

ORDINANCE NO. 14,329

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, and amended by Ordinance No. 13,894, passed December 4, 2000, and Ordinance No. 13,923, passed February 26, 2001 and Ordinance No. 14,107, passed June 3, 2002, by repealing Article IV - Timed Events and Athletic Events Using Streets and Highways, Sections 14-116 through 14-125 to Chapter 14, Amusements and Entertainments and repealing Sections 102-10 through 102-13 and 102-1129, and amending Sections 102-1121, 102-1122, 102-1123, 102-1124, 102-1125, 102-1126, 102-1127, 102-1128, 102-1130, 102-1131, 102-1132, 102-1133, 102-1134, 102-1135 and 102-1136 and adding and enacting Sections 102-1123.01, 102-1123.02 and 102-1123.03 and adding an enacting a new Article XVII - Parade Permit, Sections 102-1170 through 102-1181 to Chapter 102, Streets, Sidewalks, Skywalks and Other Public Places thereof, relating to street use and parade permits.

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, and amended by Ordinance No. 13,894, passed December 4, 2000, and Ordinance No. 13,923, passed February 26, 2001 and Ordinance No. 14,107, passed June 3, 2002 is hereby amended by repealing Article IV - Timed Events and Athletic Events Using Streets and Highways, Sections 14-116 through 14-125 to Chapter 14, Amusements and Entertainments and repealing Sections 102-10 through 102-13 and 102-1129, and amending Sections 102-1121, 102-1122, 102-1123, 102-1124, 102-1125, 102-1126, 102-1127, 102-1128, 102-1130, 102-1131, 102-1132, 102-1133, 102-1134, 102-1135 and 102-1136 and adding and enacting Sections 102-1123.01, 102-

1123.02 and 102-1123.03 and adding an enacting a new Article XVII - Parade Permit, Sections 102-1170 through 102-1181 to Chapter 102, Streets, Sidewalks, Skywalks and Other Public Places thereof, relating to street use and parade permits, as follows:

Sec. 14-116. Repealed by Ord. No. 14,---

Sec. 14-117. Repealed by Ord. No. 14,---

Sec. 14-118. Repealed by Ord. No. 14,---

Sec. 14-119. Repealed by Ord. No. 14,---

Sec. 14-120. Repealed by Ord. No. 14,---

Sec. 14-121. Repealed by Ord. No. 14,---

Sec. 14-122. Repealed by Ord. No. 14,---

Sec. 14-123. Repealed by Ord. No. 14,---

Sec. 14-124. Repealed by Ord. No. 14,---

Sec. 14-125. Repealed by Ord. No. 14,---

Sec. 102-10. Repealed by Ord. No. 14,---

Sec. 102-11. Repealed by Ord. No. 14,---

Sec. 102-12. Repealed by Ord. No. 14,---

Sec. 102-13. Repealed by Ord. No. 14,---

ARTICLE XVI. STREET USE PERMIT

Sec. 102-1121. Purpose.

- (a) **General.** The streets in possession of the city are primarily for the use of the public in the ordinary way. However, under proper and uniform circumstances special street use may be allowed subject to reasonable municipal

regulation and control. Therefore, this article is enacted to regulate and control the use of streets pursuant to a street use permit to the end that the health, safety and general welfare of the public and the good order of the city can be protected and maintained.

- (b) **Standard street use permit.** A standard street use permit allows for the temporary closure of streets in a commercial and/or residential district. The purpose of a temporary closure of streets can be a timed event, activity, block party, festival, or events of similar character and nature, over a one- to five-day period, or a total of 5 days over a 30 day period.
- (c) **Annual street use permit.** An annual street use permit allows for the temporary closure of a street either for recurring events of 1 hour or less in duration and provided the dates for closure are approved in advance by the street use team, or when the street use is part of a farmer's or public market and a farmer's or public market permit is also obtained as required by section 102-557 of this chapter.

Sec. 102-1122. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Des Moines, in the county of Polk, in the state of Iowa.

Entertainment district means a specifically identified area or zone of the city, other than residential, which is composed of a group or organization of businesses such as restaurants and bars.

Farmer's or public market means the sale of products, the majority of which have been produced in the state, including but not limited to, raw fresh vegetables, fruit, honey, herbs, flowers, plants, nuts, baked goods or handcrafted items which conform to all applicable city, county or state health and safety provisions, particularly state department of agriculture regulations, and which are offered for sale by any person, persons, business, or organization on a portion of, or entirely on a public street, sidewalk, alley, park or public place during set hours, no more than two days per week within a one-year period.

