to the chief of police no later than 12:00 p.m. on the following business day.

(Ord. No. 6167, § 1, 2-25-2013; Ord. No. 6318, § 1, 2-26-2018)

3.52.140 Penalty For Violation

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. 5728 § 2, 2002)

3.52.150 Information To Be Collected

At the time of purchase, in addition to the requirements of CBMC 3.52.060, the secondhand dealer shall use the required electronic reporting system to collect the following:

1. A digital photograph of the purchased item;
2. A digital photograph of the seller, without any hat or sunglasses, and such photograph shall depict the subject in a non-distorted, readily identifiable fashion.
3. A digital signature of the seller or digital photograph of the seller's signature;
4. A clear and identifiable digital scan of the seller's right index finger or, if the right index finger is missing, the digital scan shall be taken of the left index finger; and
5. A digital photograph or digitally scanned image of the driver's license or identification card of the seller, sufficiently clear to allow all information to be read.

(Ord. No. 6318, § 1, 2-26-2018)

3.52.160 Required Use Of Electronic Reporting System

In the event the city enters into an agreement to utilize an electronic reporting system all secondhand dealers shall operate and maintain an internet-based computer system with digital photographic capability sufficient to comply with the reporting requirements described in CBMC 3.52.135 and CBMC 3.52.150. In the event that the electronic reporting system is unavailable to digitally record a transaction for any reason, the secondhand dealer shall make a complete written report of the transaction which shall be entered into the electronic reporting system as soon as practicable. Any malfunction or failure of any equipment required to carry out the reporting requirements of this chapter shall not exempt secondhand dealer from recording and reporting the information required under this chapter, and such malfunction or failure shall be corrected by the secondhand dealer as soon as practicable. Any costs associated with providing required information to the police department in the format required under this chapter shall be borne by the secondhand dealer.

(Ord. No. 6318, § 1, 2-26-2018)

3.52.170 Exclusions

The provisions of this chapter shall not apply to the following:

1. Any person, firm or corporation buying and selling furniture and household goods, known as secondhand furniture dealers, or to those engaged in and commonly known as secondhand bookstores;

2. Collecting/selling by nonprofit corporations;
3. Auctions by licensed auctioneers;
4. Any events where sale of items does not exceed ninety-six (96) consecutive hours of duration, including, but not limited to, flea markets, fairs, conventions, hobby shows;
5. Wholesaling or dealer to dealer sales of merchandise;
6. Any sale held on property occupied as a dwelling by the seller, such as a garage sale, yard sale or moving sale.

(Ord. No. 6318, § 1, 2-26-2018)

~~**Chapter 3.56 (RESERVED)**~~

~~**Editor's note—** Ord. No. 6350, § 1, adopted October 8, 2018, repealed CBMC 3.56.010 and CBMC 3.56.020, which pertained to soliciting gifts and derived from Ord. No. 4224, 1978.~~

Chapter 3.58 MOBILE FOOD VENDORS

3.58.010 Adoption; Scope
3.58.020 Definitions
3.58.030 License Required; Exemptions
3.58.040 Application
3.58.050 Issuance; Denial
3.58.60 License Fee
3.58.070 Renewal
3.58.080 Sales Regulations
3.58.090 Revocation; Suspension
3.58.100 Penalty
3.58.110 Special Districts
3.58.120 Periodic Review

3.58.010 Adoption; Scope

This ordinance shall be known as the Council Bluffs Mobile Food Vendor Code and shall apply to Mobile Food Vendors within the city limits of Council Bluffs, Iowa.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.020 Definitions

For the purpose of this chapter the following terms shall have the meanings respectively ascribed to them:

1. "City'' means the City of Council Bluffs, Iowa.

2. "Director" means the director of the Parks and Recreation Department or his/her authorized designee.

3. "Food" means any raw, cooked, or processed edible substance, beverage, ingredient, ice, or water used or intended for use or for sale in whole or in part for human consumption.

4. "Mobile Food Vendor" shall mean a person who by traveling from place to place upon the public ways sells or offers for sale food from public or private property to consumers for immediate delivery and consumption upon purchase.

5. "Permanent Food Establishment" means a fixed building which a person occupies on a continual basis and from which such person sells or offers to sell food for immediate delivery and consumption upon purchase. Such term shall not include a location where a mobile food vendor sells or offers to sell food.

6. "Private Property'' means a lot or defined area ofland which is not in the ownership of a local, state, or federal government entity.

7. "Public Property" means a lot or defined area of land owned by a local, state or federal government entity, including, but not limited to, city parks, the public right-of-way and service area at the rear or side of buildings, generally more narrow than the street, and any land reserved for transportation purposes including public roadways, parking, sidewalks, and alleys.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.030 License Required; Exemptions

It shall be unlawful for any person to sell or offer for sale food as a Mobile Food Vendor or operate as a Mobile Food Vendor within the City unless such person complies with the requirements and regulations of this article, including holding a valid and active Mobile Food Vendor license issued by the director under this article.

The following activities are excluded from such definition, and, alone, do not subject a Mobile Food Vendor to being covered by such definition:

1. Farm Stands-the sale or offer for sale of farm products produced or raised by such a vendor from land occupied and cultivated by him/her, or food that is being sold or attempted to be sold on the same parcel or group of parcels under common ownership on which said food is grown.

2. Non-Profit Organizations-Sales activities by a charitable, educational, or religious organization which is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code when the proceeds thereof shall be applied to the payment of the expenses thereof and the charitable or religious object for which the charitable or religious society exists, provided that such sales are not conducted by such organization in excess of three (3) consecutive days in any seven-day period at the same location.

3. Mobile Food Vending Ancillary to a Permanent Food Establishment-A Mobile Food Vendor license shall not be required if the mobile food vending is ancillary to an existing Permanent food Establishment on the same parcel if all of the following conditions are met:

1. There is a primary land use in a building, which is constructed or which is being constructed, on the parcel in which the mobile food vending unit would be located.
2. Sales of food, associated with the Permanent Food Establishment on the parcel would be allowed, or is lawfully occurring on said parcel.
3. The Mobile Food Vendor is the owner of the Permanent Food Establishment on the parcel where the mobile food vending unit or food stand would be located.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.040 Application

An applicant for a license pursuant to this article shall file with the Director a signed application on a form to be furnished by the Director, which shall contain the following information:

1. The applicant's business name, address, and phone number; and e-mail address, if any;
2. If the applicant is a corporation, partnership, or other entity, the names of all officers and managers of such entity;
3. If food is to be sold from any motor vehicle, the vehicle license numbers and descriptions of all vehicles from which the applicant proposes to sell food, and the names of all persons expected to drive such vehicles;
4. The description of the general type of food items to be sold;
5. Documentation from the proper authority showing its approval of the applicant's sale of food, if required;
6. A copy of the State of Iowa sales tax permit, or proof of an applicable sales tax exemption, for the applicant;
7. A copy of all certification required by any applicable local, state or federal fire, safety and/or hazardous guidelines related to the sale of food, and the preparation, storage or cooking process thereof;
8. A general description of the types of locations the applicant anticipates selling from;
9. All necessary written consent from property owners, Permanent food Establishment owners or any other written consent required under this Code;
10. Proof of general liability insurance, including products liability coverage, in the amount of $1,000,000 or more per occurrence and $1,000,000 for property damage;
11. Such other information as the Director may require and as requested in the said application form.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.050 Issuance; Denial

Upon receipt of a complete application for a license pursuant to this article, the Director shall make or cause to be made any inquiry or investigation that may be necessary to determine whether the applicant is in compliance with the provisions of all applicable laws and this Code. The Director may request and take into consideration the recommendations of other affected departments of the City.

After receipt of the completed application and application fee, the Director shall either approve or deny the application. Grounds for denial may include, but are not limited to, the following:

1. A finding that the application is incomplete;
2. The nonpayment of applicable fees;
3. A finding that the application is not in conformance with any applicable laws or this Code;
4. A finding that the applicant has been convicted of three or more separate violations of the provisions of this article within the 12 months preceding the submission of a complete application.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.60 License Fee

An application for a license under this article shall be accompanied by a nonrefundable processing fee as listed in the schedule of fees in CMBC chapter 2.08 for each motor vehicle, trailer, cart or other piece of mobile equipment to be utilized in the business. An additional nonrefundable processing fee as listed in the schedule of fees in CMBC chapter 2.08 shall be paid by a mobile food vendor who will be primarily doing business within the boundaries of any business improvement district located in whole or in part within the area zoned C4 under the CBMC. If such additional fee is paid, such fact shall be noted on the mobile food vendor's license. A mobile food vendor may primarily do business within such area only upon exhibiting a license showing payment of the additional fee. The additional fees paid under this section shall be forwarded by the city over to the said business improvement district, to offset expenses incurred by the district for cleaning, security, sanitation, and other mobile food vendor-associated maintenance expenses within the boundaries of the said district.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.070 Renewal

A license issued under this article shall expire on December 31 of each year, unless renewed for the following year by the permittee. The permittee shall renew the license for the following year by filing with the Director, by December 31, a registration updating or confirming the information provided in the immediately preceding license application or registration. The registration shall be on a form provided by the Director. At the time of registration, the permittee shall pay a renewal fee as listed in the schedule of fees in CMBC chapter 2.08per year for each motor vehicle, trailer, cart, or other piece of mobile equipment to be utilized in the business. An additional renewal fee as listed in the schedule of fees in CMBC chapter 2.08shall be paid by a Mobile Food Vendor who will be primarily doing business

within the boundaries of any business improvement district located in whole or in part within the area zoned C-4/Commercial District under the Council Bluffs Municipal Code. If such additional fee is paid, such fact shall be noted on the receipt or other documentation of renewal issued to the Mobile Food Vendor. A Mobile Food Vendor may primarily do business within such area only upon exhibiting a receipt or other documentation showing payment of the additional fee for that year. The additional fees paid under this section shall be forwarded by the City over to the said business improvement district, to offset expenses incurred by the district for cleaning, security, sanitation, and other Mobile Food Vendor -associated maintenance expenses within the boundaries of the said district.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.080 Sales Regulations

1. A Mobile Food Vendor shall not sell nor offer to sell food from a location within 200 feet of a public entrance used by customers to enter or exit a Permanent food Establishment during the hours food is sold within such Permanent food Establishment, unless each such Permanent food Establishment within such area has provided written consent.

2. A motor vehicle from which a Mobile Food Vendor sells or offers to sell food shall not exceed 40 feet in length and 96 inches in width. A Mobile Food Vendor selling or offering the sale of food from or using a trailer or other auxiliary equipment shall, during such operations, keep the trailer or auxiliary equipment hitched to an operable motor vehicle towing it, unless otherwise permitted by the City in association with an authorized street show, festival, parade, block party, or similar event. An attached trailer or other auxiliary equipment shall not exceed 96 inches in width, and the combined length of the motor vehicle and trailer or auxiliary equipment shall not exceed 60 feet.

3. The maximum dimensions in this subsection may be exceeded by a particular motor vehicle, trailer, or piece of equipment, if approved by the Director upon a Mobile Food Vendor's application for a waiver. If the proposed site of the Mobile Food Vendor shall be in an area designated as City right-of-way, such application for a waiver under this subsection shall also require approval of the Public Works Department, Right-of-Way Division.

4. A Mobile Food Vendor may sell or offer to sell food from a motor vehicle at a location in a City right-of-way open to traffic or parking, but only from a motor vehicle parked in a location where a motor vehicle is authorized to park by law, signage, or city permit. Such a motor vehicle and auxiliary equipment shall not be parked at a diagonal parking space. Such a motor vehicle and auxiliary equipment shall not be parked in a parking space adjacent to the comer of a street intersection.

5. A Mobile Food Vendor who sells or offers to sell food from a vehicle parked at a metered parking space shall pay the metered parking rate required, at such meter. When parking at a parking space with a meter limited to two hours, a mobile food vendor may park at such space for no longer than four consecutive hours.

6. A Mobile Food Vendor shall not sell or offer to sell food from a location which would involve customers to be waited on or served while standing in a portion of a street being traversed by motor vehicle traffic.

7. A Mobile Food Vendor shall not sell nor offer to sell food from City park property unless he/she possesses the specific written consent of the Director. Mobile Food Vendors shall be limited to hard-surfaced areas of the park, but this shall not mean within any roadway or parking lot drive aisle, and shall be limited to the park hours of operation set by the City.

8. A Mobile Food Vendor shall not sell nor offer to sell food from a school property unless he/she possesses the written consent of an authorized representative of the school and presents such written permission at the time of application.

9. A Mobile Food Vendor shall not sell nor offer to sell food from a location within an area authorized for a street show, festival, parade, block party, or similar event, or within 200 feet of any boundary of such authorized area, unless the mobile food vendor is in possession of the written consent of the event permittee to sell or offer to sell food from that location and has provided such written consent as part of the application.

