

NOTICE OF PLANNING & ZONING COMMISSION REGULAR MEETING

City of Cumming

February 25, 2020 – 7:00 p.m.

Cumming City Hall

649 N 44th Street

Cumming, Iowa 50061

This is a tentative agenda only, which is subject to change. The final agenda will be posted at least 24 hours prior to commencement of the meeting.

- I. ROLL CALL**
- II. APPROVAL OF AGENDA** as presented and/or amended.
- III. ACTION/DISCUSSION ITEMS**
 - A. Easement Exhibit – GWC N.575375
 - B. Noise Ordinance Discussion
- IV. UPCOMING PLANNING & ZONING MEETING:**
 - A. Regular meeting – March 24, 2020 at 7:00 p.m. at City Hall
- V. ADJOURN**

Easement Exhibit – GWC N. 575375

Comments from Christopher Janson, MSA dated January 24, 2020 at 10:40 a.m.

I don't have any planning related comments on this easement.

Comments from Bradley Hopkey dated February 20, 2020 at 8:32 am

I'm assuming that the easement CenturyLink is talking about is the 5' PUE running north/south along the west edge of Plat 1. I don't remember if this was included in the original plat documents. If so, they should be ok to use it to service the lots. If the PUE was not part of the original documents, then we'll need some guidance from staff.

If it's a private utility wanting to use an existing easement, then I don't think it needs to go thru P&Z for approval. Again, I'll rely on staff to provide input.

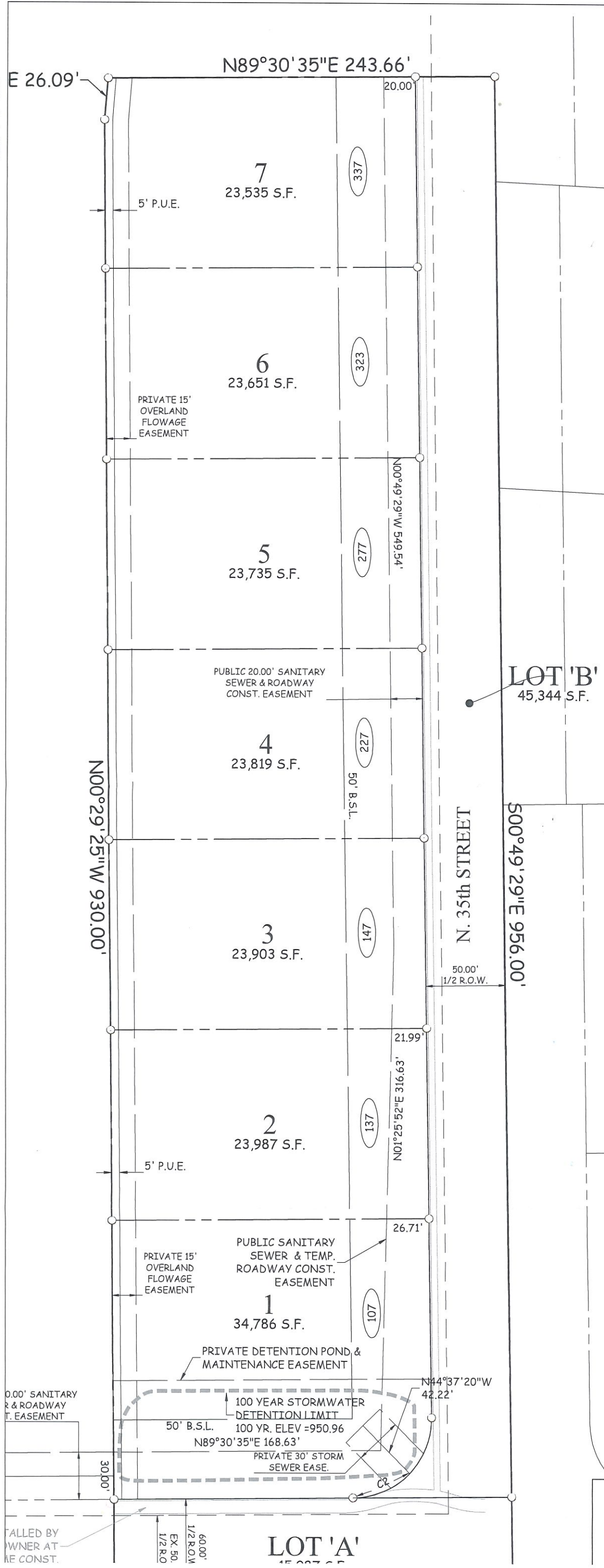
Comments from Tony Bellizzi dated February 20, 20 at 9:39 a.m.

The recorded plat is attached. The PUE is not on the recorded plat. Also attached is the CenturyLink drawing that was approved that shows the PUE adjacent to the existing 15' wide overland flowage easement. The Exhibit provided shows the 5' PUE overlapping the 15' private overland flowage easement. This should be clarified.

Since the PUE is not on the recorded Final Plat, we will need a separate easement document to be recorded. The easement should be located as approved by Council.

RECEIVED FEB 20 2020

EASEMENT EXHIBIT



LOT 'B'
45,344 S.F.

LOT 'A'
45,344 S.F.



