

ORDINANCE NO. 16,529

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 amending, Chapter 74, Sections 74-27, 74-91, 74-92, 74-93, 74-94, 74-95, 74-96, 74-97, 74-99, 74-100, 74-101, 74-103, 74-107, 74-110, 74-111, 74-112, 74-175, 74-176, 74-177, 74-179, 74-180, 74-181, 74-182, 74-183, 74-184, 74-186, 74-188, 74-189, 74-210, and adding 74-190, relating to Parks and Recreation.

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 Chapter 74, Sections 74-27, 74-91, 74-92, 74-93, 74-94, 74-95, 74-96, 74-97, 74-99, 74-100, 74-101, 74-103, 74-107, 74-110, 74-111, 74-112, 74-175, 74-176, 74-177, 74-179, 74-180, 74-181, 74-182, 74-183, 74-184, 74-186, 74-188, 74-189, 74-210, and adding 74-190, relating to Parks and Recreation, as follows:

ARTICLE II. PARKS AND RECREATION BOARD*

***Cross reference(s) --Boards, commissions, committees and agencies, § 2-1046 et seq.**

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Sec. 74-27. Advisory committees.

The parks and recreation board may create and appoint members to committees to perform certain duties and advise the board on various parks and recreation issues. Members of such committees may include residents and nonresidents of the city.

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ARTICLE III. PARKS AND RECREATION DEPARTMENT*

***Cross reference(s) --Departments, § 2-536 et seq.**

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ARTICLE IV. FACILITIES

Sec. 74-91. Public meetings and organized uses and permits issued by the parks and recreation director.

Public meetings—religious, political or otherwise—including picnic parties and entertainment for charitable or religious purposes, may be held in any city park upon first obtaining permission from the parks and recreation director or his or her designee. Such assemblages shall be conducted in a lawful and orderly manner, shall be under the supervision of the parks and recreation department supervising staff and shall occupy such ground as may be reserved for them. Permits shall be obtained from the parks and recreation director for use of parks and facilities by organized groups and individuals for all such purposes, including athletic and sporting activities.

Sec. 74-92. Consumption of alcohol; intoxication.

- (a) It is unlawful for any person to use, possess or consume beer, wine or alcoholic liquor on or in any city parks, trails, land and facilities managed by the parks and recreation department including all park roads and parking areas in parks, except in accordance with all federal, state and local laws and by issuance of a permit or pursuant to a concession agreement and either:
 - (1) Approval of the parks and recreation board; or
 - (2) Such use, possession or consumption is within an enclosed park shelter; or
 - (3) Such use, possession or consumption is within the Clare and Miles Mills Rose Garden, Sylvan Theater, Lilac Arboretum, Simon Estes Amphitheater or the Gray's Lake Park Christine Hensley Terrace and Terrace building and designated outdoor areas; or
 - (4) Such use, possession or consumption is within specified areas of the Principal Riverwalk including Long Look Garden, Brenton Skating Plaza and plaza adjacent to World Food Prize building; or
 - (5) Such use, possession or consumption is allowed within the fields and stands at Carney Softball Park, James W. Cownie Soccer Park and Baseball Park, Savage Softball Fields at Easttown Park, and George Davis Softball Park when said park facilities are in use for adult events unless other fields at said park facilities are in use for youth events; or
 - (6) Such use, possession or consumption is within the park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a "Western Gateway Park"; or
 - (7) Within Riverview Park or in conjunction with the Prairie Meadows Riviera Amphitheater at Riverview Park.
- (b) The permit must be obtained from the parks and recreation director or his or her designee.
- (c) Use, possession or consumption of beer or wine is allowed pursuant to a concession agreement covering:
 - (1) Birdland Marina service building and designated outdoor areas.
- (d) In addition to the above requirements, a state liquor control license and approval of the parks and recreation board is required in order to use, possess or consume keg beer or alcoholic liquor, except that parks and recreation board approval is not required for use, possession or consumption within "Western Gateway Park," Birdland Marina and Christine Hensley Terrace and Terrace building and designated outdoor areas.
- (e) No person shall be intoxicated or simulate intoxication in a city park.

Cross reference(s) --Alcoholic beverages, ch. 10.

Sec. 74-93. Destruction of plant or animal life.