Person means any natural person, his or her heirs, executors, administrators or assigns, firm, partnership, association, corporation, company or organization, its or their successors or

assigns, or the agent of any of them.

Residential event means a neighborhood-centered activity on a non-primary street in an area that is not zoned commercial or industrial.

Street means that portion of the public right-of-way normally used for vehicular traffic.

Timed event means any event, activity, competition or race, not including the use of motorized vehicles, involving three or more people for which the successful completion relies upon a participant's time or order of finish which obstructs the free flow of pedestrian or vehicular traffic on the streets, sidewalks, alleys or public places of the city.

Sec. 102-1123. Permit required.

A standard or annual street use permit is required for the temporary closure of any portion of a street for any timed event, activity, block party, festival, or events of similar character and nature. Events conducted on city park property are exempt when approved by the park and recreation director or his or her designee.

Sec. 102-1123.01. Permits not transferable.

Street use permits issued under this division are not transferable to any other person or entity.

Sec. 102-1123.02. Exemptions.

- (a) Nothing in this article shall be construed as requiring a street use permit for funeral processions. (b) Nothing in this article shall be construed as requiring a street use permit for parades as defined in Article XVII, section 102-1170 of this code.

Sec. 102-1123.03 Authority of Chief of Police for street use events.

The Chief of Police is empowered to prescribe the conditions governing any street use event under this article, including the designation of the routes to be followed, held or proposed to be held on any public street. If the public interest so requires, he or she may for limited periods of time prohibit or restrict parking on any street where unrestricted or restricted parking is permitted under this code. Signs may be placed, police

officers stationed or other steps taken to inform the public of special regulations.

Sec. 102-1124. Street use team.

- (a) The street use team shall consist of representatives of the city departments of engineering (traffic and transportation division), police, fire, city clerk, public works, park and recreation, finance (risk manager), and community development (building safety division). Other city representatives or outside representatives (such as the Capitol Police or MTA) will be added as necessary.
- (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.

Sec. 102-1125. 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 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, telephone number, facsimile number and e-mail address of the applicant(s) or sponsor(s) of the event and contact person(s).
 - (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 date(s) and duration of time for which the requested use of the street is proposed to occur.
 - (4) An accurate description of that portion of the street proposed to be used, including a map.
 - (5) The estimated number of participants/attendees .
 - (6) The proposed use, described in detail, including a description of the activities planned.
 - (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.

(b) *Deadline for applications.*

(1) Applications that include a commercially zoned district must be submitted not less than 90 calendar days prior to the date of the event. Applications received less than 90 days in advance will be assessed the late fee set in the schedule of fees and may be denied.

(2) Applications limited to a residential district must be submitted not less than 30 calendar days prior to the date of the event. Applications received less than 30 days in advance will be assessed the late fee set in the schedule of fees and may be denied.

(c) *Petition required.*

(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 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.

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

(3) The petition form shall be available from the street use team and when completed the petition may be verified by the street use team.

(4) Applicants who have obtained a farmers or public market permit for the current year pursuant to sections 102-556 through 102-564 are exempt from the petition required by subsection 102-1125(c)(1).

(d) *Notice.*

The applicant shall provide notice of the event to all residents and commercial tenants, owners, and lessees satisfactory to the street use team.

Sec. 102-1126. Application process.

(a) Upon receipt of a completed street use permit application, the non-refundable application fee(s), petition, map, and any accompanying materials, the city clerk shall immediately forward copies of the application to the street

use team.

- (b) The team shall evaluate the application and materials using the standards found elsewhere in this article or other city ordinances. The team shall either approve with conditions as necessary to ensure the safety of the public and provide for an orderly event, or deny the application. Upon approval, the city clerk shall issue the permit, including any special provisions or conditions.
- (c) The approval or denial of a completed application by the team shall be made to the applicant as soon as reasonably practicable.

Sec. 102-1127. Related licenses and permits.

All related licenses and permits required by the Des Moines Municipal Code shall be obtained by licensee. The street use team will advise which additional licenses and permits may be required based upon information provided by the applicant.

Sec. 102-1128. Fire apparatus access road.

Fire apparatus access roads shall be provided as required in the currently adopted International Fire Code, unobstructed access width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet six inches.

Sec. 102-1129. Repealed by Ord. No. 14,---

Sec. 102-1130. Criteria and standards in reviewing street use permit applications.

The criteria to be considered in reviewing street use permit applications may include:

- (1) Whether the applicant appeared at the street use meeting at the request of the street use team and/or supplied information requested by the street use team.
- (2) Whether the time and size of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location;
- (3) Whether the concentration of persons at the event would unduly interfere with proper fire and police protection of, or other emergency service through, the event or to areas adjacent to the event's location;
- (4) Whether the estimated number of participants or the size or

- type of event equipment is sufficient to close a street or if there is an alternative available to closing a street;
- (5) Whether another street use permit has already been granted for substantially the same time and location;
 - (6) Whether the size or time of the event would require so great a diversion of the city police department as to prevent normal police protection of the city or to prevent adequate police protection at another previously scheduled city-wide event;
 - (7) Whether city personnel necessary to regulate and monitor the event can reasonably be made available.
 - (8) Whether the event is reasonably likely to cause injury to persons or property and there is adequate planning for crowd control or participants;
 - (9) Whether adequate sanitation or other health facilities will be available at the event;
 - (10) Whether there is a sufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected;
 - (11) Whether the time, size, or nature of the events are compatible with the normal activity at that location;
 - (12) Whether the proposed use or event will have a significantly adverse environmental impact;
 - (13) Whether negative police or other official reports of past activities sponsored by the same applicant or in the same location merit a recommendation of denial; or
 - (14) Whether the sponsor, applicant, their employees or agents have violated the Des Moines Municipal Code at past events.
 - (15) Whether applicant(s) have paid the City all fees due and owing under any chapter of the Des Moines Municipal Code.

Sec. 102-1131. Fees.

- (a) An applicant who seeks a street use permit shall pay the applicable nonrefundable application fee(s) in the amount(s) set in the schedule of fees adopted by the city council by resolution. The applicable fee(s) shall be paid at the time of application. Applicants who have obtained a farmers or public market permit for the current year pursuant to sections 102-556 through 102-564 are exempt from the application fee.
- (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.

- (c) The applicant shall pay, within 30 days of billing, any additional actual costs due according to the schedule of fees approved by the city council by resolution.

Sec. 102-1132. Insurance.

- (a) The applicant for a street use permit agrees to indemnify, and hold harmless the city, its employees, and agents, and to waive right to subrogation as per the requirements of the city's risk management special events policy.
- (b) The requirements of insurance shall be determined according to the risk management special events policy, using objective standards including, but not limited to, the size and nature of the event, the number of expected participants, and the potential for physical injury or property damage caused by participants.
- (c) As evidence of the applicant's ability to perform the conditions of the permit, the applicant shall furnish a certificate of insurance at the time of application to the city clerk's office.
- (d) When required, commercial liability insurance shall include coverage for contractual liability. The policy limits will be determined by the risk management special events policy.

Sec. 102-1133. Appeal procedure.

- (a) The street use team's decision to approve or deny a street use permit may be appealed to the city council by making a request to the city clerk in writing that the appeal be placed on the next council meeting agenda.
- (b) The decision of the city council shall be a final determination and shall be subject to review in District Court of Polk County as may be provided by law. Any party aggrieved by the decision may seek review thereof but in no event later than 30 days after the date of the final determination.

Sec. 102-1134. Revocation of a street use permit.

A street use permit for any event in progress may be revoked and the event terminated by the Chief of Police, or designees, or the Fire Chief, or designees if the safety of the public is

imminently endangered by activities generated during the event; the participants engage in violent or destructive behavior causing injury to persons or damage to property; or if there is a major violation of the conditions of the permit such that the standards of issuance are no longer met.

Sec. 102-1135. Violations.

No person shall:

- (1) Hold, sponsor or be in charge of any activity for which a street use permit is required without possessing a valid street use permit;
- (2) Violate any condition placed upon a street use permit;
- (3) Provide false or inaccurate information on a written application for a street use permit;
- (4) Knowingly participate in an activity for which a street use permit is required without a valid street use permit having been granted; or after a permit has been revoked pursuant to section 102-1134, of this division.
- (5) Disobey or encourage others to disobey this section after a police officer has informed him or her of any provisions of this section or the terms of the street use permit that he or she is violating; or
- (6) Violate any other subsection of this article.

Sec. 102-1136. Penalties.

Any person who violates or resists the enforcement of any of the provisions of this article shall be guilty of a simple misdemeanor or a municipal infraction punishable by a civil penalty of \$500.00 for the initial offense and \$750.00 for each repeat offense. Any person who violates a provision of this article after having previously been found guilty of violating the same provision of this article at the same location, shall be guilty of a repeat offense. Seeking a civil penalty as authorized in this section does not preclude the city from seeking alternative relief, including but not limited to any order for abatement or injunctive relief from the court in the same action or as a separate action.