COOPER CRAWFORD
& ASSOCIATES, L.L.C.
CIVIL ENGINEERS

475 S. 50th Street, Suite 800, West Des Moines, IA 50265
Phone: (515) 224-1344 Fax: (515) 224-1345

0	50	100
SCALE: 1"=100'		
DATE: 11-25-2019		
JOB NUMBER		
CC		
1044		

OVERVIEW

WORK AREA

SHEET 5

SHEET 4

SHEET 3

CUMMING AVE / G14 HWY

N 35TH ST

N 34TH ST



Scale: NTS

ADDRESS: 107 N 35th St
CITY/STATE: CUMMING/IA
ZIP: 50061
COUNTY: WARREN

DATE: 08/28/19
PROJECT: GPON
PROJECT#: N.573375
CLLI: NRWLIACO
SHEET: 1 of 5
REVISION: 1

CHC ENGINEER: SAUPNEIL RAINA
PHONE: 949-250-0004
EMAIL: sraina@chcconsulting.com



CHC CONSULTING

CENTURYLINK ENGINEER: Angela Bach
PHONE: (515) 263-7320
EMAIL: Angela.Bach@centurylink.com



CenturyLink®

RECEIVED FEB 20 2020

SANITARY SEWER LEGEND:

- SANITARY SEWER
- SANITARY MANHOLE
- SANITARY MANHOLE WITH DROOP
- SANITARY MH WITH FLOW METER
- SANITARY CLEANOUT
- JUNCTION BOX
- SANITARY LAMPHOLE
- SANITARY DISCHARGE STRUCTURE
- SANITARY DIVERSION/OVERFLOW STRUCTURE
- SANITARY GREASE INTERCEPTOR
- SANITARY AIR RELIEF VALVE
- SANITARY BACKWATER VALVE
- SANITARY BLOWOFF VALVE
- PLUG VALVE
- UNKNOWN



UTILITY LEGEND:

- ELECTRICAL LINES
- FIBER LINES
- NEW CONDUIT WITH FIBER
- NEW 288 CT FIBER
- NEW 216 CT FIBER
- NEW 144 CT FIBER
- NEW 72 CT FIBER
- NEW 48 CT FIBER
- NEW 24 CT FIBER
- EXISTING FIBER
- CUSTOMER CONDUIT
- CENTERLINES
- RIGHT OF WAY (ROW)



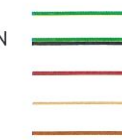
WATER LEGEND:

- WATER MAIN DISTRIBUTION
- BALL
- BUTTERFLY
- CONE
- GATE
- TAP
- WATER UNKNOWN
- REDUCER
- HYDRANT
- SLEEVE
- BEND
- TEE



CITY OWNED PIPES:

- GRAVITY MAIN
- GRAVITY MAIN W/ SUB DRAIN
- FORCE MAIN
- ANAEROBIC GRAVITY MAIN
- ANAEROBIC FORCE MAIN



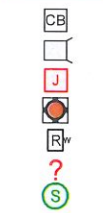
MISCELLANEOUS

- EXISTING PED
- NEW PED
- EXISTING FSAI
- NEW FSAI
- NEW MST
- EXISTING MST
- BORE PIT
- EXISTING HANDHOLE
- NEW HANDHOLE
- TELCO MANHOLE
- POWER MANHOLE
- POWER TRANSFORMER



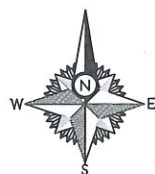
STORM SEWER LEGEND:

- STORM SEWER
- STORM CURB INLET
- STORM FIELD INLET
- STORM JUNCTION
- STORM OUTLET
- STORM ROAD SURFACE INLET
- STORM UNIDENTIFIED STRUCTURE
- SEWER



General Notes:

1. All proposed work performed shall be done in accordance with issued permits.
 2. All new utility structures and facilities such as pedestals, handholes, fiber optic cables, service terminals, and MST tails are to be placed within Right-of-Way (ROW) and Public Utility Easements (PUE).
 3. All existing utilities, facilities, conditions and their dimensions shown on permit are approximate and based on available records. Contractor shall be responsible for determining exact location of all existing utilities and facilities prior to start of construction.
 4. Contractor shall provide all erosion and sedimentation control measures as required by local, county and state codes and ordinances to protect embankments from soil loss and to prevent accumulation of soil and silt streams and drainage paths leaving the construction area. This may include such measures as silt fences, straw bale sediment barriers and check dams.
 5. Contractor shall be responsible for construction and maintenance of erosion and sedimentation controls during construction for protection of adjacent properties, roadways, and waterways and shall be maintained in place until work is complete, as necessary.
 6. Contractor shall install/construct all necessary sediment/silt control fencing and protective measures within the limits of site disturbance prior to construction.
 7. Seeding, mulching, straw-mat or blanket and/or sodding of the site will be accomplished as soon as possible after completion of the project facilities affecting land disturbance in accordance to the requirements of the municipality.
 8. All new and existing utility structures and facilities to be disturbed in work area during construction shall be adjusted to finish elevations upon completion of work.
 9. Grading of the site work area is to be smooth and continuous in slope and is to feather into existing grades at the grading limits.
 10. Contractor shall replace all damaged pavement, curb, gutter, and sidewalk in accordance to the requirements of the municipality.
 11. Subdivision note: All BDO pedestals, fiber optic cables, service terminals, handholes, and MST tails are to be placed in the Public Utility Easement (PUE).*
 12. Maintain minimum distance of 1' from sidewalk when placing handhole or any other above ground equipment.*
 13. Maintain minimum distance of 5' from all City utilities unless otherwise noted in design sheets.*
 - a. Special provision for City of West Des Moines' general notes override current "General Notes on Legend."
- *Disclaimer: All general notes are overridden if call out in design sheets have special provisions based upon:
- a case to case basis
 - approval by the Municipality on the equipment placement.