- (a) No person, except persons authorized, shall in any manner deface, disturb, injure or remove any tree, shrub, turf, plant, or fungi standing or growing in any city park or recreation facility or pick or destroy any flowers or seeds growing therein. No person, except persons authorized, shall feed, remove or attempt to remove, disturb, injure, or kill any bird, waterfowl or other animal in any city park or recreation facility.
- (b) No person shall cut or remove any wood, flowers, seeds, fungi, vegetables, nuts, turf, grass, soil, rock, sand or gravel from any city park without a written permit from the parks and recreation director, including for the purpose of metal detecting any underground object.

Cross reference(s) --Animals, ch. 18; vegetation, ch. 122.

Sec. 74-94. Fires.

No person shall kindle, build, maintain, or in any way light a fire in any city park, parkland or recreational property or facility, except in a permanent barbecue grill provided by the city, or by permit from the parks and recreation director after a determination that such fire creates no hazards to the park or to persons in the immediate vicinity when requirements of the permit are followed. Any fire in a permanent barbecue grill provided by the city or permitted for use by the parks and recreation director shall be enclosed within the fireplace or barbecue grill and continuously under the care and control of a competent person from the time it is kindled until it is extinguished. Said fire shall not impact or cause damage to any person, park improvement, plant or animal life.

Cross reference(s) --Fire prevention and protection, ch. 46.

Sec. 74-95. Firearms, weapons, fireworks and explosives.

- (a) No person shall use firearms or other weapons within any city park, community recreation center or recreational facility unless permitted under section 70-86 of this Code.
- (b) No person shall use or possess explosives or fireworks as defined in article VI of chapter 46 of this Code and novelties as defined in American Pyrotechnics Association Standard 87-1, Chapter 3, in any city park, community recreation center or recreational facility.

Cross reference(s) --Fire prevention and protection, ch. 46; offenses and miscellaneous provisions, ch. 70.

Sec. 74-96. Containers; materials; belongings.

In all city parks, trails, land and facilities managed by the parks and recreation department including all park roads and parking areas in parks, no person shall:

- (a) Bring into, use or possess a bottle, jar, drinking cup or other container made of glass, except by approval of the parks and recreation director by permit for a special event or when a liquor, wine or beer license has been obtained;

- (b) Litter the ground or any fixture with any form of material. All waste material shall be deposited in receptacles provided for that purpose or shall otherwise be legally disposed of elsewhere. Park waste receptacles shall not be used for dumping trash or rubbish introduced in that form to the park; or
- (c) Store or leave belongings unaccompanied, nor store or leave belongings in a manner that impedes use of said facilities and properties by others.

Sec. 74-97. Lakes, ponds and lagoons.

- (a) No person shall throw or place any foreign or waste substance in any lake, pond, lagoon or swimming beach in any public park.
- (b) Boats and other personal watercraft are not permitted in lakes and ponds, with the exception of Gray's Lake, without the permission of the parks and recreation director.
- (c) No person shall fish from or dangle any object from the Gray's Lake watercraft rental dock, the Gray's Lake swimming beach, the Gray's Lake pedestrian bridges, MacRae Park Boardwalk or any pedestrian bridges in any city park.
- (d) Where fishing is permitted at lakes, ponds and lagoons, only rod and reel or pole fishing are allowed.

Cross reference(s) -Waterways, ch.- 130.

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Sec. 74-99. Dogs and other pets.

- (a) No dog or other pet shall be allowed to run at large in any city park or multi-use recreational trail or other hard or soft surface trail.
- (b) Any dog or other pet shall be deemed to be found running at large unless the owner carries such dog or other pet; leads such animal by a chain, strap, or rope not exceeding six feet in length; or keeps any such animal confined in an automobile in compliance with section 18-55 of this Code.
 - (1) However, a service dog or dog employed by and under the control of an authorized person for the sole use of waterfowl control and management and trained for such purpose, except for a high risk dog as defined in section 18-41 of this Code, and accompanying such person shall not be deemed to be running at large, even though restraints as described in this section are not used. Such person shall keep the service dog under control and shall be liable for any damage done to the premises or facilities by the dog.
- (c) No dog in a designated off leash area in any public park shall be deemed at large if such dog and owner or person given charge of the dog are in compliance with section 18-55(a)(6) of this Code. High risk dogs must be on a leash while in such designated off leash area in compliance with section 18-56 of this Code.
- (d) No person shall bring, lead, ride or otherwise allow a horse or similar animal to enter or remain in any city park, parkland, or recreational facility other than allowed for service purposes by federal or state law.

Cross reference(s) -Dogs generally, §- 18-41 et seq.

Sec. 74-100. Park facility hours.

