

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	May 19, 2014
	<b>Agenda Item No.</b>	<b>29</b>
	<b>Roll Call No.</b>	<b><u>14-0775</u></b>
	<b>Communication No.</b>	<b><u>14-228</u></b>
	<b>Submitted by:</b>	<b>Richard A. Clark, City Manager</b>

**AGENDA HEADING:**

Approval of amendments to Section 102 of the City Code regarding street use permits.

**SYNOPSIS:**

Recommend approval of amendments to Section 102 regarding street use permits including fees, barricade control plans, petition approval, buffer zones, and notices.

**FISCAL IMPACT:**

Amount: Increase in revenue based upon the number of events held.

Funding Source: Fiscal Year (FY) 2014-2015 Operating Budget, G001, CC001010, page 24

**ADDITIONAL INFORMATION:**

At the February 24, 2014 Council Workshop, staff presented recommendations to the City Council to amend Section 102 of the ordinance regarding street use permits. Recommendations include the following:

Sec. 102-1124 (b) (1) – Street Use Team

(b) The street use team may require the person or representative of the group applying for a street use permit to be present when the street use team meets regarding the application for a permit. At that time, the applicant may be required to provide any additional information that is reasonably necessary to make a fair determination.

(1) Certain events may also require the person or representative of the group applying for a street use permit to also meet with the Police Department and Traffic and Transportation staff to discuss their traffic control barricade plan and police staffing needs for the event. An additional fee for plan review may be required.

Sec. 102-1125 (a) Application

(a) Contents. A written application for a street use permit by persons or groups desiring the same shall be made on a form provided by the ~~city clerk~~ City Manager's Office and shall be filed with the ~~city clerk~~ City Manager's Office.

Sec. 102-1125 (4) Application

(4) An accurate description of that portion of the street proposed to be used, including a map, and full description of event route if applicable including street closure times.

Sec. 102-1125 (a) (7) Application

(7) After initial filing of the application, any additional information may be requested that the street use team deems reasonably necessary to make a fair determination as to whether a permit should be issued, including but not limited to a crowd control plan- and a traffic control barricade plan. These plans can be prepared by an outside contractor or the person or representative of the group applying for a street use permit. There will be an additional fee charged if city staff prepares the traffic control barricade plan.

Sec. 102-1125 (c) (1) Application

(1) For all street closure applications with planned street closures at any one location lasting more than 1 hour except events taking place entirely in a residentially zoned district, a petition is required designating the proposed areas of the street to be used and the time of the proposed use. The petition shall be signed by more than ~~50~~ 60 percent of the business owners either abutting or within a building that abuts the portion of the street to be closed for more than one hour.

Sec. 102-1125 (c) (3) Application

(3) Applications with petitions that do not have more than ~~50%~~ 60 percent approval pursuant to this section will be denied unless appealed pursuant to section 102-1133 of this division.

Sec. 102-1125 (d) Application

(d) The applicant shall provide notice of the event to all residents and commercial tenants, owners, and lessees satisfactory to the street use team- including maps, closure times, and contact information.

Sec. 102-1130.1 Buffer zone

(a) A street use permit shall not be granted when the proposed location is within ~~one thousand (1,000)~~ one thousand eight hundred (1,800) feet of the perimeter of the street closure and conflicts with the time of another street use permit, unless the event organizer/applicant of the earlier applied for street use permit approves of the issuance of the street use permit proposed for a location closer than ~~one thousand (1,000)~~ one thousand eight hundred feet to the perimeter of the street closure for the event. This subsection does not apply to events that occur four (4) or more times per calendar year, or to City of Des Moines department events.

(b) The holder of a street use permit may give written permission to peddlers and transient merchants to operate within ~~one thousand (1,000)~~ one thousand eight hundred feet of the perimeter of their event as provided under sections 78-66 and 78-35.

Sec. 102-1131 (b) (1) Fees

(b) If the permitted use will require use of any city equipment or services, the applicant shall pay in advance when requested by the street use team, otherwise upon billing pursuant to subsection (c) of this section, either the actual costs or estimated costs when actual costs are not known for use of that equipment and those services in accordance with the schedule of rental and service fees approved by the city council.

(1) There will be an additional fee charged if city staff prepares the traffic control barricade plan for the parade.

Sec. 102-1173 (4) (a)

(4) The route proposed to be traveled, including the starting point, termination point, assembly and dispersal areas, including a map.

(a) Certain events may also require the person or representative of the group applying for a parade permit to also meet with the police department and Traffic & Transportation Staff to discuss their traffic control barricade plan and police staffing needs for the event. An additional fee for plan review may be required.

Sec. 102-1174 (b) (1) Fees

(b) If the parade will require use of any city equipment or services, the applicant shall pay in advance, otherwise upon billing pursuant to subsection (d) of this section, either the actual costs or estimated costs when actual costs are not known for use of that equipment and those services in accordance with the schedule of fees approved by the city council.

(1) There will be an additional fee charged if city staff prepares the traffic control barricade plan for the parade.

In addition to the above recommended ordinance amendments, staff will also be recommending the trail system be used for smaller run/walks with 1,000 or less participants and to provide and encourage suggested routes/closures that are less impactful on businesses, residents, and bus routes. In addition, staff will improve notification of special events by placing them on the City's website and also create an email distribution list of all upcoming events.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

2<sup>nd</sup> and 3<sup>rd</sup> readings at future Council meetings and an amendment to the schedule of fees.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).