Scale: NTS

ADDRESS: 107 N 35th St
 CITY/STATE: CUMMING/IA
 ZIP: 50061
 COUNTY: WARREN

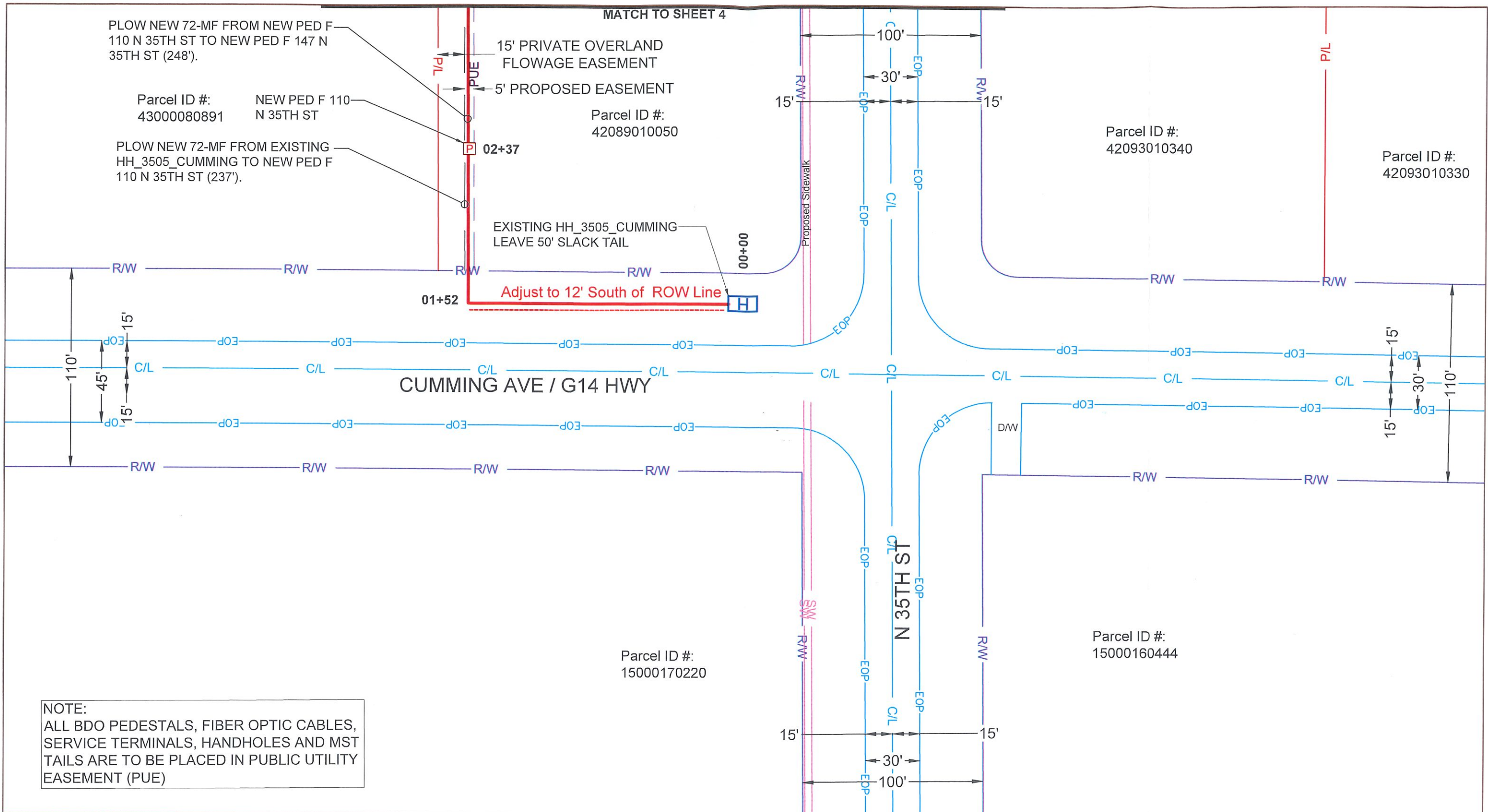
DATE: 08/28/19
 PROJECT: GPON
 PROJECT#: N.573375
 CLLI: NRWLIACO
 SHEET: 2 OF 5
 REVISION: 1

CHC ENGINEER: SAUPNEIL RAINA
 PHONE: 949-250-0004
 EMAIL: sraina@chcconsulting.com

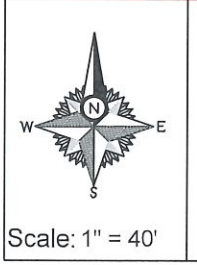


CENTURYLINK ENGINEER: Angela Bach
 PHONE: (515) 263-7320
 EMAIL: Angela.Bach@centurylink.com





NOTE:
 ALL BDO PEDESTALS, FIBER OPTIC CABLES,
 SERVICE TERMINALS, HANDHOLES AND MST
 TAILS ARE TO BE PLACED IN PUBLIC UTILITY
 EASEMENT (PUE)