The hours of operation for all public parks, community recreation centers, aquatic centers, pools, wading pools, splash pools, spraygrounds, and city recreational facilities, except for the Greater Des Moines Botanical Garden, A. H. Blank Park Zoo, Principal Park, and Prairie Meadows Riviera Amphitheater at Riverview Park, shall be established by the Des Moines parks and recreation board by vote at one board meeting. The parks and recreation director shall thereafter have authority to adjust such hours, for a period of one season, unless otherwise directed by the Des Moines parks and recreation board. The hours of the Brenton Skating Plaza and support pavilion shall be established by the parks and recreation director. For the purposes of this section, "one season" shall mean the first weekend in April through the last weekend in October or the Monday following the last weekend of October up to the first weekend in April.

- (a) No person or vehicle shall enter or remain in any public park, community recreation center or recreational facility at times inconsistent with those set by this section without special permission from the parks and recreation director for such persons or group of persons and their respective vehicle(s) to remain there. Such permit shall not allow use of the park for more than two (2) hours prior to its opening time or more than two (2) hours after its closing time, unless issued in compliance with section 74-101.
- (b) No person or vehicle shall enter or remain in or on any city park, inclusive of municipal golf courses, from 10:00 p.m. until 6:00 a.m.
Exceptions are made for:
 - (1) *Clubhouses and related facilities on golf courses.* These facilities may remain open until 2:00 a.m.
 - (2) *Concerts at the Simon Estes Riverfront Amphitheater.* This facility may remain open until 12:00 a.m. (midnight).
 - (3) *Prairie Meadows Riviera Amphitheater at Riverview Park.* This facility may remain open until 12:00 a.m. (midnight).
 - (4) *Birdland Marina.* This facility may remain open until 11:00 p.m.
 - (5) *Brenton Skating Plaza.* This facility may remain open until 12:00 a.m. (midnight).
 - (6) *Western Gateway Park and John and Mary Pappajohn Sculpture Park.* This facility may remain open until 12:00 a.m. (midnight).
 - (7) *Gray's Lake Park.* This facility may remain open from 6:00 a.m. until 10:00 p.m. from November 1-March 31 and from 5:00 a.m. until 10:00 p.m. from April 1-October 31.
 - (8) *Principal Riverwalk* (excluding trails and trail heads, which follow multi-use recreational trails hours, and the Hub Spot and Rotary Riverwalk Park, which follow standard park hours): These facilities may remain open until 2:00 a.m.
 - (9) *Multi-use recreational trails.* These facilities shall be open at all times.
 - (10) *James W. Cownie Soccer Park, James W. Cownie Baseball Park, George Davis Softball Park, Savage Softball Fields at Easttown Park and Carney Softball Park.* These facilities may be open until 12:00 a.m. (midnight).

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 VI, 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 use of the parks for city sponsored or hosted events, activities, and programs shall be exempt from the requirements of this section.
- (e) Moorage at the Birdland Marina pursuant to a rental agreement shall be exempt from the requirements of this section.

Cross reference(s) Buildings and regulations, ch. 26; environment, ch. 42; streets, sidewalks, skywalks and other public places, ch. 102; zoning, ch. 134.

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Sec. 74-103. Baseballs; softballs.

- (a) No one shall throw, hit or play with a baseball in any city park except in areas clearly designated as baseball fields.
- (b) No one shall throw, hit or play with a softball in any city park except in areas clearly designated as softball fields.

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Sec. 74-107. Beaches.

- (a) Swimming and wading in bodies of water in the parks is permitted only within the marked area adjacent to designated swimming beaches, except by written permission of the parks and recreation director.
- (b) Swimming and wading adjacent to authorized swimming beaches shall be permitted only inside the buoys and only during the swimming season as established by the parks and recreation board. The director may extend or shorten the swimming season or may eliminate or close areas adjacent to such beaches as authorized swimming areas with due regard for weather conditions and public safety.
- (c) Watercraft are not allowed within the buoys at the swimming beach.
- (d) No person shall change clothes in a park except in a restroom or other authorized place designated for such activity.
- (e) No person shall swim, dive or enter the water within marked areas adjacent to any swimming beach while wearing or carrying an air or gas tank for the purpose of underwater breathing, in the activity commonly known as skindiving or scuba diving, without special permission from the parks and recreation director.
- (f) No person shall disregard notices, prohibitions or directions on any beach sign or disobey the lawful order of any public officer or parks and recreation department staff.
- (g) No person shall act at any swimming beach or in the water in such a manner as to jeopardize the safety and health of that person or others.
- (h) Nothing contained in this section shall be construed to prohibit swimming or wading (i) in the conduct of official duties, or (ii) when fishing or seining for minnows at such times and places as may be authorized.

