

ORDINANCE NO. 909

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

Be It Enacted by the City Council of the City of Hudson, Iowa:

SECTION 1. NEW SECTION. Chapter 50 of the Code of Ordinances of Hudson, 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. Assails 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 _____ day of _____, _____, and approved this _____ day of _____, _____.

Gail Bunz, Mayor

date of signature

ATTEST:

Chrissi Wiersma, City Administrator/City Clerk, MPA/CMC/IaCMFO date of signature

First Reading:

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance No. on the day of
, .

Chrissi Wiersma, City Administrator/City Clerk, MPA/CMC/IaCMFO date of signature

RESOLUTION 3266

A RESOLUTION SETTING PUBLIC HEARING FOR AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUDSON IOWA, 2017 BY ADDING A NEW SECTION PERTAINING TO ADULT ESTABLISHMENT NUISANCES

BE IT RESOLVED by the City Council of the City of Hudson, Iowa

That at a meeting of the Hudson City Council, a Public Hearing was set to be held on August 26, 2024, at 6:00 p.m. at Hudson City Hall, as required by law, for public review of the proposed ordinance for implementation at the discretion of the City Administrator/City Clerk if passed and approved.

Passed and approved this 12th day of August 2024.

Gail Bunz

Gail Bunz, Mayor

8-12-24

date of signature

ATTEST:

Chrissi Wiersma

Chrissi Wiersma, City Administrator/City Clerk, MPA/CMC/IaCMFO

8/12/24

date of signature

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held by the Hudson City Council on the 26th day of August 2024 at 6:00 P.M. in the Council Chambers at City Hall, 525 Jefferson Street, Hudson, Iowa.

The Public Hearing will be to consider and gather public input regarding a proposed ordinance **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUDSON, IOWA, BY ADDING A NEW SECTION PERTAINING TO ADULT ESTABLISHMENT NUISANCES**

The provision of this section is intended to provide legislative updates to the Iowa Code and Hudson's City Code.

Copies of the proposed ordinance are available at City Hall.

Under the provisions of the Hudson City Code, any interested person may appear and be heard for or against the said proposal. Written comments must be received by the city clerk's office by 4:00 p.m. on the day of the public hearing in City Hall.

Submitted by:

Chrissi Wiersma, City Administrator/City Clerk