

## ORDINANCE NO. 16,376

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, is hereby amended, by amending Section 74-101, relating to overnight use of parks by special permit.

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, as heretofore amended, is hereby amended, by amending Section 74-101, relating to overnight use of parks by special permit, as follows:

### **Sec. 74-101 Overnight use of parks by special permit.**

- (a) Purpose. The city's parks and park facilities are not designed for unlimited overnight use. The unlimited use of city parks after hours of operation, such as for camping or storage of personal property, interferes with the rights of others to use the parks for the recreational, leisure and environmental purposes for which they are intended. The purpose of this section is to allow the city's parks to be maintained in a clean and accessible condition and to protect the health, safety and welfare of the city and its residents, while recognizing that infrequent overnight use, subject to reasonable conditions, can be beneficial to the recreational, cultural or educational needs of the community.
- (b) For the purpose of this section, overnight use shall mean remaining in or being in a park during hours when the park is not open for operation without a permit issued pursuant to subsection (c) of this section. Unpermitted overnight use shall be subject to prohibitions, disposition and removal pursuant to chapter 102, article IV, and sections 102-8 and 102-615, of this Code.
- (c) The city parks and areas within such park in which overnight use is permitted and the conditions on such use, including camping, may be established by the parks and recreation director with the consultation of the parks and recreation board. Overnight use shall be allowed only by permit issued by the director. No more than ten (10) days of overnight use per calendar year per park shall be allowed. No person shall be permitted overnight use of a city park for more than three (3) days per calendar year per park, unless permitted by the city manager for a compelling recreational, cultural or educational need of the community. Commercially manufactured tents designed for no more than eight (8) persons may be permitted with overnight use of a park, although no other buildings or structures as defined in chapter 134 of this Code or which are regulated by chapters 26 or 42 of this Code shall be allowed for overnight use.
- (d) Overnight permitted use of the cabin at Ewing Park shall be exempt from the calendar year day limits of this section.
- (e) Overnight use of the parks for city sponsored or hosted events, activities, and programs shall be exempt from the requirements of this section.
- (f) Moorage at the Birdland Marina pursuant to a rental agreement shall be exempt from the requirements of this section.

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

FORM APPROVED: Glenna K. Frank, Assistant City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, 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. 24-1118), passed by the City Council of said City at the meeting held on August 5, 2024 and signed by the Mayor on August 5, 2024 and published and provided by law in the Business Record on August 23, 2024. Authorized by Publication Order No. 12753.

Laura Baumgartner, City Clerk