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Sec. 74-110. Multi-use recreational trails.

- (a) *Definitions.*
 - (1) “Multi-use recreational trail” is defined pursuant to section 114-1 of this Code and excludes a bicycle lane within the city right-of-way.
 - (2) “Electric personal assistive mobility devices” is defined as a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system. A Segway is an example device.
 - (3) Single user electric device means a device with or without handlebars designed to be stood or sat upon by the operator, and powered by electric motor that is capable of propelling the device with or without human propulsion. An One Wheel is an example device.
- (b) *Permitted Uses.* Except as otherwise provided, the following recreation, transportation, fitness and other similar uses are permitted on multi-use recreational trails:
 - (1) Persons walking, jogging or running;
 - (2) Persons utilizing or operating a non-motorized device, such as a bicycle, skateboard, inline skates, scooter, wheelchair, or other similar activities;
 - (3) Persons utilizing or operating an electric-motorized device of one horsepower or less, such as bicycles as defined in section 114-677 of this Code, single user electric devices, electric personal assistive mobility devices, or other similar activities in compliance with chapter 114, division 1 of this Code;

- (4) Persons with mobility impairments or disabilities using manually operated or power-driven wheelchairs and manually powered mobility aids for the purpose of locomotion;
- (5) Persons with mobility impairments or disabilities using another power-driven mobility device for the purpose of locomotion, as provided in 28 CFR 35; and
- (6) Official emergency vehicles and authorized maintenance vehicles as necessary to perform the duties of the operator.

(c) *Uses Not Permitted.* Except as otherwise provided, the following uses are not permitted on multi-use recreational trails:

- (1) Motorized vehicles, except where the trail utilizes an existing road, street or highway and except by authorized personnel for the purpose of maintenance;
- (2) Equestrian uses; and
- (3) Skateboards are not permitted on portions of trails that utilize an existing park road except at designated crossings as indicated by surfacing markings and or signage.

(d) *Hours of Permitted Use.* Multi-use recreational trails shall be open for use by the public for recreation and transportation at all times, except for the following:

- (1) Hours of use of sections of trails may be limited by the parks and recreation director;
- (2) Sections of trails may be closed temporarily by the parks and recreation director for emergency situations; and
- (3) Sections of trails may be closed temporarily by the parks and recreation director for improvement projects.

(e) *Official Signs.* Every user of a recreational trail shall observe and obey any and all official signs posted along a recreational trail, including, but not limited to, speed limits, hours of use, surface markings, stop signs, yield signs and trail closures.

(f) *Reasonable Speed.* Each person using the trail shall travel at a speed that is reasonable and prudent under the conditions then existing and shall not travel in such a manner as to constitute a willful or wanton disregard for the safety of persons or property.

Cross reference(s) Traffic and vehicles, ch. 114.

Sec. 74-111. Smoking prohibited.

- (a) No person shall smoke upon the premises of any city park or recreation facility property, including sports facilities, golf courses, trails and community recreation centers.
- (b) No person shall smoke within 25 feet of the entrance to any city park or recreation facility property. For purposes of this section "smoke" or "smoking" means to carry or exercise control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.
- (c) No person shall use tobacco of any kind upon the premises of any city or recreation facility property, including sports facilities, golf courses, trails and community recreation centers. "Tobacco" means any product made or derived from tobacco that is intended for human use, including both cigarettes and tobacco products as both are defined in Iowa Code section 453A.1, and includes any kind of vapor product as defined in Iowa Code section 453A.1 or any kind of electronic smoking device. "Electronic smoking devices" means any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the device, including, but not limited to, an e-

cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. Nicotine products approved by the United States Food and Drug Administration for tobacco cessation shall be allowed in or on park property.

(d) This section does not apply to the Greater Des Moines Botanical Garden, A. H. Blank Park Zoo or Principal Park.

Sec. 74-112. Sledding, ice skating, cross-country skiing and snowshoeing at parks and golf courses.

(a) The city council finds that the following are valuable recreational activities and are favored by considerations of social policy:

- (1) Sledding in city parks and in designated areas in municipal golf courses ("sledding"); and
- (2) Skating on designated ponds in city parks and on man-made, temporary ice surfaces created by or under the authority of the parks and recreation department ("temporary ice rinks") in municipal golf courses or city parks ("ice skating"); and
- (3) Cross-country skiing and snowshoeing in designated areas in municipal golf courses and in parks ("cross-country skiing and snowshoeing").