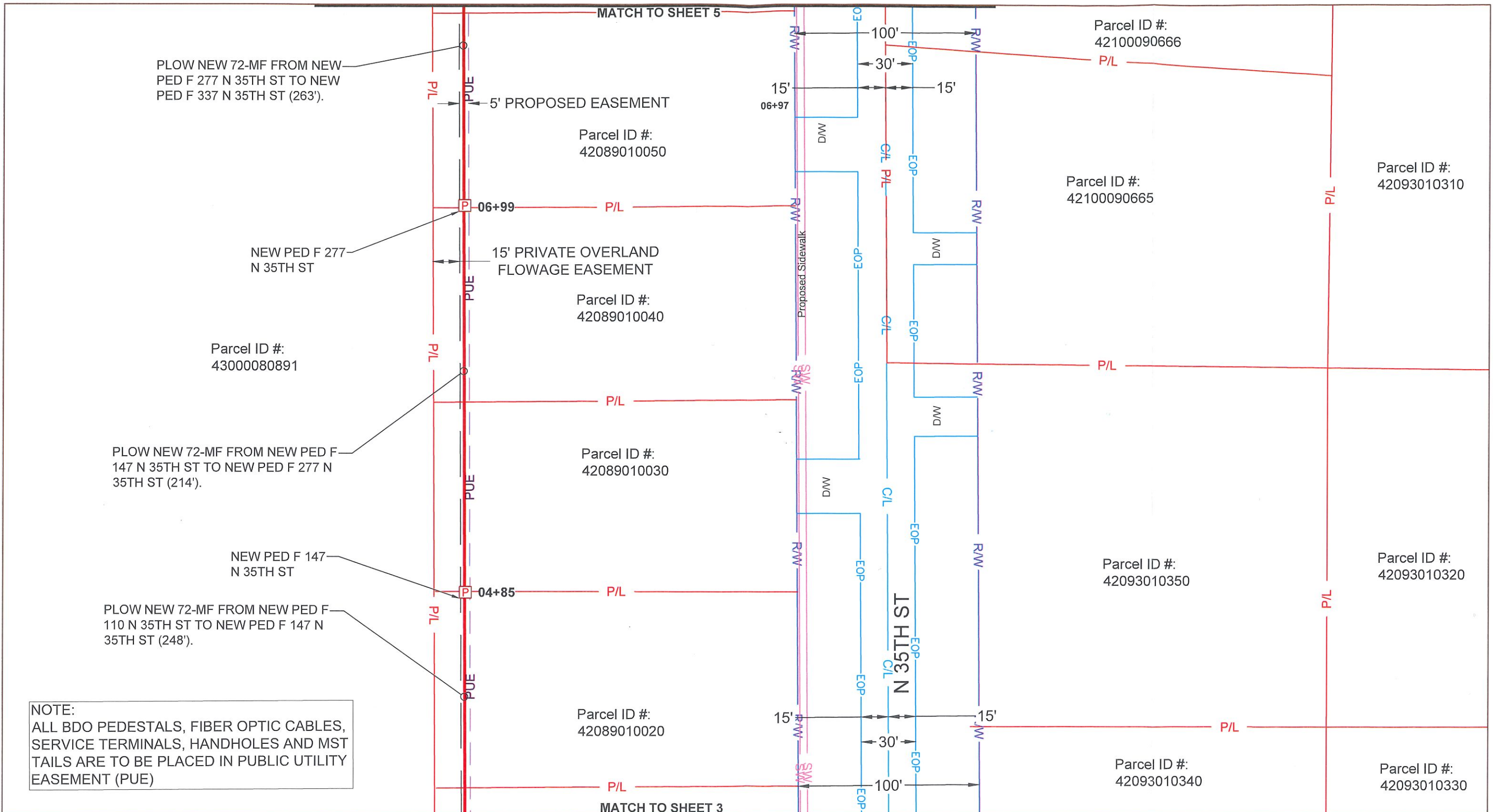


ADDRESS: 107 N 35th St
 CITY/STATE: CUMMING/IA
 ZIP: 50061
 COUNTY: WARREN
 UTILITY PERMITS REQUIRED
 LOCATE ALL UTILITIES 48 HOURS PRIOR TO CONSTRUCTION

DATE: 08/28/19
 PROJECT: GPON
 PROJECT#: N.573375
 CLI: NRWLIACO
 SHEET: 3 OF 5
 REVISION: 1

CHC ENGINEER: SAUPNEIL RAINA
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 CHC CONSULTING

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 CenturyLink®



PLOW NEW 72-MF FROM NEW PED F 277 N 35TH ST TO NEW PED F 337 N 35TH ST (263').

NEW PED F 277 N 35TH ST

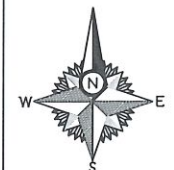
Parcel ID #: 43000080891

PLOW NEW 72-MF FROM NEW PED F 147 N 35TH ST TO NEW PED F 277 N 35TH ST (214').

NEW PED F 147 N 35TH ST

PLOW NEW 72-MF FROM NEW PED F 110 N 35TH ST TO NEW PED F 147 N 35TH ST (248').

