

ORDINANCE NO. 14,443

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, as heretofore amended, by repealing paragraph (1) of subsection (f) of Section 42-257 thereof, and enacting a new paragraph (1) of subsection (f) of Section 42-257, regarding the permitted hours of operation of sound equipment in the Court Avenue area that may be authorized by a Type A sound permit.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. The Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended by repealing paragraph (1) of subsection (f) of Section 42-257 thereof, and enacting a new paragraph (1) of subsection (f) of Section 42-257, regarding the permitted hours of operation of sound equipment in the Court Avenue area that may be authorized by a Type A sound permit, as follows:

**Sec. 42-257. Sound equipment and sound amplifying equipment.**

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- (f) *Application standards.* The following are general standards for the type of permit:
- (1) *Type A permit.* A type A permit may be issued for sound equipment emitting music or human speech registering not more than 60 dBAs when measured at the real property boundary of the private residence alleging a noise disturbance when known or at the real property boundary of the private residence nearest the sound equipment, and registering not more than 100 dBAs at a distance of 50 feet from the sound equipment. Sound equipment permitted under a type A permit may be used only in areas of the city zoned for nonresidential use and only between the hours of 9:00 a.m. and 11:00 p.m., except upon the following properties where a type A permit may be used between the hours of 9:00 a.m. and 11:00 p.m. Sunday through Thursday, and between the hours of 9:00 a.m. and 12:30 a.m. on Friday and Saturday:
    - (i) Property within the C-3 central business district commercial district;
    - (ii) Property adjoining or within 200 feet of Court Avenue; and,
    - (iii) Property adjoining the 200 block of 4th Street.

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

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Archie Brooks, Mayor Pro Tem

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. 05-1188), passed by the City Council of said City at a meeting held May 9, 2005 signed by the Mayor Pro Tem on May 9, 2005 and published as provided by law in the Business Record on May 23, 2005 Authorized by Publication Order No. 4802.

Diane Rauh, City Clerk