ORDINANCE 478 SUMMARY

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING A NEW CHAPTER PERTAINING TO URBAN CHICKENS

Below is a summary of ORDINANCE 478, a full copy of said ordinance may be obtained at City Hall 130 N Park Place Cresco, IA 52136

CHAPTER 57 URBAN CHICKENS

No more than six (6) chickens shall be kept or maintained per property at any time. Roosters are not allowed. An annual application and permit fee of \$10 is required. A fine will be imposed of \$250 for keeping chickens without a valid permit. Random inspections will be conducted to ensure applicable conditions have been met.

Chickens must be confined in a coop, fowl house, or mobile coop not less than 18 inches in height. An area of 4 to 12 square feet per chicken is required and must be a minimum of 25 feet from any property line. It must be completely enclosed and designed to prevent entry of predators. It must be well ventilated and drained and kept clean and sanitary. Slaughtering of chickens or selling of eggs is forbidden.

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

WHEN EFFECTIVE. The foregoing Ordinance shall be in full force and effect from and after the date of passage and publication of this ordinance as provided by law.

Passed and adopted this day or	f, 2019.
CITY OF CRESCO	ATTEST:
MARK BOHLE, MAYOR	MICHELLE GIROLAMO, CITY CLERK
1st Reading Summary 6/17/19 2nd Re	eading Summary 3 rd Reading Summary
I certify that the foregoing was published	ed as Summary of Ordinance No. 478 on the day of
	City Clerk Michelle Girolamo

ORDINANCE 478

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING A NEW CHAPTER PERTAINING TO URBAN CHICKENS

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Cresco, Iowa, is amended by adding a new Chapter 57, entitled URBAN CHICKENS, which is hereby adopted to read as follows:

CHAPTER 57 URBAN CHICKENS

- 57.01 Purpose
- 57.02 Definitions
- 57.03 Where Permitted
- 57.04 Enclosure Requirements
- 57.05 Number of Chickens Permitted
- 57.06 Permit Requirements
- 57.01 PURPOSE. The purpose of this chapter is to protect the health, safety and welfare of the citizens within the City by allowing a process by which a property owner may keep a limited number of domesticated chickens on their property while observing minimum property standards.
 - 57.02 DEFINITIONS. For use in this Chapter the following terms are defined:
- 1. "Chicken" means a member of the subspecies Gallus gallus domesticus, a domesticated fowl.
- 2. "Urban Chicken" means a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
- 3. "Coop" means a cage enclosure or building used for housing and protecting chickens from weather and predators.
- 4. "Pen" means an enclosure for chickens which allows freedom of movement but also prevents escape.
- 5. "Permittee" means an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.
- 57.03 WHERE PERMITTED. Not withstanding the provisions of this section, the keeping of domestic chickens (sub species gallus gallus domesticus), except roosters, shall be permitted in single family residential properties lying within residential zoning districts as shown on the City of Cresco official Zoning Map so long as such keeping is in compliance with this subsection and all other applicable City ordinances.

- 57.04 ENCLOSURE REQUIREMENTS. The following criteria shall be considered a minimum form of compliance for the City to consider issuing a permit allowing for the presence of any particular chickens unless allowing such chickens would endanger the health, safety, peace, quiet, comfort, enjoyment of, or otherwise become a public nuisance to nearby residents or occupants or places of business:
 - A. Chickens must be confined in a coop, fowl house, or mobile coop, known as a chicken tractor, not less than 18 inches in height. In addition to be confined within a coop, a fenced pen area at a size outlined below shall be maintained. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for the safety of the chicken.
 - B. The coop, the fowl house, or the fenced pen area must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals and shall be completely enclosed.
 - C. The coop or fowl house must be used for chickens only and must be well ventilated.
 - D. The coop, the fowl house, or the fenced pen area shall have a minimum of four (4) square feet of floor area for each chicken but shall not be any larger than twelve (12) square feet of area for each chicken.
 - E. The coop, fowl house, or the fenced pen area shall be a minimum of twenty-five (25) feet from any neighboring dwelling property line at all times. In the event a zoning or other ordinance requires a greater distance, the more restrictive regulations shall apply.
 - F. Any coop, fowl house, or fenced pen area must be well drained so there is no accumulation of moisture.
 - G. Any coop, fowl house, or the fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty four (24) hours.
 - H. In addition to the coop, fowl house, or fenced pen area, the permittee shall be responsible for sufficiently confining chickens to the permitted property and prevent chickens from entering upon any adjacent property. Loose chickens may not be returned if City personnel are required to capture them.
 - I. All chicken feed shall be stored in rodent-proof containers.
 - J. All such chickens shall be hens; no roosters are permitted.

- K. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the City or not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for the City to determine that the animal is a vicious animal pursuant to this Code of Ordinances.
- L. Any dead chicken shall be disposed of immediately upon discovering said chicken in a manner so as to not cause a nuisance pursuant to this Code of Ordinances.
- M. Slaughtering of chickens or selling of eggs is forbidden.
- N. An owner or possessor of animals on property that is newly annexed or rezoned to a residential classification has ninety (90) days from the date of annexation or rezoning to bring the property into compliance required by this section.
- O. A violation of this subsection is a municipal infraction as provided in the Code of Ordinances.
- 57.05 NUMBER OF CHICKENS PERMITTED. No more than six (6) chickens shall be kept or maintained per property at any time. Roosters are not allowed.
- 57.06 PERMIT REQUIREMENTS. No person shall keep any chickens unless they possess a City of Cresco permit issued by the City Public Works Director or their designee. A fine of two hundred fifty (\$250) dollars will be imposed for having chickens without a valid permit.
 - A. Fee. The fee for such permit shall be ten (\$10) dollars.
 - B. Permits will be granted for one (1) year valid from January Ist through December 31st and shall not be pro-rated for partial year.
 - C. Permits may be purchased at any time during the year but will be valid only through December 31st.
 - D. Property owner shall notify the City upon discontinuance of housing chickens.
 - a. As part of discontinuing of housing chickens on the property, the pen and coop areas shall be cleaned in a timely manner so as to not provide a nuisance to neighboring property owners.
 - b. Fees shall not be refunded if the property owner removes the chickens from the premises.
 - E. The permit may be suspended or revoked by the Public Works Director, or their designee, upon hearing and finding evidence that the permittee has violated the conditions of the permit listed in this Section of the Code.

- a. All chickens must be removed from the premises and disposed of in accordance with public health practices upon revocation of the permit.
- b. There will be no refund of the permit fee.
- c. All associated costs of removal of the chickens shall be assessed back to the property owner.
- F. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

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

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

DAVOE

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PASSED AND APPROVED THIS

	, 2017,
Mayor Mar	k Bohle
A CONTROL COM	
ATTEST: City Clerk Michelle Girolamo	_
City Clerk Whenche Gholamo	
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I certify that the following summary of Ordinanc	te No. 478 was published on the
day of, 2019 and the full copy w Place, Cresco, IA 52136.	as available at City Hall 130 N Park
, ,	
ATTEST:	
City Clerk Michelle Girolamo	

ORDINANCE NO. 477

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS PERTAINING TO LIVESTOCK

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

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SECTION 1. Chapter 55, Section 05, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

55.05 LIVESTOCK. It is unlawful for a person to keep livestock except chickens within the corporate limits of the City except in an area zoned for this purpose. Chickens are allowed by permit only and according to regulations in Chapter 57 of the Code of Ordinances. No roosters are allowed within corporate limits of the City.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ITIIS DAY OF _	, 2019.	
Mayor Mark Bohle		ATTEST:City Clerk Michelle Girolamo
1 st Reading	2 nd Reading	3 rd Reading
I certify that the foregoin	g was published as Ordina	nnce No. 477 on the day of, 2019.
		City Clerk Michelle Girolamo

RESOLUTION NUMBER	
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RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN EASEMENT FOR WATER MAIN WITH PEDDLER REAL ESTATE LLC

WHEREAS, Peddler Real Estate LLC ("Peddler") is constructing a building over a water main located on real estate owned by Peddler; and

WHEREAS, Peddler grants to the City an easement for the water main for purposes of location, maintenance, repair, replacement or other related activities.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Clerk are authorized and directed to sign the Easement for Water Main with Peddler Real Estate LLC.

Council Person	moved the adoption of the foregoing
Resolution and Council Person	seconded said Motion. Following
discussion, a roll call vote was requested	by Mayor and said roll call resulted as follows:
Ayes:	
Nays:	
Absent:	
Easement for Water Main is approved an	nd that the Mayor and City Clerk are authorized to execute
the Easement on behalf of the City of Cr	
	esco.
the Easement on behalf of the City of Cr	esco.