NOTE:
ALL BDO PEDESTALS, FIBER OPTIC CABLES, SERVICE TERMINALS, HANDHOLES AND MST TAILS ARE TO BE PLACED IN PUBLIC UTILITY EASEMENT (PUE)



Scale: 1" = 40'

ADDRESS: 107 N 35th St
CITY/STATE: CUMMING/IA
ZIP: 50061
COUNTY: WARREN

UTILITY PERMITS REQUIRED
LOCATE ALL UTILITIES 48 HOURS PRIOR TO CONSTRUCTION

DATE: 08/28/19
PROJECT: GPON
PROJECT#: N.573375
CLLI: NRWLIACO
SHEET: 4 OF 5
REVISION: 1

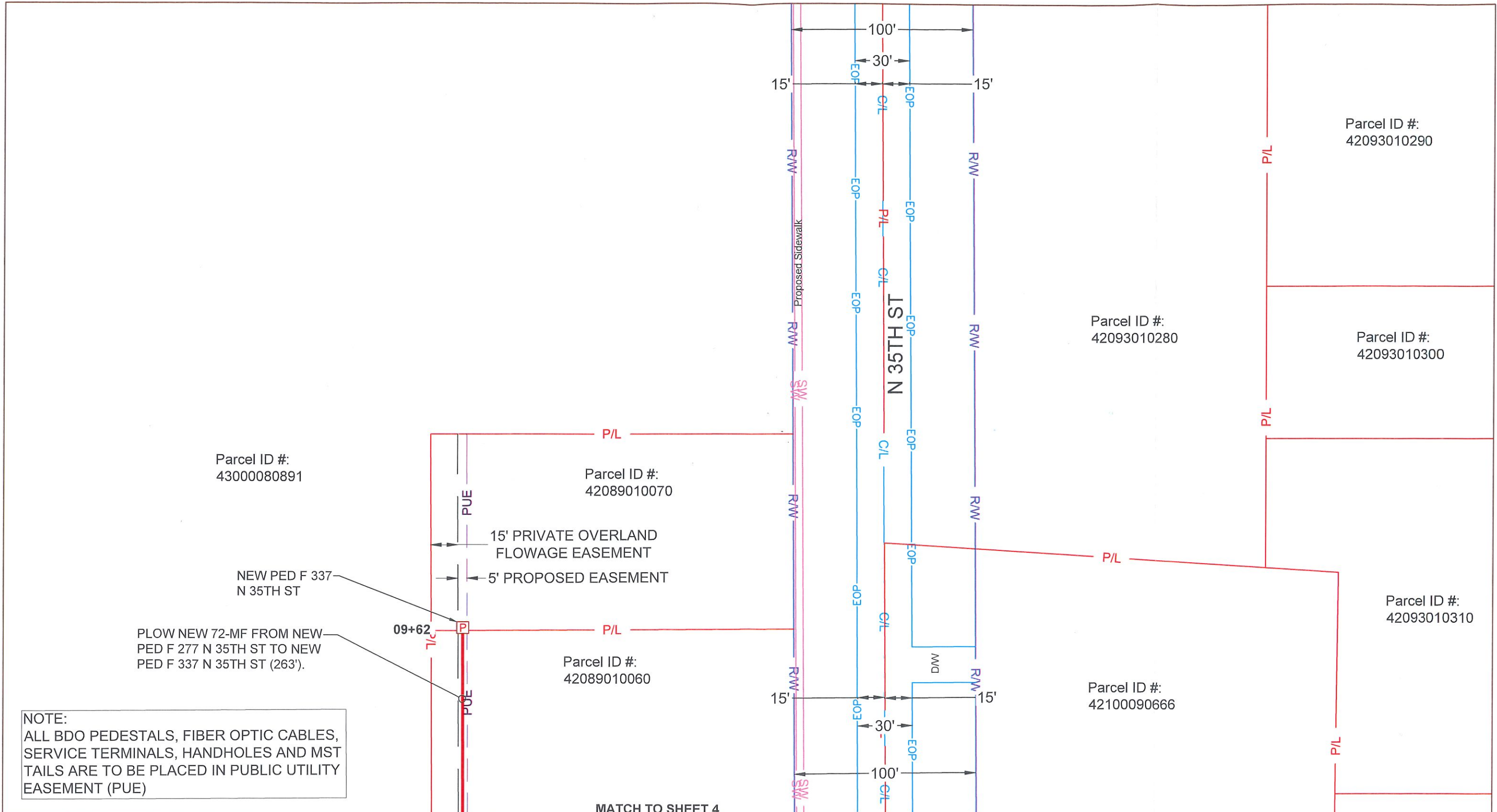
CHC ENGINEER: SAUPNEIL RAINA
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EMAIL: sraina@chcconsulting.com



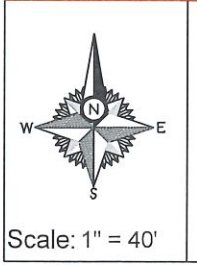
CENTURYLINK ENGINEER: Angela Bach
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RECEIVED FEB 20 2020



NOTE:
 ALL BDO PEDESTALS, FIBER OPTIC CABLES,
 SERVICE TERMINALS, HANDHOLES AND MST
 TAILS ARE TO BE PLACED IN PUBLIC UTILITY
 EASEMENT (PUE)