ARTICLE XVII. Parade Permit

Sec. 102-1170. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this

section, except where the context clearly indicates a different meaning:

Chief of Police means the Des Moines Chief of Police or the Chief's designees in the Police Department.

City means the City of Des Moines, in the county of Polk, in the state of Iowa.

City Clerk means the Des Moines City Clerk or the Clerk's designees in the City Clerk's Office.

Parade means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or a combination thereof, upon any public street ordinarily used for vehicular traffic, which requires a street closing or otherwise requires police officers to stop or reroute vehicular traffic because the participants in the parade will not comply with the normal and usual traffic regulations or controls.

Person means any natural person, his or her heirs, executors, administrators or assigns, firm, partnership, association, corporation, company or organization, its or their successors or assigns, or the agent of any of them.

Sec. 102-1171. Permit required.

No person shall engage in or conduct any parade unless a parade permit is issued by the Chief of Police.

Sec. 102-1172. Exceptions.

This ordinance shall not apply to the following:

- (a) Funeral processions; and
- (b) A governmental agency acting within the scope of its functions.

Sec. 102-1173. Application.

- (a) A person seeking a parade permit shall file an application under oath with the City Clerk's Office on a form provided by the City Clerk a copy of which shall be immediately delivered to the Chief of Police and to the Street Use Team as designated under Article XVI, Section 102-1124 of this Chapter.
- (b) For single, non-recurring parades, an application for a permit shall be filed at least four (4) days and not more than one year before the parade is proposed to commence. For good cause shown, the Chief of Police may waive the four (4) days limit. Good cause shall be shown when the application can be processed in compliance with the provisions of this chapter in sufficient time to allow the

parade to proceed as scheduled and without hazard to the public safety given due consideration of the date, time, place, anticipated number of participants, and the city services required in connection with the parade.

- (c) For parades held on a regular or recurring basis on a substantially similar route, an application for a permit shall be filed at least sixty (60) days and not more than one year before the parade is proposed to commence. For good cause shown, the Chief of Police may waive the sixty (60) days limit. Good cause shall be shown when the application can be processed in compliance with the provisions of this chapter in sufficient time to allow the parade to proceed as scheduled and without hazard to the public safety given due consideration of the date, time, place, anticipated number of participants, and the city services required in connection with the parade
- (d) The application shall set forth the following information:
 - (1) The name, address, telephone number, facsimile number and e-mail address of the person seeking to conduct the parade.
 - (2) If the proposed parade 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 date and duration of time for which the parade is proposed to occur.
 - (4) The route proposed to be traveled, including the starting point, termination point, assembly and dispersal areas, including a map.
 - (5) The approximate number of persons who, and animals and vehicles which will constitute such parade and the type of animals and descriptions of the vehicles.
 - (6) The time at which units of the parade will begin to assemble.
 - (7) The intervals of space to be maintained between units of the parade.
 - (8) After initial filing of the application, any additional information that the Chief of Police deems reasonably necessary to a fair determination as to whether a permit should be issued.

Sec. 102-1174. Fees.

- (a) The applicant shall pay to the city a non-refundable application fee when the application is filed in the amount set in the schedule of fees adopted by the city council by

resolution.

- (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.
- (c) The fees for police services shall be determined by the Chief of Police based upon the number of officers reasonably necessary for vehicular and pedestrian traffic control issues brought about due to the parade based on the parade route, the time of day, date, day of the week, duration, general vehicular and pedestrian traffic conditions along the parade route, size in terms of participants and spectators, number of intersections blocked, marked and unmarked intersections along the parade route, and the need to detour or preempt citizen travel on adjoining streets and sidewalks together with the number of marked and unmarked intersections and traffic control devices in the detour area. The speech content of the parade shall not be a factor in determining the number of officers necessary for traffic control.
- (d) The applicant shall pay, within 30 days of billing, any additional actual costs due according to the schedule of fees approved by the city council by resolution.
- (e) The fees under this section shall not apply to parades conducted for the primary purpose of public issue speech protected by the First Amendment of the U. S. Constitution.

Sec. 102-1175. Standards for issuance.