10. A Mobile Food Vendor shall possess and be able to exhibit his/her license under this article, all required Pottawattamie County Health Department permits, a State of Iowa sales tax permit or proof of sales tax exemption, and any other written consents or documentation required under this article, at all times during which the mobile food vendor is selling or offering to sell food

11. An authorized employee of the City's Public Works or Police Departments may order a Mobile Food Vendor to move from or leave a specific location, if the operation of the Mobile Food Vendor at that location causes an obstruction to vehicular or pedestrian traffic or otherwise endangers the health, safety, or welfare of the public. The City may tow or otherwise move a Mobile Food Vendor's vehicle or other auxiliary equipment to another location if the vehicle or equipment presents a danger to public safety and the Mobile Food Vendor fails to move the same. The City shall provide to the Mobile Food Vendor a written explanation for any such order, upon written request by the mobile food vendor to the City.

12. An individual representative of the Mobile Food Vendor shall be present with the motor vehicle and other auxiliary equipment operated by the Mobile Food Vendor at all times that it is parked in City right-of-way or on City property, and at all times that it is parked on private property at a location where food is or will be offered for sale.

13. A Mobile Food Vendor may sell or offer to sell food seven days a week, but only from 6:00 a.m. to 2:30 a.m. It shall be unlawful for a Mobile Food Vendor to sell or offer to sell food at any other times. Notwithstanding this subsection, upon evidence of endangerment of public safety, the chief of police or his/her designee may further limit hours of operation for all mobile food trucks as needed for the protection of public safety.

14. A Mobile Food Vendor using a motor vehicle shall maintain a motor vehicle liability insurance policy for such motor vehicle as required by state law, and shall exhibit proof of such policy when requested.

15. A Mobile Food Vendor shall maintain in operable condition all fire suppression equipment or devices as required by local, state or federal law.

16. It shall be unlawful for a Mobile Food Vendor to sell or offer to sell alcoholic drinks or food.

17. A Mobile Food Vendor shall visibly display his/her business name on his/her motor vehicle or auxiliary equipment.

18. A Mobile Food Vendor shall provide trash receptacles for the collection of trash and recyclable materials, in sizes sufficient to serve his/her customers. Prior to leaving a location, the Mobile Food Vendor shall pick up and properly dispose of any trash, litter, or recyclable materials within 20 feet of the location. Receptacles and their contents shall be removed from the location for proper disposal or recycling, and contents shall not be deposited in public trash or recycling containers on City right-of-way or City property.

19. A Mobile Food Vendor shall not place on City right-of-way or City property any freestanding sign, table, chair, umbrella, electric generator, or other fixture or equipment; provided, that a mobile food vendor may place one identification or menu sign and one table (not for seating customers) on the sidewalk or other area directly adjacent to his/her parked motor vehicle or other equipment.

20. A Mobile Food Vendor shall comply with all City ordinances regulating noise.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.090 Revocation; Suspension

1. A license issued under this article may be revoked or suspended by the director for any of the following reasons:

    1. Any fraud, misrepresentation, or false statement contained in the application for license;

    2. Any fraud, misrepresentation, or false statement made in connection with the selling of food;

    3. Any violation of this article or any applicable laws or provisions of this Code.

    4. Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

2. The Director shall revoke a license issued under this article for any Mobile Food Vendor who is convicted of three or more separate violations of the provisions of this article within any consecutive 12-month period. For purposes of this section conviction shall mean any finding of guilt or liability on the part of the Mobile Food Vendor by a court of competent jurisdiction, and shall include any conviction that has previously been set aside.

3. To revoke or suspend a license, the Director shall provide written notice to the license holder stating the revocation or suspension action taken, the grounds for such action, and the

availability of an appeal under this section. Such notice shall be served personally upon the license holder or sent by regular U.S. mail to the license holder's address as stated in his/her application.

4. A license holder aggrieved by either suspension or revocation of his/her license under this Code may appeal such decision to the Council Bluffs City Council by filing, in writing, a written request of appeal to the Director within ten (10) days of receiving written notice. Such appeal hearing shall occur at the next regularly scheduled City Council meeting, and such notice of the hearing shall be mailed to the licensee at the last known address at least five (5) days prior to the date set for the hearing. At the hearing the licensee shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Within twenty (20) days after the conclusion of a hearing held pursuant to this section, the City Council shall make written findings which shall be based on a preponderance of the evidence as the standard of proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with Iowa law. Until an appeal is heard and determined by the City Council, the mobile food vendor shall cease all mobile food vending operations.

5. A person whose license has been revoked under this article may not re-apply for a new license for a period of one-year after the effective date of the revocation.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.100 Penalty

Any person, firm, partnership, corporation or other legal entity found guilty of a civil violation of this chapter shall be subject to the penalties provided in § 1.95.020 of the CBMC.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.110 Special Districts

1. The City finds that the City's various and diverse neighborhoods and business districts have differing characteristics, and will be affected in varying ways by the operations of Mobile Food Vendors. Thus, it is appropriate to provide for the creation of special districts subject to special rules governing mobile food vendors.

2. The City Council may, by Resolution, establish a special district with defined geographic boundaries, and adopt special rules governing Mobile Food Vendors to be applied, based on a reasonable showing of public health and/or public safety concerns demonstrating the need for different operation of Mobile Food Vendor, within such special district. "Special rules" shall mean rules governing Mobile Food Vendors that modify the general rules stated in § 3.58.080, within that special district only. If adopted, such special rules shall take precedence over any conflicting general rules in § 3.58.080. The special rules shall not prevent Mobile Food Vendors from operating within the special district. The general rules in § 3.58.080 shall continue to apply in a special district, unless specifically modified by the special rules.

3. An application for the establishment of a special district may be submitted to the Director by a neighborhood association that is registered as such with the planning department, or by a business improvement district. The proposed special district must lie within the geographic boundaries of such neighborhood association or business improvement district. An application by a neighborhood association or business improvement district shall contain:
    1. A map indicating the boundaries of the proposed special district;
    2. The name of the proposed special district;
    3. The text of the proposed special rules to be applicable in the special district.
4. A copy of the signed resolution of the governing body of the business improvement district or neighborhood association approving the proposed special district and special rules.
5. Documentation showing that an official of the business improvement district or neighborhood association discussed the proposed special district and special rules with Mobile Food Vendors who primarily operate in the proposed special district.
6. Enumeration of the specific reason(s) for expansion or limitation of Mobile Food Vendor activity based upon public health and/or public safety concerns.

Upon the filing of such an application, the mayor or any City councilmember may request that a Resolution establishing such a special district and special rules be forwarded to the City Council for consideration and final action.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

3.58.120 Periodic Review

The mayor and/or Director may, in conjunction with the Public Works and Police Departments, a representative from the City Council, a representative of the Mobile Food Vendor industry, and/or other stakeholders as necessary, perform an annual review of Mobile Food Vendor operations, the general rules in this article, and any special rules adopted under this article, and make recommendations as needed to the City Council for amendment of this article.