ADDRESS: 107 N 35th St
 CITY/STATE: CUMMING/IA
 ZIP: 50061
 COUNTY: WARREN

UTILITY PERMITS REQUIRED
 LOCATE ALL UTILITIES 48 HOURS PRIOR TO CONSTRUCTION

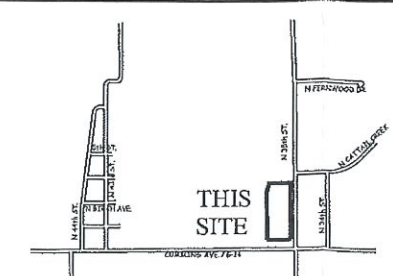
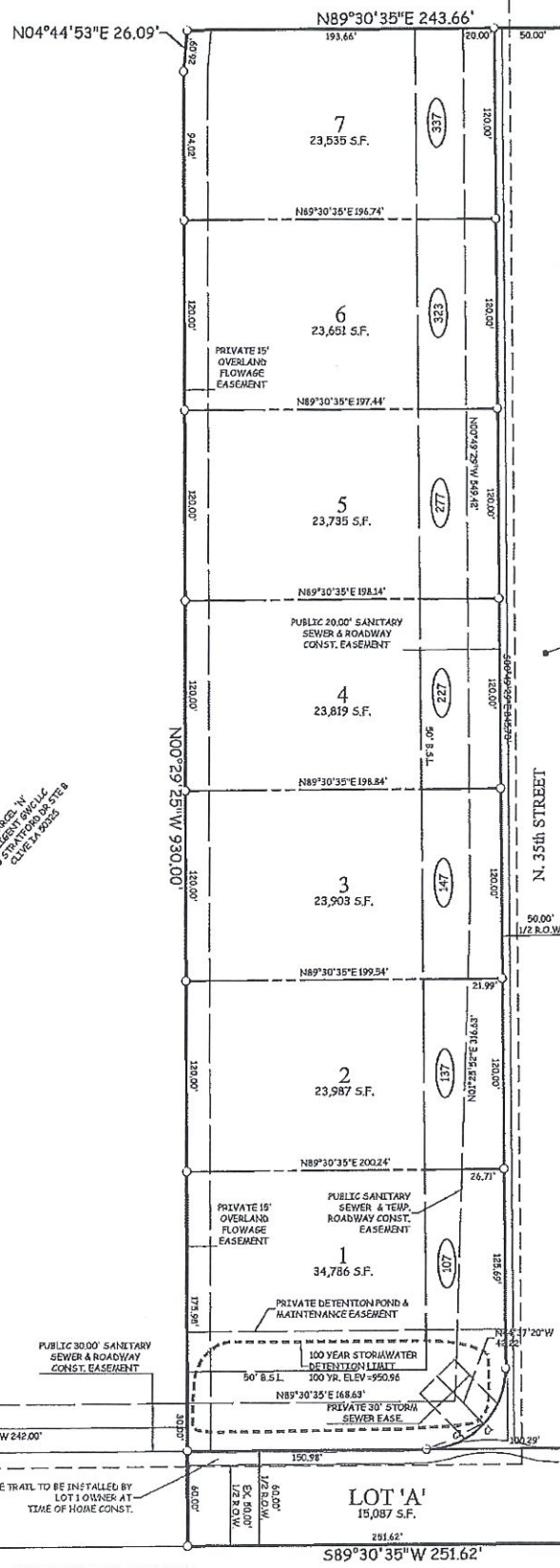
DATE: 08/28/19
 PROJECT: GPON
 PROJECT#: N.573375
 CLI: NRWLIACO
 SHEET: 5 OF 5
 REVISION: 1

CHC ENGINEER: SAUPNEIL RAINA
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 PHONE: (515) 263-7320
 EMAIL: Angela.Bach@centurylink.com

INDEX LEGEND

LOCATION: S.E. 1/4 SEC. 8-77-25
 REQUESTOR: DILIGENT GWC, LLC
 PROPRIETOR: DILIGENT GWC, LLC
 SURVEYOR: KEVEN J. CRAWFORD
 SURVEYOR COMPANY: COOPER CRAWFORD & ASSOCIATES
 475 S 50th ST., STE. 800,
 WDM, IA 50265
 RETURN TO: COOPER CRAWFORD & ASSOCIATES



**FINAL PLAT
 GREAT
 WESTERN
 CROSSING
 PLAT 1**
 Cumming, Iowa

OWNER / DEVELOPER
 DILIGENT GWC, LLC
 12119 STRATFORD DR.
 CLEVELY, IA 50325
 515-309-0705

ZONING
 EXISTING: P.U.D.
 PROPOSED: P.U.D.

SETBACKS
 FRONT -50'
 REAR -40'
 SIDE -12'

Instrument #: 2018-08509
 10/25/2018 01:47:06 PM Total Pages: 13
 XP Plats
 Recording Fee: \$ 67.00
 Polly Glascock, Recorder, Warren County Iowa



LEGAL DESCRIPTION
 A PART OF PARCEL 'N', OF THE PLAT OF SURVEY, RECORDED BOOK 2016, PAGE 9567, CUMMING, WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 6TH P.M., IN THE CITY OF CUMMING, WARREN COUNTY, IOWA; THENCE S89°30'35"W, 251.62 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE N00°29'25"W, 930.00 FEET; THENCE N04°44'53"E, 26.09 FEET; THENCE N89°30'35"E, 243.66 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S00°49'29"E, 956.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.46 ACRES MORE OR LESS.
 SAID TRACT OF LAND BEING SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

- NOTES**
1. LOTS 'A' & 'B' TO BE DEDICATED TO THE CITY FOR RIGHT-OF-WAY PURPOSES
 2. IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND THE GREAT WESTERN CROSSING PUD, DRIVEWAYS SHALL BE DESIGNED WITH A TURNAROUND TO PERMIT THE FORWARD MOVEMENT OF VEHICLES TO ACCESS N. 35TH STREET.
 3. A HOME OWNERS ASSOCIATION WILL BE ESTABLISHED FOR MAINTENANCE OF THE STORM WATER DETENTION BASIN AND THE PRIVATE STORM SEWER AND OVERLAND STORMWATER DRAINAGE SWALES.
 4. ADJOINING SIDEWALK AND TRAIL WILL BE INSTALLED BY THE OWNERS OF THE INDIVIDUAL LOTS AT THE TIME WHEN THE LOTS ARE DEVELOPED OR WHEN REQUESTED BY THE CITY OF CUMMING.

