

ORDINANCE NO. 13,753

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 13,738, passed August 2, 1999 by repealing Sections 23-10, 23-252 and 23-258 thereof and enacting new Sections, relating to street use permits.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 13,738, passed August 2, 1999, is hereby amended by repealing Sections 23-10, 23-252 and 23-258 thereof and enacting new Sections 23-10, 23-252 and 23-258, relating to street use permits, as follows:

23-10. ISSUANCE OF PERMIT; FEE; FORM.

If the City Clerk, upon presentation of an application for a permit for a street parade, shall be satisfied that the march or parade will not interfere with the safety of travel or good order of the city he or she shall issue a permit without charge. It shall be in the following form:

"Permission is hereby granted to the to parade or march upon the streets of the city other than those prohibited by the ordinances of the city, between the hours of on the day of , 19_, for the purpose of_and the line of march shall be as follows: City Clerk."

23-252. APPLICATION.

- a. 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 and shall be filed with the City Clerk. The application shall set forth the following information regarding the proposed street use:
 1. The name, address, and telephone number of the applicant or applicants.
 2. If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.

3. The name, address, and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
4. The date and duration of time for which the requested use of the street is proposed to occur.
5. An accurate description of that portion of the street proposed to be used, including a map.
6. The number of persons for whom use of the proposed street area is requested.
7. The proposed use, described in detail, including a description of the activities planned during the street use such as vending, music, selling of alcoholic beverages, for which the Street Use Permit is requested.
8. A list of any additional permits that will be required for the requested street use.
9. A designation of any public facilities or equipment to be utilized.
10. After initial filing of the application, any additional information that the Street Use Team deems reasonably necessary to a fair determination as to whether a permit should be issued, including but not limited to a crowd control plan.

b. Deadline for Applications.

1. Applications in a Commercial or Residential District must be submitted not less than thirty (30) calendar days prior to the date of the event.

c. Petition Required.

1. The application shall be accompanied by a petition designating the proposed areas of the street to be used and the time of the proposed use. The petition shall be signed by not less than seventy-five percent (75%) of the commercial

business owners abutting the street to be closed.

2. The petition form shall be available from the City Clerk and when completed the petition shall be verified by the Street Use Team.
3. The applicant shall provide at least 48-hour written notice of the event to all residents and commercial tenants, owners, and lessees and provide a copy to the City Clerk's office.
- 4.

23-258. FEES.

a.General Requirement. An applicant who seeks a Street Use Permit shall pay a nonrefundable application fee of \$250.00 at the time of application and within ten (10) days before the event post a refundable \$500.00 cash bond to the City of Des Moines to guarantee payment of the actual cost of city equipment and services.

b.Exceptions to General Requirement. An applicant who seeks a Street Use Permit in conjunction with any of the following licenses and permits, or with a residential event, or is a recognized neighborhood association shall pay the specified fees for the Street Use Permit or no fee as follows:

1.Parades and Procession Permits require no fee for the Street Use Permit.

2.Timed/Athletic Event License require no fee for the Street Use Permit.

3.Farmer's or Public Market Permits require no fee for the Street Use Permit.

4.Entertainment District Licenses require no fee for the Street Use Permit.

5. Residential events require a \$10.00 Street Use Permit fee with no bond.

6. Events sponsored by a recognized neighborhood association require a \$10.00 Street Use Permit fee with no bond.

c. If the permitted use will require more than minimum use of any city equipment or services, the applicant shall pay the actual costs for use of that equipment and those services in accordance with a schedule of rental and service fees approved by the city council.

d. As a condition of approval of an application, the applicant shall agree to pay, within thirty (30) days of billing, any additional actual costs, for the use of city equipment and/or services, incurred by the city by the occasion of the event and its participants.

e. All or a portion of the fees for equipment and/or services may be waived by the city council if an event is deemed appropriate.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

P
r
e
s
t
o
n

A
.

D
a
n

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 99-2985), passed by the City Council of said City at a meeting held September 27, 1999, signed by the Mayor on September 27, 1999, and published as provided by law in the Business Record on October 11, 1999. Authorized by Publication Order No. 6290.

Donna Boetel-Baker, CMC/AAE, City Clerk