The Chief of Police shall issue a parade permit as provided for in this article when, from the consideration of the application and from other information as may otherwise be obtained, it appears that:

- (a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic in or contiguous to the route or location of the parade;
- (b) The conduct of the parade will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;
- (c) The concentration of persons, animals and/or vehicles caused by the parade will not interfere unduly with proper fire and police protection of or ambulance service to areas

- contiguous to the parade or other areas of the City;
- (d) The conduct of the parade is not reasonably likely to cause injury to persons or property;
 - (e) The proposed parade is scheduled to move from its point of origin to its point of termination expeditiously and without

unreasonable delays en route;

- (f) There are sufficient parking places near the parade to accommodate the number of vehicles reasonably expected;
- (g) The applicant has prepaid fees according to Section 102-1174 and has paid those fees for past parades, if any;
- (h) The proposed parade is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit provided, however, the prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the conduct of the parade;
- (i) No parade permit application for the same time and location is already granted or has been received and will be granted;
- (j) No parade permit application for the same time but not location is already granted or has been received and will be granted, and the police resources required for that prior parade are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;
- (k) No event is scheduled elsewhere in the City where the police resources required for that event are so great that the deployment of police services for the proposed parade would have an immediate and adverse effect upon the welfare and safety of persons and property;
- (l) The proposed parade will not interfere with previously scheduled maintenance or repair work to be carried out on the streets or public ways to be used; and
- (m) The applicant and parade organizers will comply with the requirements under this article.

Sec. 102-1176. Notice and appeal procedure.

- (a) The Chief of Police will either issue the parade permit or deny it within (30) days after the application is filed. In the case of applications filed less than 30 days prior to

the proposed parade the Chief of Police will act on the application as soon as reasonably practicable but not less than 48 hours prior to the proposed start time of the parade unless extenuating circumstances prevent notice to be made in that time frame. If denied the notice shall state the reasons for denial. The notice of issuance or denial shall be served by personal delivery, regular or certified mail or in any other fashion reasonably calculated to provide notice to the applicants.

- (b) The decision of the Chief of Police may be appealed to the City Council by making a request to the City Clerk in writing that the issue of the parade permits issuance or denial be placed upon the next council meeting agenda. If the Council is not scheduled to meet prior to the proposed parade then a special council meeting may be called to hear the appeal.
- (c) The decision of the City Council shall be based upon the standards contained in section 102-1175 and shall be a final determination subject to review in District Court of Polk County as may be provided by law. Any party aggrieved by the decision may seek review thereof but in no event later than 30 days after the date of the final determination.

Sec. 102-1177. Alternative permit.

- (a) The Chief of Police, in denying an application for a parade permit, may authorize the conduct of the parade at a date, time, location, or route different from that named by the applicant in consideration of the standards in section 102-1175. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police.
- (b) An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit issued under this article.

Sec. 102-1178. Special parking authority.

The Chief of Police has the authority to prescribe special parking regulations when, in connection with a parade if the public interest so requires, he or she may for limited periods of time prohibit or restrict parking on any street where unrestricted or restricted parking is permitted under this code. Signs may be placed, police officers stationed or other steps taken to inform the public of special regulations.

Sec. 102-1179. Termination of a parade.

A parade in progress may be terminated by the Chief of Police, the Fire Chief or their designees, if the safety of the public is imminently endangered by activities generated during the parade; the participants engage in violent or destructive behavior causing injury to persons or damage to property; or if there is a major violation of the conditions of the permit such that the standards of issuance are no longer met.

Sec. 102-1180. Violations.

No person shall:

- (a) Hold, sponsor or be in charge of any activity for which a parade permit is required without possessing a valid parade permit;
- (b) Violate any condition placed upon a parade permit;
- (c) Provide false or inaccurate information on a written application for a parade permit;
- (d) Knowingly participate in an activity for which a parade permit is required without a valid parade permit having been granted; or after a permit has been terminated pursuant to section 102-1179 of this article;
- (e) Disobey or encourage others to disobey this section after a police officer has informed him or her of any provisions of this section or the terms of the street use permit that he or she is violating;
- (f) Hamper, obstruct, impede, or interfere with any parade or with any person, vehicle, or animal participating or used in a parade; or
- (g) Violate any other provision of this article.

Sec. 102-1181. Penalties.

Any person who violates or resists the enforcement of any of the provisions of this article shall be guilty of a simple misdemeanor, or a municipal infraction punishable by a civil penalty of \$500.00 for the initial offense and \$750.00 for each repeat offense. Any person who violates a provision of this article after having previously been found guilty of violating the same provision of this article at the same location, shall be guilty of a repeat offense. Seeking a civil penalty as authorized in this section does not preclude the city from seeking alternative relief, including but not limited to any order for abatement or injunctive relief from the court in the same action or as a separate action.

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

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 04-729), passed by the City Council of said City at a meeting held April 5, 2004 signed by the Mayor on April 5, 2004 and published as provided by law in the Business Record on April 19, 2004. Authorized by Publication Order No. 4037.

Diane Rauh, City Clerk