HISTORY
Repealed & Reenacted by Ord. 6402 on 10/21/2019

Chapter 3.62 - ~~TRANSIENT MERCHANTS~~ SOLICITOR LICENSE

3.62.010 License Required
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3.62.030 Application For License
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3.62.010 License Required

It shall be unlawful for any solicitor or person making street sales, as hereinafter defined, to engage in any such business within the city of Council Bluffs, Iowa, without first obtaining a license in compliance with the provisions of this chapter. License shall be issued to each individual person, not per company. Any person, firm or corporation who follows the calling, trade, profession and occupation and engages in the business of distributing handbills, circulars, cards, pamphlets or other advertising matter, shall be required to secure a Solicitors permit

(Ord. 5794 § 3 (part), 2004)

3.62.020 Definitions - ~~Transient Merchants~~Solicitor

For the purpose of this chapter, the following words, terms and phrases are defined as follows:

~~Mobile vending unit: Any vehicle, cart, or other contrivance from which street sales are made or offered to be made, and which may be moved from place to place for the purpose of making or offering to make street sales.~~

~~Peddler~~ Solicitor: Any person, traveling by foot, motor vehicle, or other type of conveyance from dwelling to dwelling, or street to street, carrying, conveying, or transporting candies, foods, magazines, or other merchandise, offering and exposing the same for sale, or making sales, and delivering such articles to purchasers, or taking orders for sales for future delivery, whether or not such person has, carries, or exposes for sale a sample of the subject of such sale, or whether or not he/she is collecting advance payment on such sales, or offering to furnish or perform services to be furnished now or in the future.

Person: An individual, ~~partnership, firm, corporation, association, or any body of persons, whether incorporated or not.~~

~~Street sales: Any sales transaction made from a street stand, vehicle, box, contrivance, or place outside of and disconnected from a lawfully recognized building in the city of Council Bluffs, Iowa, near to or adjoining any sidewalk, alley, or other public highway.~~

~~Transient merchant: Any person, whether owner, agent, bailee, consignee or employee, who engages in the sale of goods, wares, or merchandise of any kind, nature or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares or merchandise within the city of Council Bluffs, Iowa. A merchant shall be presumed to be temporarily or intermittently in business unless it is the intention of such merchant to remain continuously in business at each location~~

~~where the merchant is engaged in business within the city of Council Bluffs, Iowa. as a merchant, for a period of more than sixty (60) days.~~

(Ord. 5794 § 3 (part), 2004)

3.62.030 Application For License

The application for a license, as required by CBMC 3.62.010, shall include the following:

1. The name, ~~date of birth~~, permanent address, phone number and email of the applicant;

~~2. The name, date of birth, and permanent address, phone number and email of any persons who will be acting on behalf of the applicant in conducting business under the authority of such a license;~~

3. The name of the firm or corporation, if any, on whose behalf such business is being conducted and the address, Phone number and email of said firm or corporation;

~~4.~~ A ~~list of the goods, wares, merchandise, or products being sold, and the price of each, along with the name, address, and phone number of the supplier of the goods, wares, merchandise, or products;~~ Type of products and/or services being sold;

5. The make, model, ~~year~~, state of registration, and license number of any and all vehicles being used in connection with the business being transacted by the transient merchant;

~~6. Proof of the state sales tax permit, including state tax identification number, or exemption from state and federal taxing authorities;~~

~~7. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than a traffic violation, the nature of the offense, and the penalty imposed;~~

~~8. A statement as to whether or not the applicant or any persons conducting or carrying on business within the city of Council Bluffs, Iowa, on behalf of the applicant have conducted or carried on such business at any other place within the state of Iowa and, if so, the names of the last three municipalities where the applicant carried on such business;~~

~~9. The place or places within the city where it is proposed to carry on the business;~~

~~10. The time when such business operation or activity shall be commenced and the time when it will be terminated; and~~

~~11. A photograph of the applicant, and any other person or persons who will conduct or carry on the business within the city of Council Bluffs, Iowa. Such photograph shall be taken not more than ninety (90) days prior to the making of the application and shall be a minimum size of two inches by two inches, showing the head and shoulders of the person photographed.~~

(Ord. 5794 § 3 (part), 2004)

~~**3.62.040 Investigation Of Applicant - Issuance**~~

1. Upon receipt of an application, the city clerk shall refer the application to the chief of police, who shall make such investigation of the character and reputation of the persons who will conduct the business within the city of Council Bluffs, Iowa, as he/she deems necessary for the protection of the public good.

2. The chief of police shall, based on the investigation of the character and business responsibility of the applicant, endorse his or her approval or disapproval upon the application, and forward such endorsed application to the city clerk.

3. If the application has been approved by the chief of police, the city clerk shall issue a license upon the payment of all fees and compliance with the other conditions herein provided.

4. If the application has not been approved by the chief of police, the city clerk shall not issue a license unless the causes for such disapproval are eliminated; in which case, the application shall be resubmitted to the chief of police for investigation in the same manner as herein provided for the submission of the initial application.

(Ord. 5794 § 3 (part), 2004)

3.62.050 Bond Required

Before any license, as required by CBMC 3.62.010 shall be issued, the applicant shall file with the city clerk a bond running to the city of Council Bluffs, Iowa, in the amount of ten thousand dollars ($10,000.00), executed by the applicant as principal. The surety of such bond shall be a corporate surety authority to do business in the state of Iowa, and the bond and surety therein shall be approved by the city attorney before such license is issued. Bond forms shall be prepared by the city attorney, and any deviation from such form shall be approved by the city attorney. Such bond shall be conditioned:

1. For the observation of provisions of this chapter and any and all other ordinances of the city of Council Bluffs, Iowa, and any statutes of the state of Iowa that regulate merchandising and handling of goods, wares, merchandise, commodities, products or services dealt in by the licensee;

2. For the prompt and full payment of any taxes, fees, or other monies which may become due pursuant to the issuance of the license; and

3. For the full and complete protection of the city against any and all litigation growing out of the issuance of the license or anything done under such license.

(Ord. 5794 § 3 (part), 2004)

3.62.060 Insurance Required

Before any license, as required by CBMC 3.62.010, shall be issued, the applicant shall file with the city clerk a certificate or proof of general liability insurance. The minimum requirements for coverage and amounts of such policy shall be as follows:

1. Injury liability insurance for injuries to one or more persons in any one accident in the amount of two hundred fifty thousand dollars ($250,000.00);

2. Products liability insurance in the amount of five hundred thousand dollars ($500,000.00), combined single limits; and

3. Property damage liability insurance in the amount of one hundred thousand dollars ($100,000.00) for any one accident.

The city of Council Bluffs, Iowa, shall be named as an additional insured against any liabilities that may arise in connection with the licensees.

