**ORDINANCE NO. 6351**

**AN ORDINANCE TO AMEND TITLE 9 "TRAFFIC" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY ADDING "CHAPTER 9.70 – CAUSING DUST AND DEBRIS TO CROSS PRIVATE PROPERTY LINES AND TO BE BROUGHT UPON THE STREETS AND OR HIGHWAYS WITHIN THE COUNCIL BLUFFS CITY LIMITS."**

**BE IT ORDAINED**
**BY THE CITY COUNCIL**
**OF THE**
**CITY OF COUNCIL BLUFFS, IOWA**

**SECTION 1.** That Title 9 "Traffic" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended to read as follows:

**Chapter 9.70** - Causing dust and debris to cross private property lines and to be brought upon the streets and or highways within the Council Bluffs City limits.

**9.70.010** – Precautions to minimizing pollution.

It is unlawful for any person handling, loading, unloading reloading, storing, transferring, transporting, placing, depositing, throwing, discarding, or scattering any ashes, fly ash, cinders, slag or dust collected from any combination process, any dust, dirt, chaff, waste paper, trash, rubbish, waste or refuse matter of any kind, or any other substance or material whatsoever, which is likely to be scattered by the wind across property lines or is susceptible to being windborne, to do so without taking reasonable precautions or measures to prevent particulate matter from becoming airborne so as to minimize atmospheric pollution.

**9.70.020** – Covered loads.

No person shall operate an open body trucks or other motor vehicle upon the streets and or highways within the city limits of Council Bluffs hauling materials likely to give rise to airborne dust or other materials being disbursed from the vehicle unless it is covered.

**9.70.030** – Causing mud or debris to be left on a street.

No person shall operate a motor vehicle in a manner that causes mud or other debris to be left upon the streets or highways within the city limits of Council Bluffs. By the adoption of this code section the City does also find that such an acts is a Nuisance as set out in Chapter 8.54 of the Municipal Code and subjects the violator to all of the provisions and penalties provided for in that Chapter.

**9.70.040** – Exceptions.

Exceptions to this Chapter shall not apply to the following:

(1) The maintenance of public roads by the city of Council Bluffs or its various departments;

(2) Agricultural operations including tilling, planting, cultivating or harvesting within a field, the moving of livestock on foot, or the hauling or produce within the confines of a farm; and
(3) Driveways limited to residential use.

**SECTION 2. REPEALER**. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE**. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE**. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND October 22, 2018.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-8-18
Second Consideration: 10-22-18
Public Hearing: N/A
Third Consideration: _____