APPROVED BY WARREN COUNTY AUDITOR
 DATE THIS 24 DAY OF October 2018
Jean VanderLind
 AUDITOR
 DEPUTY

LEGEND

---	PLAT BOUNDARY
●	SECTION CORNER
▲	FOUND CORNER, AS NOTED
○	SET CORNER 5/8" I.R. W/ YELLOW CAP #13156
I.R.	IRON ROD
G.P.	GAS PIPE
D.	DEEDED DISTANCE
M.	MEASURED DISTANCE
R.	PREVIOUSLY RECORDED DISTANCE
P.U.E.	PUBLIC UTILITY EASEMENT
3333	ADDRESS
B.S.L.	BUILDING SETBACK LINE
M.O.E.	MINIMUM OPENING ELEVATION
M.P.E.	MINIMUM PROTECTION ELEVATION
NR.	NOT RADIAL

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

KEVEN J. CRAWFORD, P.L.S. IOWA LICENSE NO. 13156
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018
 PAGES OR SHEETS COVERED BY THIS SEAL: THIS SHEET ONLY

Keven J. Crawford
 Oct 17, 2018

COOPER CRAWFORD & ASSOCIATES, L.L.C.
 CIVIL ENGINEERS
 475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
 PHONE: (315) 224-1344 FAX: (315) 224-1345

DATE: 7-18-2018
 REVISIONS: 9-10-2018
 10-4-2018

JOB NUMBER
CC 1944

APPROVED: (X-X-2003) INITIALS: XXX AS-BUILT: (X-X-2003)

FINAL PLAT
 GREAT WESTERN CROSSING PLAT 1

SHEET 1 OF 1

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
CL	090°20'00"	50.00	78.83	50.29	70.92	N44°20'33"E
CR	046°10'50"	50.00	40.30	21.32	35.22	N56°25'10"E



Complaint Log

Date 12/17/19 **Name & Address of person(s) code violation is in reference to** Absolute Transportation / PR Party lines

Code Violation/Nuisance Description: Large Vehicles running all night long
"Feels like living next to a truck stop"

Code Reference: 40.03 (2) Public Peace, Disorderly Conduct, Noise

Date letter was sent: 12/18/19

Date set for review: _____

Additional Info: _____

Date file forwarded to Attorney: _____

Copy of letter by Attorney obtained for file? _____

What additional action was taken by Council - include dates:

- Step 1:** Identify Code that applies to violation or describes nuisance
Refer to Building Inspector if it relates to housing/building permit issues
- Step 2:** Send a letter - include remediation time
- Step 3:** Set up review date after remediation time
- Step 4:** If violation has not been remedied - forward file to City Attorney
- Step 5:** City Attorney sends letter
- Step 6:** Additional action by Council

City of Cumming
649 N. 44th Street, PO Box 100
Cumming, Iowa 50061
515 981-9214 Fax 515 981-4981
cityclerk@cumming-iowa.com

December 17, 2019

Absolute Transportation
PR Partylines
401 N. 44th Street
Cumming, Iowa 50061

Dear Absolute Transportation/PR Partylines,

The Cumming City Council has received a complaint about loud and consistent noise after sunset, and throughout the late evening/early morning hours.

The Cumming Code of Ordinances states the following: **Chapter 40, Public Peace Section 40.03 Disorderly Conduct. (2)** "Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof."

The Council requests that you cease all noise disturbances after daylight hours immediately. Repeated violations of code can and will result in fines.

We appreciate your anticipated cooperation. Thank you.

Sincerely,



Angie Ritchie
Deputy Clerk

**OFFICIAL PUBLICATION
CITY OF CUMMING
Special Council Meeting 12/16/2019
To be Approved at 1/13/20 Meeting**

The Special City Council Meeting of the City of Cumming was held at Cumming City Hall, 649 N. 44th St., on Monday, December 16, 2019. The Meeting was called to order at 6:30 P.M. by Mayor Tom Becker. Present at Roll Call: Charlie Ochanpaugh, Thomas Cackler, Dave Chelsvig, and Dino Goode. Absent at Roll Call: Kathie Hungerford. Motion made by Chelsvig, seconded by Goode to approve the agenda. Approved 4-0.

Consent Items:

Motion made by Goode, seconded by Cackler to approve the Consent items: 12/9/19 Meeting Minutes. Approved 4-0.

Action/Discussion Items:

- A. Motion made by Goode, seconded by Cackler to approve the City Administrator Consulting Services Agreement with Don Sandor. Approved 4-0.
- B. MSA Guidelines was discussed.
- C. Motion made by Goode, seconded by Ochanpaugh to approve the Beeler Trucking Quote. Approved 4-0.
- F. Motion made by Cackler, seconded by Ochanpaugh to send Zone C-2 Noise Ordinance to Planning and Zoning. Approved 4-0.

Upcoming City Council Meetings: Regular Meeting, January 13, 2020, at 7:00 pm at City Hall.

Motion made by Cackler, seconded by Chelsvig to Adjourn at 7:16 pm. Approved 4-0.