(Ord. 5794 § 3 (part), 2004)

~~**3.62.070 Appointment Of City Clerk As Agent**~~

~~Before any license, as required by CBMC 3.62.010, shall be issued, the applicant shall file with the city clerk an instrument nominating and appointing the city clerk or the person performing the duties of such position as the applicant's true and lawful agent, with full power and authority to acknowledge service of notice or process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under the license or for the performance of the conditions of the bond provided for in CBMC 3.62.050, or for any breach thereof. Such instrument shall contain a provision that the applicant for the license consents and agrees that service of any notice of civil suit may be made upon the city clerk of the person performing the duties of such position and when so made shall be as valid as if personally served upon the applicant, and that the applicant waives all claim or right of error by reason of such acknowledgement of manner of service. Immediately upon being served with notice or process as herein provided, the city clerk or the person performing the duties of such position shall send to the licensee at his/her address as shown upon the application, a copy of said notice or process. Such notice shall be sent by certified mail and shall be mailed not more than two days after service of the notice or process upon the city clerk, as herein provided.~~

(Ord. 5794 § 3 (part), 2004)

3.68.080 License Fee

For each license ~~or duplicate~~ issued hereunder, the applicant shall pay the applicable fee as found in the schedule of fees set forth in CBMC 2.08. Applicant may obtain a license for 6 months or for 1 year.

(Ord. 5794 § 3 (part), 2004)

~~**3.62.090 Copies Of License**~~

~~When more than one person will engage in the conduct of the business of a transient merchant, whether as agent, servant, employee or in any other capacity, one copy of the license shall be delivered to the applicant/licensee for each of said persons, the copy of which shall bear the name of the applicant/licensee, the name of the individual acting for or on the behalf of the licensee, and a recitation as to the capacity of the person so acting.~~

(Ord. 5794 § 3 (part), 2004)

3.62.100 Prohibited Acts

No Solicitor, or person making street sales, ~~or any person acting on behalf of said Solicitor,transient merchant, peddler, or person making street sales~~ shall:

1. Shout, blow on a horn, ring a bell, or use any loudspeaker or amplifying system for the purpose of advertising or otherwise announcing his or her wares, or business activities, except as may be permissible under any other ordinance of the city of Council Bluffs, Iowa, or statute of the state of Iowa, and such acts shall be specifically prohibited after 9:00 p.m. and before 9:00 a.m. on any day of the week;

2. Have any right to any location in the public streets or ways or upon any public property, nor shall he/she be permitted to operate in any congested area where such operations might impede or inconvenience the public. The judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public inconvenienced;

~~3. Sell or offer to sell goods, wares, or merchandise from a mobile vending unit on any of the city's public streets between the hours of 10:00 p.m. and 7:00 a.m. on any day of the week, and on any of the city's arterial streets as set forth on the city's arterial street map between the hours of 4:00 p.m. and 6:00 p.m. on any day of the week;~~

4. Sell or offer to sell goods, wares, or merchandise on any of the city's public streets ~~or other areas that are situated within a one block radius of any school between the hours of 7:30 a.m. and 4:30 p.m. during the days when any such school is in session;~~

~~5. Sell or offer to sell goods, wares, or merchandise from a mobile vending unit unless said mobile vending unit is parked in accordance with the ordinances of the city of Council Bluffs, Iowa, and the statutes of the state of Iowa;~~

~~6. Sell or offer to sell goods, wares, or merchandise from a mobile vending unit from any side of the unit other than the curb side of said mobile vending unit;~~

~~7. Operate a mobile vending unit that is not equipped with an accessible container in which all litter and wrappers from goods, wares, or merchandise sold therefrom can be placed, and it shall be the duty of the operator of said mobile vending unit to see that any litter and wrappers do not remain after completing sales in any one location; or~~

8. Enter upon any residential premises in the city where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

(Ord. No. 6082, § 1, 6-14-2010)

Editor's note— Ord. No. 6082, § 1, adopted June 14, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5794, § 3, 2004.

3.62.110 Revocation Of License

Any license issued hereunder may be revoked for cause after reasonable notice and opportunity for hearing by the city clerk, who shall give such notice by certified mail to the permanent address of the applicant. Notice shall be in writing, and include the specific grounds of the complaint, and the time and place of hearing. In the event of such revocation, no other Solicitors ~~transient merchant~~ license shall be

issued to such applicant for a period of two years thereafter. A license may be revoked for any of the following causes:

1. Violation of any provision of this chapter;
2. Fraud, misrepresentation, or false statement contained in the license application;
3. Fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, merchandise, or services by the transient merchant or any person acting on his/her behalf; or
4. Conviction of the licensee or any person acting on his/her behalf, for a felony or for any misdemeanor involving moral turpitude.

(Ord. 5794 § 3 (part), 2004)

3.62.120 Display Of License - Duplicates

Any license ~~or copy~~ issued herein shall at all times be carried by the licensee ~~and any person acting for or on such licensee's behalf~~. Such license shall be displayed to any person requesting to see the same, and it shall be unlawful for any licensee ~~or person acting for or on the behalf of said licensee~~ to engage in the conduct or carrying on of the business without such license in his/her possession. ~~If a license or copy is lost, defaced, or destroyed, a duplicate license shall be issued by the city clerk, stamped with the word "duplicate" upon its face. The fee for such a duplicate shall be as set forth in the schedule of fees of the city of Council Bluffs, Iowa.~~

(Ord. 5794 § 3 (part), 2004)

~~**3.62.130 Charitable Or Religious Organizations**~~

~~1. Except as set forth in CBMC 3.62.100 Paragraph H, the provisions of this chapter shall not apply to any charitable or religious organization which is exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code, and engaging in the sale of any product, goods, wares, or merchandise, for the purpose of raising funds for the furtherance of such organization, provided that any such group shall file an affidavit with the city clerk stating the purpose for which such funds are being raised, and that all monies realized by such sales, after deducting the expenses of sale, shall be expended for such charitable or religious purpose, and that none of said monies will inure to the benefit of any of the individual members of such group or organization.~~

(Ord. No. 6093, § 1, 7-26-2010)

Editor's note— Ord. No. 6093, § 1, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5801, § 1, 2004; Ord. No. 5794, § 3, 2004.

3.62.135 School Fundraising Activities

Except as set forth in CBMC 3.62.100 Paragraph H, the provisions of this chapter shall not apply to school fundraising activities. ~~For this exemption to be effective, the school shall, in writing, give notice to the city clerk of the merchandise being sold, approximate number of students involved, and the duration of the sales activities.~~

(Ord. No. 6093, § 2, 7-26-2010)

Editor's note— Ord. No. 6093, § 2, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5794, § 3, 2004.

