

ORDINANCE NO. 14,182

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by amending Sections 14-4 and 14-5 and repealing Sections 14-6 through 14-8 of Article I, In General, and amending Sections 14-39 and 14-41 of Article II, Game Rooms, Bowling Alleys and Amusement Devices, and amending Section 14-79 of Article III, Public Dances, and amending Section 14-152 and adding and enacting new Sections 14-152.2 and 14-152.5 and repealing Section 14-154 of Article V, Amusement Houses to set forth miscellaneous fees in a schedule of fees adopted by the city council by resolution.

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

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by amending Sections 14-4 and 14-5 and repealing Sections 14-6 through 14-8 of Article I, In General, and amending Sections 14-39 and 14-41 of Article II, Game Rooms, Bowling Alleys and Amusement Devices, and amending Section 14-79 of Article III, Public Dances, and amending Section 14-152 and adding and enacting new Sections 14-152.2 and 14-152.5 and repealing Section 14-154 of Article V, Amusement Houses to set forth miscellaneous fees in a schedule of fees adopted by the city council by resolution, as follows:

Sec. 14-4. License required.

No person shall conduct, carry on, exhibit, produce or display any theater or theatrical performance, without first paying the license fee and procuring the license provided for in this article.

Sec. 14-5. License fees.

(a) An applicant for a theater license shall submit a fee to the city clerk at the time of filing the application. No license fee shall be charged for a theater or theatrical performance when conducted at a city-owned or city-subsidized property or property owned by a not-for-profit organization.

- b. All theater license fees shall be paid annually in advance, and the beginning of the year of the annual license shall be January 1 of each year. An applicant who files for renewal less than thirty (30) days prior to the date of license expiration, shall pay a late fee.
- c. If the application is denied or if the application is withdrawn before final action is taken by the city clerk a portion of the application fee shall be retained by the city clerk for the cost of administration.
- d. The license fee, its nonrefundable portion and the late fee for a theater license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Sec. 14-6. Repealed by Ord. No. 14,---

Sec. 14-7. Repealed by Ord. No. 14,---

Sec. 14-8. Repealed by Ord. No. 14,---

Sec. 14-39. License fees.

- a. An applicant for a game room, amusement device or bowling alley license shall submit a fee to the city clerk at the time of filing the application.
- b. An applicant who files for renewal less than thirty (30) days prior to the date of any license expiration shall pay a late fee.
- c. If the application is denied or if the application is withdrawn before final action is taken by the city clerk, a portion of the application fee shall be retained by the city clerk for the cost of administration.
- d. The license fee, its nonrefundable portion and the late fee for a game room, amusement device or bowling alley license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Sec. 14-41. Temporary license.

- a. Under this article, a temporary license may be issued to a location for a maximum period of five days.

(b) An applicant for a temporary game room, amusement device or bowling alley license

shall submit a fee to the city clerk at the time of filing the application.

(c) An application for a temporary license under this article shall contain the information as required under subsections 14-38(e) and (f).

(d) An applicant who files for a temporary license less than thirty (30) days prior to the first date of operation shall pay a late fee.

(e) The standards of issuance of a game room license enumerated in section 14-38 of this article shall apply.

(f) If the application is denied or if the application is withdrawn before final action is taken by the city clerk, the license fee shall be retained by the city clerk for the cost of administration.

(g) The license fee, its nonrefundable amount and the late fee for a temporary license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

(h) No temporary license issued under this article shall be renewed except after a period of six months.

(i) All rules of conduct set out in this article shall apply equally to temporary licensees.

Sec. 14-79. License fees.

- a. An applicant for a dance license shall submit a fee to the city clerk at the time of filing the application.
- b. All dance licenses shall expire on December 31 of the year of issuance.

(c) An applicant who files for renewal less than thirty (30) days prior to the date of any license expiration shall pay a late fee.

(d) If the application is denied or if the application is withdrawn before final action is taken by the city clerk, a portion of the application fee shall be retained by the city clerk for the cost of administration.

(e) The license fee, its nonrefundable portion and the late fee for a dance license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Sec. 14-152. License required.

No amusement house shall be permitted within the city without the operator, organizer, or owner first obtaining an amusement house license from the city.

Sec. 14-152.2. License application.

(a) Every applicant for such license shall apply in writing to the city clerk. Such application shall be submitted at least 30 days prior to the proposed date of commencement of operation of such amusement house. The requirement that such an application be submitted at least 30 days in advance may be waived by the city manager upon a written finding by the city manager that the necessary review and inspection of the proposed amusement house may be completed within the time remaining and that the expedited review of such application will not interfere with the efficient administration of chapter 134 of this Code and the building, fire and traffic codes.

(b) Every license application shall contain the following information:

(1) The name and address of the applicant and that of the operator.

(2) If the application is made on behalf of an organization, the name and address of the organization.

(3) The names and phone numbers of two contact persons.

(4) The proposed dates and hours of operation of the event.

(5) An estimate of daily attendance.

(6) A description and diagram of the amusement house drawn to a scale of one-fourth inch equals one foot zero inches.

(7) The name of the company or named of persons to provide security services at the premises.

(d) An application to license an amusement house must include, in addition to the information required in subsection (c) of this section, the following:

(1) Presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing general liability insurance

coverage in an amount of not less than \$500,000.00 per occurrence and aggregate for the injury or death of any person; for damage to property of others; and for acts of negligence by the owner, operator, or his or her agents in the conduct or operation of an amusement house. The general liability insurance shall be on a comprehensive or commercial form and shall name the city as an additional insured. The certificate of insurance shall also evidence that the general liability policy may not be cancelled or modified in any way without 30 days' written notice to the city.

(2) The cancellation or other termination of any insurance policy presented to comply with this subsection shall automatically revoke and terminate the license issued under this article, unless another certificate, complying with this subsection, shall be provided showing insurance in effect at the time of such cancellation or termination.

Sec. 14-152.5. License fees.

(a) An applicant for an amusement house license shall submit a fee to the city clerk at the time of filing the application.

(b) An applicant who makes application less than thirty (30) days prior to the proposed date of commencement of operation shall pay a late fee.

(c) If the application is denied or if the application is withdrawn before final action is taken by the city clerk, a portion of the application fee shall be retained by the city clerk for the cost of administration.

(d) The license fee, its nonrefundable portion and the late fee for an amusement house license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Sec. 14-159. Repealed by Ord. No. 14,---.

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

FORM APPROVED:

Carol J. Moser, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. 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. 02-2952), passed by the City Council of said City at a meeting held December 16, 2002 signed by the Mayor on December 16, 2002 and published as provided by

law in the Polk County Press Citizen on December 27, 2002
Authorized by Publication Order No. 3507.

Donna V. Boetel-Baker, City Clerk