



Council Communication

Office of the City Manager

Date July 13, 2009

Agenda Item No. 53
Roll Call No. 09-
Communication No. 09-481
Submitted by: Chris Johansen, Assistant City
Manager

AGENDA HEADING:

Amending Chapters 10, 14 and 30 of the Municipal Code regarding Dancing and related activities.

SYNOPSIS:

Recommend approval of the staff recommendations to repeal the public dance hour restriction (permit required, but no time restrictions). Also, exemption of Park and Recreation Department property and eliminate hour restrictions of when music and games can be played in parks.

FISCAL IMPACT:

Amount: Approximately \$6,000

Funding Source: 2009-2010 Operating Budget, Page 38, City Clerk Department - Administration, CCL010000, Fund GE001.

ADDITIONAL INFORMATION:

During the June 22, 2009 City Council meeting, the City Manager was directed by Council to work with the Legal and Police Departments to draft a proposed ordinance to permit after hours dancing in public areas, as well as City parks.

Staff recommends approval of (A2), which will repeal the public dance hour restriction and also exempt Park and Recreation Department property. This amendment to the Municipal Code eliminates the time restriction, but keeps in place the permitting process. Staff recommends keeping the permitting process for the following reasons:

- Allows the Police Department to know who is the responsible party for the event and provides their contact information.
- Allows for inspections to be conducted by Building and Fire inspectors. These inspections of the facility will improve the safety of those people who attend the event.
- Allows the Police Department to be aware of the event and ask pertinent questions as to alcohol or beer being available. This would come into play if the organizer planned to allow beer or wine after 2:00 am. If they did, City staff would explain the need for an After Hours Permit and the guidelines they would need to follow to qualify.

Additionally, staff is recommending approval of (B1) and (B2), which will eliminate the hour restrictions when music and coin operated games can be played.

These changes will create enforcement challenges for the Police Department. One impact of the ordinance changes will be that bars will be allowed to stay open 24 hours; however, no alcoholic beverages can be served or consumed after 2:00 a.m. The no music, no dancing ordinances in bars have created a disincentive in the past for bars to stay open past 2 a.m. for other reasons.

Staff will be instructed to monitor the impacts of the ordinance changes and report back to the City Council.

PREVIOUS COUNCIL ACTION(S):

Date: June 22, 2009

Roll Call Number: 09-1114

Action: Amending Chapter 14 of the Municipal Code regarding public dances in City Park and Recreation Facilities. (Council Communication No. 09-419) Moved by Hensley to refer to City Manager for review and recommendation and to allow the Des Moines Social Club to hold after hours dances until the ordinance is passed. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of Ordinance.

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