3.62.140 Penalty For Violation

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions set forth in CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution. ?????

(Ord. 5794 § 3 (part), 2004)

~~**Chapter 3.64 - VEHICLES FOR HIRE - BUSES**~~

~~3.64.010 Compliance With City Regulation~~
~~3.64.020 Violation Of CBMC 3.64.010~~
~~3.64.030 Franchise Or Permit Required~~
~~3.64.040 Penalty For Violation Of CBMC 3.64.030~~
~~3.64.050 Each Passenger Carried As Separate Offense~~

~~*Traffic regulations— See CBMC 9.28.~~

~~**3.64.010 Compliance With City Regulation**~~

~~It shall be unlawful for any person, partnership or corporation engaged in the operation of motor carriers furnishing public transportation along, over or upon the streets and avenues in the City of Council Bluffs, whether from points within said city or from points without said city, and the agents, operating agents, and employees of such person, partnership or corporation to traverse any route along, over or upon any streets or avenues in the said city, except on such route or routes as the City Council by ordinance or resolution may prescribe.~~

~~(Ord. 3213 § 1; October 1, 1948)~~

~~**3.64.020 Violation Of CBMC 3.64.010**~~

~~Any violation of CBMC 3.64.010 shall be deemed a misdemeanor, and upon conviction thereof the person, partnership or corporation operating any motor carrier and the person having control thereof shall be fined not exceeding the sum of one hundred dollars ($100.00) for each offense.~~

~~(Ord. 3213 § 2; October 1, 1948)~~

~~**3.64.030 Franchise Or Permit Required**~~

~~It shall be unlawful for any person, firm, corporation or association, not holding a valid franchise or permit therefor from the City of Council Bluffs, to transport passengers for hire between points within the City of Council Bluffs, Iowa, by motor bus.~~

~~(Ord. 3250 § 1; March 13, 1950)~~

~~3.64.040 Penalty For Violation Of CBMC 3.64.030~~

~~Any person, firm, corporation or association found guilty of violating the provisions of CBMC 3.64.030 shall be fined in an amount not to exceed one hundred dollars ($100.00).~~

~~(Ord. 3250 § 2; March 13, 1950)~~

~~3.64.050 Each Passenger Carried As Separate Offense~~

~~Each passenger carried in violation of the prohibition of CBMC 3.64.030 shall constitute a separate offense.~~

~~(Ord. 3250 § 3; March 13, 1950)~~

Not Something we have issued licenses for in over 15 years. Have no enforcement

~~Chapter 3.68 - VEHICLES FOR HIRE - TAXIS~~

~~3.68.010 Definitions - Vehicles For Hire - Taxis~~
~~3.68.020 Taxicab Driver Permit Required~~
~~3.68.030 Taxicab Driver Permit - Qualifications And Application~~
~~3.68.040 Taxicab Driver Permit - Identification And Examination~~
~~3.68.050 Taxicab Driver Permit - Approval, Issuance, Form And Display~~
~~3.68.060 Taxicab Driver Permit~~
~~3.68.070 Insurance Required~~
~~3.68.080 Cancellation Or Suspension Of Insurance~~
~~3.68.090 Suspension Or Revocation Of Driver's Permit~~
~~3.68.100 Distinctive Color Scheme And Numbering Of Cabs~~
~~3.68.110 Stands In Parking Meter District~~
~~3.68.120 Stands Outside Of Parking Meter District~~
~~3.68.130 Soliciting Prohibited~~
~~3.68.140 Privilege Of First Passenger~~
~~3.68.150 Vehicle Inspection~~
~~3.68.160 Taximeter~~
~~3.68.170 Rates Of Fare~~
~~3.68.180 Failure To Pay Fare~~
~~3.68.190 Penalty For Violation~~

~~*Traffic regulations — See CBMC 9.~~

~~3.68.010 Definitions - Vehicles For Hire - Taxis~~

~~For the purposes of this chapter, unless the context indicates a different meaning:~~

~~Taxicab: Any motor vehicle used for transportation of passengers for hire, except buses.~~

~~Operator: Any person, firm, association or corporation, whether owner or lessee, engaged in the business of operation of one or more taxicabs.~~

~~Driver: Any person actually engaged in the driving of a taxicab, either for himself or herself or as an employee of an operator.~~

~~Street: Any street, avenue, boulevard, alley or public way within the corporate limits of the city of Council Bluffs.~~

~~Suspension: The permit of a driver shall be held in abeyance so that the driver shall not operate any taxicab within the city limits of Council Bluffs, Iowa, for the entire period of the suspension, such periods not to exceed one year.~~

~~Revocation: The permit of a driver shall be withheld and denied so that the driver shall not operate any taxicab within the city limits for a period of two years, and no taxicabs owned and/or operated by the driver shall be allowed to be operated within the city for a period of six months.~~

~~(Ord. 4324 § 1 (part), 1980)~~

~~3.68.020 Taxicab Driver Permit Required~~

~~No person shall operate a taxicab over or upon the streets of the city unless and until such person shall first have obtained a taxicab driver permit as required by this chapter, and complied with the provisions and regulations contained in this chapter. It is unlawful and a misdemeanor for any person not holding a taxicab driver permit issued pursuant to this chapter to operate a taxicab over or upon the streets of the city for purposes of transporting a passenger for hire between points in the city or for purposes of transporting a passenger for hire from a point within the city to a point outside the city.~~

~~(Ord. 4337 § 1, 1980)~~

~~3.68.030 Taxicab Driver Permit - Qualifications And Application~~

1. ~~Every person desiring to operate a taxicab within the corporate limits of the city pursuant to the provisions of this chapter must obtain a taxicab driver permit. No person shall be eligible to obtain a taxicab driver permit hereunder unless such person meets the following qualifications:~~

    1. ~~Be at least eighteen (18) years of age;~~

    2. ~~Possess a valid Iowa chauffeur's license, or valid license from another state which would permit that person to operate a taxicab;~~

    3. ~~Be able to speak, read and write the English language;~~

    4. ~~Shall not have been convicted of a serious traffic law violation during the two years prior to making application, including, but not limited to, reckless driving, operation of a motor vehicle while under the influence, or three or more nonmoving traffic law violations within one year prior to the making of an application;~~

5. Be of good moral character and submit with his or her application, testimonials of at least two reputable persons as to the applicant's good character and reliability. For the purposes of this chapter, "a person of good moral character" shall be any person who meets the following requirements:

    1. Such person has such financial standing and good reputation as will satisfy the issuing authority that such person will comply with this chapter and all laws, ordinances, and regulations applicable to such operation under this chapter;

    2. Such person has not held a license under this chapter which has been revoked during the two years last preceding the date of application; and

    3. Such person has not been convicted of a felony occurring more than five years before the date of an application for a license, and if such person's rights of citizenship have been restored by the governor, the issuing authority may determine that he or she is a person of good moral character, notwithstanding the conviction.

2. Any person desiring to obtain a taxicab driver permit shall make application for the permit on a form furnished by the city clerk, which application shall state:

    1. The full name and present address of the applicant;

    2. The applicant's place of residence prior to his or her present address;

    3. The applicant's age, weight, color of eyes, and color of hair;

    4. The applicant's place of birth;

    5. Whether the applicant is a citizen of the United States by either birth or naturalization;

    6. Places of previous employment:

    7. The applicant's marital status;

    8. The applicant's previous criminal history;

    9. Whether the applicant has previously been licensed as a driver or chauffeur and, if so, when, where and whether his or her license has been revoked or suspended, and for what cause;

    10. The number of applicant's state driver's license;

    11. The make, model, year and license number of the taxicab or taxicabs which applicant intends to operate, and the company name and number of such taxicab or taxicabs if applicable.

3. If after issuance of a taxicab driver's license, the licensee proposes to operate a taxicab or taxicabs different from those described in the application, the licensee shall first notify the city clerk and supply all information required in part (11) above. The applicant shall provide the city clerk with three recent photographs of the applicant, one of which is to be attached to the

application, and one other to be affixed to the permit in such a manner that it cannot be removed without the probability of detection, if such license is issued. Any fraudulent representation made upon such application shall be grounds for denial, suspension, or revocation of the permit.

(Ord. 4324 § 1 (part), 1980)

3.68.040 Taxicab Driver Permit - Identification And Examination

Each application form, upon completion, shall be submitted by the city clerk to the chief of police, or an officer or officers designated by him, who shall fingerprint the applicant and give to the applicant an examination which shall test the applicant's knowledge of the provisions of this chapter, the traffic regulations and geography of the city, and the laws of the state of Iowa relative to the operation of motor vehicles. If the result of such examination is not satisfactory, the applicant shall be denied a license.

(Ord. 4324 § 1 (part), 1980)

3.68.050 Taxicab Driver Permit - Approval, Issuance, Form And Display

The chief of police shall upon review of the applicant's driving and criminal record, application and examination, make a recommendation to the city manager concerning the issuance or denial of a permit. Upon approval of the city manager, there shall be issued to the applicant a permit which shall be in such form as to contain a brief description, the photograph and signature of the permittee. Such permit shall be at all times clearly displayed in the taxicab operated by the permittee and in such manner as to be readily examined by police or passengers.

(Ord. 4324 § 1 (part), 1980)

3.68.060 Taxicab Driver Permit

1. Initial and Renewal Fee. The fee for a taxicab driver permit shall be ten dollars ($10.00) for the first year, which fee shall accompany the application. All such licenses shall be in force for one year from date of issuance, unless sooner suspended or revoked. Such licenses shall not be transferable and may be renewed for each succeeding year upon the payment of a fee of five dollars.

2. Reciprocity In the event that an applicant for a taxicab driver permit holds a valid and currently in force taxicab driver's permit from the city of Omaha, Nebraska, the fee for the initial issuance of a taxicab driver permit hereunder to such applicant shall be five dollars, with a five dollar renewal fee for each succeeding year.

(Ord. 4324 § 1 (part), 1980)

3.68.070 Insurance Required

No permit shall be issued to any person to drive a taxicab unless and until the applicant shall file with the city clerk and have approved by the city attorney or his or her designee a certificate of insurance evidencing an insurance policy of standard form issued by an insurance company association, reciprocal or interinsurance exchange, or other insurer authorized to do business in the state of Iowa, for such

taxicab and conditioned to inure to the benefit of any person or the personal representative of any person who may suffer bodily injury or death or property damage by reason of any legal liability on the part of the driver or operator or owner of said taxicab, and providing coverage to a minimum of five hundred thousand dollars ($500,000.00) bodily injury and property damage combined single limit per occurrence.

(Ord. 4683 § 1, 1986)

3.68.080 Cancellation Or Suspension Of Insurance

Such policy shall not he or she cancelled or suspended either by the insured or the insurer unless at least twenty (20) days' notice in writing of the intention to cancel or suspend such policy has been filed with the city clerk, and upon such suspension or cancellation of insurance, the permit of the driver shall stand suspended until such time as an acceptable certificate of insurance shall be on file.

(Ord. 4324 § 1 (part), 1980)

3.68.090 Suspension Or Revocation Of Driver's Permit

A taxicab driver permit may be suspended or revoked at any time for violation of any of the provisions of this chapter or for any cause deemed sufficient by the city manager and/or chief of police. Upon determination by either the city manager or the chief of police that a taxicab driver permit should be suspended or revoked, the city manager or the chief of police, as the case may be, shall notify the permittee by written notice that the license shall stand suspended or revoked as of a certain date, indicating the grounds for the suspension or revocation, and shall further indicate in such notice that the licensee has the right to appeal such suspension or revocation to the party issuing the notice. The permittee shall have ten (10) days from receipt of the notice of suspension or revocation to appeal such suspension or revocation. Hearing upon such proposed suspension or revocation shall be set to occur on a date not more than ten (10) days after receipt of permittee's request to appeal. The party conducting the hearing upon the appeal of the permittee may take into consideration any and all evidence relevant and material to the issues presented. The permittee shall have the right to present his or her defense, and have the right to cross-examine all witnesses presented by the city. Upon completion of the hearing, the party conducting the hearing may modify, amend or void the period of revocation or suspension. Any party aggrieved by the decision of the party conducting the hearing may appeal the decision further to the district court. Upon suspension or revocation, such license shall forthwith be surrendered by the permittee to the city clerk.

(Ord. 4324 § 1 (part), 1980)

3.68.100 Distinctive Color Scheme And Numbering Of Cabs

Every driver or operator of a taxicab or taxicabs shall adopt a distinguishing color scheme design or dress for all vehicles driven or operated as taxicabs, and shall use the same on all such vehicles so operated under this chapter, and shall have the trade name, if any, legibly printed on the vehicles on both sides thereof. Such color scheme, design or dress shall not imitate or so closely resemble the color scheme, design or dress used or adopted by other drivers or operators as to be confused therewith, but shall be so distinctive as to be readily identified by either patrons or the police department. Where a driver or operator operates or has more than one taxicab operating in Council Bluffs, all such cabs shall be

consecutively numbered, and the number of each such cab shall be prominently displayed upon the front, back and both sides of each cab in arabic numerals at least two and one-half inches in height, and of a color contrasting the background.

