

ORDINANCE NO. 2024-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE GROVE, IOWA, BY ADDING A NEW SECTION PERTAINING TO ADULT ESTABLISHMENT NUISANCES

Be It Enacted by the City Council of the City of Eagle Grove, Iowa:

SECTION 1. NEW SECTION. Chapter 50 of the Code of Ordinances of Eagle Grove, Iowa, is amended by adding a new Section 50.08 entitled, ADULT ESTABLISHMENTS, which is hereby adopted to read as follows:

50.08 ADULT ESTABLISHMENTS.

1. As used in this section, “adult establishment” means any business that provides nude or topless dancing or operates any other adult-oriented business.

2. A public safety nuisance exists when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of an adult establishment commits any of the following acts either on the premises or in any parking lots or areas, including but not limited to public rights-of-way, adjacent to the premises:

A. Unlawfully discharges a firearm or uses an offensive weapon, as defined in Section 724.1 of the *Code of Iowa*, regardless of whether it inflicts injury or death.

B. Assaults another person with a dangerous weapon as defined in Section 702.7 of the *Code of Iowa* resulting in injury or death.

C. Engages in a riot as defined in Section 723.1 of the *Code of Iowa* on three or more dates within a 12-month period to which the police respond and disperse a crowd. The participants need not be the same persons for each incident.

3. When the City Attorney believes a serious threat to the public safety exists, the City Attorney or any other attorney on behalf of the City Attorney, may file a suit in equity in the district court without bond seeking abatement of the public safety nuisance arising from an adult establishment.

(Code of Iowa, Sec. 657.12)

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.

Passed by the Council on the 5th day of August, 2024, and approved this 5th day of August, 2024.

W. H. Boyd
Mayor

ATTEST:
Byron Davis

City Clerk

First Reading: August 5, 2024

Second Reading: Waived

Third Reading: Waived

I certify that the foregoing was published as Ordinance No. 2024.13 on the 22nd day of August, 2024.



City Clerk



See Proof on Next Page

AFFIDAVIT OF PUBLICATION

State of Texas, County of Bexar, ss:

Hayden Lipsky, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Eagle Grove Eagle, a newspaper printed and published in the City of Eagle Grove, County of Wright, State of Iowa, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Aug. 22, 2024

NOTICE ID: 0VvFdfTGsyAqkfhdq9aE

NOTICE NAME: Ordinance No. 2024-13

Publication Fee: 36.68

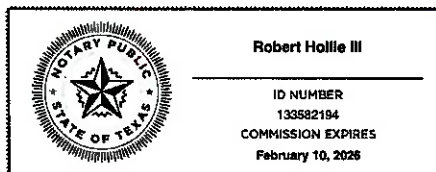
The annexed Ordinance No. 2024-13 notice was published in said paper once each week for 1 consecutive weeks.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

(Signed) Hayden Lipsky

VERIFICATION

State of Texas
County of Bexar



Subscribed in my presence and sworn to before me on this: 08/23/2024

[Signature]

Notary Public
Electronically signed and notarized online using the Proof platform.

SUMMARY OF ORDINANCE NO. 2024-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE GROVE, IOWA, BY , BY ADDING A NEW SECTION PERTAINING TO ADULT ESTABLISHMENT NUISANCES. On August 06, 2024, the City Council of Eagle Grove, Iowa passed an ordinance, and a summary is as follows: SECTION 1. NEW SECTION. Chapter 50 of the Code of Ordinances of Eagle Grove, Iowa, is amended by adding a new Section 50.08 entitled, ADULT ESTABLISHMENTS, which is hereby adopted to read as follows: 50.08 ADULT ESTABLISHMENTS. 1. As used in this section, "adult establishment" means any business that provides nude or topless dancing or operates any other adult-oriented business. 2. A public safety nuisance exists when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of an adult establishment commits any of the following acts either on the premises or in any parking lots or areas, including but not limited to public rights-of-way, adjacent to the premises: A. Unlawfully discharges a firearm or uses an offensive weapon, as defined in Section 724.1 of the *Code of Iowa*, regardless of whether it inflicts injury or death. B. Assaults another person with a dangerous weapon as defined in Section 702.7 of the *Code of Iowa* resulting in injury or death. C. Engages in a riot as defined in Section 723.1 of the *Code of Iowa* on three or more dates within a 12-month period to which the police respond and disperse a crowd. The participants need not be the same persons for each incident. 3. When the City Attorney believes a serious threat to the public safety exists, the City Attorney or any other attorney on behalf of the City Attorney, may file a suit in equity in the district court without bond seeking abatement of the public safety nuisance arising from an adult establishment. (*Code of Iowa, Sec 657 12*) 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.

By Order of the City Council, Bryce Davis, City Clerk
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