Tom Becker, Mayor

Attest: Angie Ritchie, Deputy Clerk

Cumming Code of Ordinances

40.03 DISORDERLY CONDUCT.

No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

(Code of Iowa, Sec. 723.4[1])

2. **Noise.** Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

Cumming Code of Ordinances

165.19 C-2 CENTRAL BUSINESS DISTRICT REGULATIONS.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the C-2, Central Business District:

- A. Antique stores.
- B. Artists, architectural, engineering and surveying services.
- C. Automotive display, sales, service and repair.
- D. Automotive paint and body shops.
- E. Dry cleaners and laundry.
- F. Custom cabinetry, furniture upholstery and repair.
- G. Clubs, lodges, rental halls, and religious organizations.
- H. Banks, savings and loans, and other financial institutions with drive-in facilities and free- standing ATM machines permitted.
- I. Retail or variety stores.
- J. Formal wear and costume rental.
- K. Hardware stores.
- L. Personal services.
- M. Professional and semi-professional office buildings.
- N. Medical, dental, chiropractic, and veterinary clinics.
- O. Restaurants, cafe, tavern and catering services.
- P. Public buildings owned by federal, State, County, City or other political subdivision that is operated for the social benefit or convenience of the public and utilities but not including storage or maintenance yards or buildings.

69.09 TRUCK PARKING LIMITED. No person shall park a semi-tractor, semi-trailer, passenger bus used for commercial or school purposes, any vehicle in excess of five (5) tons, or other motor vehicle with trailer attached with total weight in excess of five (5) tons in violation of the following regulations.

(Code of Iowa, Sec. 321.236[1])

1. Streets. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle, on any street within the City except for designated parking areas on the City truck routes. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. **Noise.** No such vehicle shall be left standing or parked upon any street, public or private parking lot, or drive of any service station between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.
3. Livestock. No such vehicle containing livestock shall be parked on any street or highway for a period of time of more than thirty (30) minutes.

69.10 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency. When predictions or occurrences indicate the need, the Public Works Director shall initiate a snow emergency and inform the news media to publicize the snow emergency. The snow emergency shall remain in effect until the Public Works Director declares it over.

(Ord. 09-05 – Feb. 10 Supp.)

69.11 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

69.12 PRIVATE PROPERTY. No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or in an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the privately owned property or facility, the vehicle may be given a notice under the provisions of Chapter 70 of this Code of Ordinances or may be removed from the property in accordance with law. However, no vehicle shall be deemed illegally parked under this section on land zoned commercial or industrial unless the owner, lessee or person in charge of such privately owned property or facility shall first post, in a conspicuous location, a sign or signs designating the specific use of the off-street parking facility.

69.13 SPECIAL PARKING RESTRICTIONS FOR PUBLIC EVENTS. No one shall stop, stand or park a vehicle in area that has been designated as a special restricted parking area and that has been marked accordingly with an official no parking sign. The following street shall contain a special restricted parking area:

1. The West side of Cherry Street between North Avenue and Elm Avenue.

(Ord. 12-10 – Mar. 13 Supp.)

Ankeny Code of Ordinances

44.05 SOUNDS NOT ALLOWED.

The term "noise disturbance" means any of the following sounds:

1. Alarm Testing. The sound emitted by the intentional sounding outdoors of any privately-owned fire alarm, burglar alarm, siren, whistle, or similar stationary emergency signaling device for the essential testing of such device, when conducted between the hours of 5:00 p.m. and 8:00 a.m.
2. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or compact disk player, or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants, if the sound emitted therefrom is audible for more than 50 feet, at all times.
3. Chain Saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of 9:00 p.m. and 7:00 a.m.
4. Construction Noise. The sound made by privately owned and operated tools or equipment in the erection, demolition, excavation, drilling, or other such construction work, which is received between the hours of 9:00 p.m. and 7:00 a.m. on weeknights and between the hours of 6:00 p.m. and 9:00 a.m. on Saturday and Sunday.
5. Engine Brake Noise. The sound made by an engine brake device of a diesel engine truck, at all times.
6. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying, or testing a motor vehicle or recreational vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m.
7. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the health, safety or welfare of a human being, disturbs a reasonable human being of normal sensitivities, or causes or tends to cause an adverse physiological or physical effect on human beings, or devalues or injures property, at all times.
8. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler-equipped, lawn and garden equipment operated between the hours of 9:00 p.m. and 7:00 a.m. Golf courses are exempt from lawn mower operation restrictions.

Sec. 42-256. - Specific activities prohibited.

- (a) *Sales by hawking or barking.* No person shall offer for sale or sell anything by shouting or raised voice within any residential or commercial area in the city.
- (b) *Loading and unloading.* No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 7:00 p.m. and 6:00 a.m. the following morning as to create a noise disturbance across a residential real property boundary or within a noise sensitive area. This subsection shall not apply to the engine noise generated by the activities regulated by section 42-259 of this article.
- (c) *Vehicle or motorboat repairs and testing.* No person shall repair, rebuild, modify, or test any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.
- (d) *Powered model vehicles.* No person shall operate or permit the operation of powered model vehicles in a public or private space out-of-doors or within a noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (e) No business shall allow sound to escape a structure through walls, rooftops, openings in the building, including but not limited to, vents, roof top mechanical units, doors or windows left open, except for the ingress and egress of customers, so as to create a noise disturbance.

(O.14,746, 14,976, 15,566)

Des Moines Ordinance