(Ord. 4324 § 1 (part), 1980)

3.68.110 Stands In Parking Meter District

Any driver or operator desiring exclusive use of a cab stand or stands within a parking metered district, shall make application to the city clerk therefor and shall deposit with the city clerk a fee of one hundred fifty dollars ($150.00) for each stand requested. Upon receipt of such application and fee, the city clerk, with the concurrence of the city manager or his or her designee, may assign to the operator such stand or stands as, in their judgment, may be proper, and shall cause the parking meter to be removed from such space and an appropriate sign or mark placed therein, designating such space as reserved for a taxicab stand. Such reservation of space may be continued from year to year upon payment of an annual fee of one hundred fifty dollars ($150.00).

(Ord. 4324 § 1 (part), 1980)

3.68.120 Stands Outside Of Parking Meter District

Any taxicab driver or operator desiring exclusive use of a cab stand or stands outside of the parking meter district shall make application to the city clerk therefor and deposit with the city clerk a fee of one hundred dollars ($100.00) for each stand requested. Upon receipt of such application and fee, the city clerk, with the concurrence of the city manager or his or her designee, may assign to the operator such stand or stands as, in their judgment, may be proper, and thereupon cause appropriate signs or marks placed therein designating the space as reserved for a cab stand. Such reservation of space may be continued from year to year upon payment of an annual fee of one hundred dollars ($100.00).

(Ord. 4324 § 1 (part), 1980)

3.68.130 Soliciting Prohibited

It is unlawful for any person owning, possessing or operating any taxicab in the city to seek employment for any taxicab in, upon or along the streets, alleys or public ways of the city by traversing the streets, alleys or public ways at a speed substantially lower than that of the posted speed limit, or in any other manner so as to attract or solicit persons to become passengers therein or in any manner or at such rate of speed as to interfere with or impede traffic.

(Ord. 4324 § 1 (part), 1980)

3.68.140 Privilege Of First Passenger

The person first ordering or hiring a taxicab shall have the right to direct whether or not other passengers or persons shall be allowed to ride in the cab at the same time, and it shall be the duty of the driver to obtain the consent of such person before accepting other passengers or persons for transportation.

(Ord. 4324 § 1 (part), 1980)

3.68.150 Vehicle Inspection

~~Before a taxicab driver permit is issued, the applicant therefor shall furnish to the city clerk a state vehicle inspection certificate from an officially authorized or licensed inspection station of the state wherein such vehicle or vehicles are registered and licensed, issued within six months prior to the application, certifying that the vehicle or vehicles to be driven by the permittee have been inspected and that the same are equipped with safety devices and appliances as required by the state motor vehicle law of the state wherein such vehicle or vehicles are licensed, and that all such devices or appliances are in good working condition. All taxicabs operated by taxicab drivers holding permits hereunder shall be inspected by an officially authorized or licensed Iowa state inspection station at least once every year. However, if a taxicab is licensed and registered in a state whose laws provide for a periodic safety inspection, a certificate from an officially authorized or licensed state inspection station of such state may be presented in lieu of the foregoing, and the certificate filed with the city clerk showing that all safety devices or appliances are in proper working order. In the event such certificate is not furnished as required in this section, the taxicab driver's license for the operation of such taxicab may be suspended until such time as such equipment is placed in proper condition and the certificate thereof filed with the city clerk. The city manager or chief of police may order the immediate inspection of any taxicab which either of them has reason to believe is unsafe. Failure to comply with such order of the city manager or the chief of police, or failure to obtain upon such an order an inspection certificate certifying the good working condition of the suspected vehicle as required in this section, shall be grounds for suspension of the taxicab driver permit.~~

~~(Ord. 4324 § 1 (part), 1980)~~

~~3.68.160 Taximeter~~

1. ~~Semiannual Inspection Permit Required. All taxicabs shall be equipped with a taximeter of standard design, so placed and lighted in the taxicab so as to enable passengers to see and read same during both daylight and nighttime hours. Such meters shall be inspected at least once each six months by a competent inspector, either as designated by the chief of police, or pursuant to paragraph C below, and any taxicab found to be equipped with a defective meter shall be removed from service until such meter is repaired or replaced. After such inspection, the inspector shall thereupon cause to be attached to the meter a stamp showing the date of inspection and the approval thereof and the initials or signature of the inspector. There is fixed a fee of two dollars for such semiannual inspection. No person shall permit to be used or drive a taxicab equipped with a meter, the cover of which is not intact and sealed, or which has not been inspected as required by this section.~~

2. ~~Complaint—Spot Inspection. Upon complaint by any person to the city manager or the chief of police of the inaccuracy of any taximeter, the chief of police shall order the meter to be immediately inspected and the same tested for inaccuracy. If upon such inspection and testing, the taximeter is found to be accurate, no fee shall be charged. If upon such inspection and testing, the taximeter is found to be inaccurate, the taxicab shall be removed from service until the taximeter is repaired or replaced, and has successfully passed further inspection. The fee for a spot inspection which reveals an inaccurate taximeter, and for each subsequent inspection to determine if the taximeter has been repaired or replaced, shall be five dollars, if such inspection is conducted by personnel of the city.~~

3. Reciprocity. For purposes of any inspection required or ordered pursuant to this section, taximeter inspections conducted by the city of Omaha, Nebraska, pursuant to Chapter 38 of the Omaha Municipal Code, and taximeter inspection stamps issued pursuant to such inspections, shall be recognized and given the same effect as if the inspections had been conducted by the city of Council Bluffs pursuant to this chapter.

(Ord. 4324 § 1 (part), 1980)

3.68.170 Rates Of Fare

The rates of fare charged by the operator for taxicab service shall be posted in a conspicuous place in the passenger compartment in each taxicab.

(Ord. 4324 § 1 (part), 1980)

3.68.180 Failure To Pay Fare

It is unlawful for any person to refuse to pay the ordinary and reasonable fare for any taxicab hired by him or her for the purpose of riding in the same or for the transportation of any persons, goods, wares or other property.

(Ord. 4324 § 1 (part), 1980)

3.68.190 Penalty For Violation

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars ($100.00) and costs, or imprisonment in jail for not to exceed thirty (30) days. In addition, any person holding a taxicab driver's license under this chapter may, in the discretion of the city manager or chief of police, have his or her license suspended or revoked for any violation of this chapter.

(Ord. 4324 § 1 (part), 1980)

Haven't issued a Taxi cab permit in a few years. Not something the Clerk's Office has any enforcement over