(b) The city council further finds that the parks and recreation department budget does not contain sufficient funds to provide for supervision or inspection or grooming of sledding hills in city parks and golf courses, ponds and temporary ice rinks in parks and municipal golf courses for ice skating, and cross-country skiing and snowshoeing trails in municipal golf courses and parks. As a result of the inability to supervise or groom the sledding hills, skating ponds, temporary ice surfaces and cross-country skiing and snowshoeing trails, such surfaces are uneven and may contain bumps, dips, ramps, ice, or thinning ice, trees and other hard and fixed objects in close proximity to a sledding or ice skating or skiing area and other dangers associated with numerous people utilizing various devices to proceed rapidly down icy or snowy inclines and enjoying various forms of recreational skating activities, cross-country skiing and snowshoeing. As sledding, ice skating, cross-country skiing and snowshoeing can be dangerous activities, the city council finds that persons desiring to sled in city parks or golf courses, to skate on ponds in city parks or temporary ice rinks, to cross-country ski and snowshoe in municipal golf courses and parks have the obligation to inspect the sledding, ice skating, and skiing area conditions prior to using such areas. In balancing the social policies favoring family friendly but potentially dangerous sledding, ice skating, cross-country skiing and snowshoeing activities and the economic policies which prevent the city from supervising or inspecting or grooming such surfaces and areas, the city council finds that:

- (1) Sledding is allowed in areas and during times designated by the parks and recreation director at municipal golf courses or parks designated by the director;
- (2) Ice skating is allowed at temporary ice rinks designated by the parks and recreation director at municipal golf courses and at ponds within parks designated by the director during times designated by the director; and
- (3) Cross-country skiing and snowshoeing are allowed at municipal golf courses designated by the park and recreation director, except on tees and greens, during the times designated by the director and at city parks.

(c) Winter recreational activities, including skating, sledding, ice fishing, snowshoeing and skiing, are not permitted in or on the water or ice of Gray's Lake.

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ARTICLE V. FEES

Sec. 74-175. Outdoor sport courts.

- (a) Fees for rental with reservations for tennis, futsal or Mini-Pitch, pickleball, basketball sport courts, and table tennis/ping pong tables are \$10.00 per hour per court.
- (b) All reservations are subject to approval of recreation manager. No fee is required for first-come, first-served use for non-reserved courts.

Sec. 74-176. Ball diamonds and soccer fields.

- (a) *Scope.* Fees for use of city ball diamonds and soccer fields shall be as provided in this section.
- (b) *Ball diamonds.* Fees for exclusive use of ball diamonds, shall be as follows:

| Ball Diamond | Tournament Per Field Per Day | Per Game | Practice* Per Hour |
|---|------------------------------------|----------|--------------------|
| George Davis Softball Park** | \$150.00 | \$50.00 | \$25.00 |
| Savage Softball Fields at Easttown Park | N/A | \$50.00 | \$25.00 |
| Carney Softball Park | N/A | N/A | \$25.00 |
| James W. Cownie Baseball Park** | N/A | \$50.00 | \$25.00 |
| Ashfield Park Field | N/A | N/A | \$12.00 |

*Practice shall include only one (1) team on the field at a time. Multiple teams present on a single field will be considered a game.

**All ball diamonds at these facilities require reservations for use. Diamonds at the other facilities may be used on a first-come, first-served basis when they are *not* rented.

- (c) *James W. Cownie Soccer Park.*
 - (1) Fees for exclusive use of soccer fields:
 - (i) For youth, college/university soccer practices: \$75.00 per hour per field.
 - (ii) For adult (participants ages 19 and older) practices: \$100.00 per hour per field.
 - (iii) For games: \$150.00 per game for youth (ages 18 and younger), \$200.00 per game for adults (ages 19 and older).
 - (2) All uses are by reservation only; no first-come, first-served use.
 - (3) Use of night lighting: \$30.00 per match per field.
- (d) *James W. Cownie Baseball Park.*
 - (1) Fees for dragging and lining:
 - (i) Upon request after every third game: Included in the base fee listed in the section 74-176 table above.
 - (ii) Additional marking or lining requested beyond established department marking standards: \$50.00 per game.
- (e) *George Davis Softball Park.*
 - (1) