

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	June 22, 2009
	Agenda Item No. 47 Roll Call No. <u>09-</u> Communication No. <u>09-419</u> Submitted by: Donald M. Tripp Park and Recreation Director	

AGENDA HEADING:

Approve Amendment to Chapter 14 of the Municipal Code Regarding Licensing of Public Dances in Parks.

SYNOPSIS:

The Park and Recreation Board recommends approval to amend Chapter 14, Article III, Section 14-76 (see Attachment A) exempting dances held in parks or Park and Recreation department facilities which are sponsored by the Park and Recreation Department or which have a Park and Recreation Department permit. Chapter 14, Article III requires the licensing of public dances and regulates the conduct of public dances. Under the proposed amendment, public dances held within City parks and Park and Recreation Department facilities will require a park use or facility use permit and will be governed by all applicable park/facility regulations and rules and the requirements set forth in Chapter 74 of the Municipal Code. In addition, those public dances will be subject to the permit requirements. The Park and Recreation Board recommended at their May 26 meeting that City Council consider a review of Article III of Chapter 14 of the Municipal Code in its entirety for the purpose of approving a repeal of Article III in its entirety.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

Chapter 14, Article III (“Public Dances”) of the Municipal Code of Des Moines, Iowa, governs the requirements for holding public dances. These requirements include the need to obtain a license, the application process, restrictions, hours of operation, and standards for dance premises.

The Park and Recreation Board requested that Parks staff look into the matter of a public dancing ordinance. Staff studied the issue and decided to recommend an action that would be specific to the park system, only believing that is the issue for which the Park and Recreation Board had recommending authority to City Council. At its regular monthly meetings in April and May, the Park and Recreation Board received an action request from park and recreation staff that amended Chapter 14, Article III, Section 14-76 that exempted the Park and Recreation Department from regulations governing public dances. Use of parks and park and recreation department facilities are controlled by park or facility use rules and the use of these city facilities require a special Park and Recreation Department permit. The Board determined that existing City Code, regulations and rules controlling conduct on property under

the Park and Recreation Department control are more than adequate to insure the safe and proper use of the City's park and recreation facilities and the health and safety of the public during public dances. At its May 26 meeting, the Board approved a Resolution that not only exempts the Park and Recreation Department from the regulations of the ordinance, but also requests the City Council review all sections of Article III with the desired outcome being the Council will see fit to repeal the ordinance in its entirety.

Staff visited with a representative of the City Police Department, Captain Joanne Pollock of the Patrol Division, who after conferring with Police Department counsel and her superior, Major Singleton, stated that the proposed ordinance change presented no issues for the Department. She did note that if the Park and Recreation Board approved a request to City Council other than that proposed to the Park and Recreation Board, the Police Department would want to further review that request before Council action was taken.

PREVIOUS CCOUNCIL ACTIONS(S): NONE

BOARD/COMMISSION ACTION(S):

Date: April 28, 2009

Roll Call Number: 09-041

Action: Park and Recreation Board received and filed Resolution proposing the Park and Recreation Department be exempt from Chapter 14, Article III of the Municipal Code, and that the City Council review Article III in its entirety for possible repeal.

Date: May 26, 2009

Roll Call Number: 09-050

Action: Park and Recreation Board approved Resolution proposing the Park and Recreation Department be exempt from Chapter 14, Article III of the Municipal Code, and that the City Council review Article III in its entirety for possible repeal.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

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