Prepared by and return document to: ELWOOD, O'DONOHOE, BRAUN & WHITE, LLP, ATTORNEYS AT LAW, PO BOX 377, CRESCO IA 52136 (563)547-3321
Send tax statements to: Peddler Real Estate LLC, 530 Second Avenue SW, Cresco, IA 52136

EASEMENT FOR WATER MAIN

COME NOW the parties to this Agreement, the City of Cresco, Iowa (hereafter referred to as City) and Peddler Real Estate LLC (hereafter referred to as Peddler) and for their agreement for Water Main Easement state:

- 1. Peddler is the owner of real estate described as: Lot One (1), Cresco Industrial Park Addition in the City of Cresco, Howard County, Iowa.
- 2. There is a water main which crosses the real estate owned by Peddler and which is owned and maintained by City for public use and benefit.
- 3. Peddler proposes to build a building on the real estate through which the City's water main runs.
- 4. In consideration of the promises set forth herein and for other good and valuable consideration, Peddler grants to City an easement over, across, under and through the real estate described above for purposes of location, maintenance, repair, replacement or other related activities for the water main mentioned above. City shall be allowed to enter any building which is located on the water main easement area at all reasonable times to carry out the purposes of this easement. In the event that City is required to excavate any areas or to otherwise disturb any buildings owned by Peddler in order to repair, replace, maintain or inspect the water main, then City agrees to repair and replace any real estate or buildings to Peddler's approval, at City's expense.
- City agrees to indemnify and hold harmless Peddler from any liability with respect to the easement granted herein other than any liability caused by Peddler's negligence or intentional act.
- 6. The easement granted herein shall be a covenant running with the real estate

Dated this 27th day of June 2019. PEDDLER REAL ESTATE LLC CITY OF CRESCO 530 2nd Avenue SW 124 N. Park Place Cresco, IA 52136 Cresco, IA 52136 Michael Gooder Member/Manager Mark Bohle, Mayor Michelle Girolamo, City Clerk STATE OF IOWA, HOWARD COUNTY, SS: On this 27th day of June, 2019, before me a Notary Public in and for the State of Iowa, personally appeared Michael Gooder, Member/Manager of Peddler Real Estate, LLC and acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the limited liability corporation. STATE OF IOWA, HOWARD COUNTY, ss: On this _____ day of ______, 2019, before me, a Notary Public in and for the State of Iowa, personally appeared Mark Bohle and Michelle Girolamo, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Cresco, Iowa; a municipal corporation; and that the instrument was signed on behalf of the City of Cresco, Iowa, by authority of its City Council, and that Mark Bohle and Michelle Girolamo acknowledged the execution of the foregoing instrument to be their voluntary act and deed and the voluntary act and deed of the municipal corporation, by it voluntarily executed. Notary Public

described above and shall be binding upon the parties hereto, their successors,

assigns, purchasers and agents.

PLANNING AND ZONING COMMISSION

TO: CRESCO CI	TY COUNCIL	
RE: Appointmen	t/Reappointment	
We, the Planning a	and Zoning commission of the City of Cre	esco, recommend that the City
1 Ap	opoint (Name) Dick Schor	7
(To replace	tern Weinscht	
2 Re	appoint (Name) Kris Onlar	
to the Planning and	d Zoning Commission.	
Term to run from_	July 1, 2019 to expire Ju	ne 30,2022
	Signed	Date
Chairman	X La M. Wess	6-25-19
	LEIS Rack Orean	1028.19
	Mika Coulan	10-75-104
	RNW Kind	620-10
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08/05/99 PZAPPT

BOARD OF ADJUSTMENT

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3 Year Terms

Limited to 3 Consecutive Terms (or 9 years)

RESOLUTION NUMBER	
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RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE TWINS COMMUNITY FUND

WHEREAS, the City of Cresco was awarded a 2019 Twins Fields for Kids matching grant of \$4,000 the City of Cresco Parks for renovation of the Kessel Park Ball Field; and WHEREAS, the City must agree to designate matching funds of \$4,000 for the project: and WHEREAS, the City must agree to set forth terms, conditions and obligations for accomplishment of the renovations. THEREFORE, Council Person ______ moved the adoption of the foregoing Resolution Authorizing the Mayor and City Clerk to enter into an agreement with the Twins Community Fund. Council Person seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows: Thereupon, the Mayor declared said Resolution duly passed and announced that the agreement dated ______, between the City of Cresco and TWINS COMMUNITY FUND is approved and that the Mayor and City Clerk are authorized to execute the agreement on behalf of the City of Cresco. PASSED AND APPROVED THIS ______ DAY OF ______, 2019. BY: Mayor Mark Bohle ATTEST:

City Clerk Michelle Girolamo

Michelle Girolamo

From:

Bill Caffrey <parks@cityofcresco.com>

Sent:

Thursday, June 27, 2019 9:46 AM

To:

Michelle G.

Subject:

FW: Minnesota Twins/DonationX Request Update for City of Cresco [LM4UCIK4]

From: Minnesota Twins@DonationXchange [mailto:Request@Donationx.org]

Sent: Wednesday, June 26, 2019 4:23 PM

To: parks@cityofcresco.com

Subject: Minnesota Twins/DonationX Request Update for City of Cresco [LM4UCIK4]

6/26/2019

Dear Bill

On behalf of the Twins Community Fund Board of Directors, and the entire Minnesota Twins Baseball Club, I am pleased to inform you that the City of Cresco has been awarded a 2019 Twins Fields for Kids matching grant of \$4,000. These grant funds are to be used specifically for the renovation project you described in your grant application.

In the next few days, you will receive in the mail a grant agreement contract for you to complete and return by July 12, 2019. Your grant check, paid in full, will be sent once we receive your completed grant agreement.

In order for us to deem your project complete, you must send us a progress report at 6 months (a form will be included with your grant check) and a final report, including details on how the Community Fund grant was used, receipts and photos of the finished work.

We encourage you to announce this grant to your local media. We also ask that you please send us any copies of local media coverage on this grant.

Congratulations on being selected for a Twins Fields for Kids grant! We appreciate all that you do for youth baseball/softball in your community and look forward to working with you during the duration of this project.

Sincerely,

Stephanie Johnson
Executive Director
Twins Community Fund

^{***} This is not a valid email address. To send comments, please log into your DonationX.org account and click on Send a Note next to the request. Please do not reply to this email. ***



Policy Number: 5X35841 Renewal Date: Oct 1, 2019

Survey Date: May 2, 2019

Surveyed by: Fee Company

Panel \$ Survey Reference Number: 54952 Cresco City Of 130 N Park Pl

Cresco, IA 52136-1631

Survey Location: 215 2nd St W, Cresco, IA Occupancy: Fire Station And Roof Mounted Solar Array Additional details: Loc 001 8ld 001 5A35841

Recommendations for Improvement

EMC appreciates your action on the following recommendations, which demonstrates your commitment to controlling losses in your organization. Please return this completed document indicating your response within 45 days. For all items marked as complied, please provide supporting documentation such as pictures, program/policy documentation, etc.

Recommendation 1

During a recent Hartford Steam Boiler survey it was noted that the front concrete walking path and parking area had cracks and uneven surfaces increasing the risk of slips and falls by employees and the public. The services of a licensed contractor should be obtained to repair all damaged walking surfaces on the premises as soon as possible.

For additional information on this topic, follow this link: Sidewalk Maintenance Program

http://www.emcins.com/utilities/getTechSheet/getTechSheet.asp?FormNbr=6147





in conjunction with our recent premises survey, the recommendations above are offered to you in the interest of loss prevention and/or loss reduction. The survey was not made as a basis for reliance by yourself, your employees or any other persons that, either in absence of recommendations or by adoption of recommendations offered, there is compliance with OSHA requirements or with other regulations of whatever nature or assurance against preventable losses, or freedom from legal liability should a loss occur, and should not be so construed.

700 Walnut St., Suite 900 | Des Moines, IA 50309-3817 | P.O. Box 884 | Des Moines, IA 50306-0884 | 515.280.2604 | 800.362.2227 | www.emcins.com

Michelle Girolamo

From:

Neal Stapelkamp < neal@sandryfire.com>

Sent:

Thursday, June 27, 2019 12:58 PM

To:

Michelle Girolamo; Sue Murphy; Sue Murphy; Rod Freidhof

Subject:

Concrete Repair

Per City request.....

Estimates only for Concrete repairs and replacement per complaint from the Boiler Inspector / EMC Insurance.

Replace Sidewalk from Southern part of Grass Boulevard extending to the Alley North and a portion of the North Parking area. = \$5700 - \$5800 (this does not address the "depression" area the dude also complained about) This area in on the outter area of the actual Apparatus Apron and would be hard to patch expecting the patch to hold>

Replace the entire area that was not previously replaced. = \$49000 - \$50000

Neal Stapelkamp

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"SERVING THOSE WHO SERVE OUR COMMUNITIES" 563-212-7766 neal@sandryfire.com