

ORDINANCE NO. 14,772

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. 14,447 passed May 23, 2005, and Ordinance No. 14,685 passed August 20, 2007 by amending Section 26-211(b)(1) thereof, relating to building code obstruction 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. 14,447 passed May 23, 2005, and Ordinance No. 14,685 passed August 20, 2007 is hereby amended by amending Section 26-211(b)(1) relating to building code obstruction permits, as follows:

Sec. 26-211. Obstruction permit, bond, and insurance.

- (a) No person shall use any portion of public property as described in Section 3308 of the International building code without first obtaining an obstruction permit which shall state the following:
- (1) The name of the owner of the property abutting the public property to be used.
 - (2) The name of the person applying for the obstruction permit.
 - (3) An accurate description of the public property to be obstructed or occupied.
 - (4) The length of time such obstruction or occupancy shall exist.
 - (5) An agreement to comply in all respects with the provisions and requirements of the building code, this article and other city ordinances relating to the use of streets and alleys and to indemnify and save and keep harmless the city from any and all costs, expense or liability for damages or injuries to persons or property or liability of any kind whatsoever, arising from or growing out

of the use and occupancy of such street or growing out of the deposit of such material or any failure to properly pile, deposit, guard, light or care for such.

- (6) Such additional requirements as may be deemed necessary for the protection of the city and its inhabitants.
- (b) Before an obstruction permit shall be issued, there shall be placed on file in the office of the building official a surety bond and liability insurance as follows:
- (1) A surety bond in the sum of \$5,000.00 conditioned to ensure removal of the obstruction and restoration of the right-of-way and all public improvements thereon by or before the expiration date of such obstruction permit or such extended time as may be granted by the city; and
 - (2) Liability insurance showing the city as named additional insured and providing a minimum limit of liability in the amount of \$500,000.00 each accident, for accidents caused by maintenance of such obstruction. The insurance policy shall contain a provision whereby such insurance may be cancelled or materially altered only after giving the city ten days' written notice of the change or cancellation.
- (c) Such surety bond and liability insurance shall be approved by the building official and the legal department and shall be conditioned to secure the performance of such agreement by the applicant.
- (d) No person shall, under any permit, occupy more area than is stated in the obstruction permit.
- (e) The fee for an obstruction permit shall be as set forth in the Schedule of Fees adopted by the city council by resolution.

Exception: To allow street maintenance and use of public way when maintenance is required.

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

FORM APPROVED:

Kathleen Vanderpool, Deputy 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. 08-1026), passed by the City Council of said City at a meeting held June 9, 2008 signed by the Mayor on June 9, 2008 and published as provided by law in the Business Record on June 23, 2008. Authorized by Publication Order No.6222.

Diane Rauh, City Clerk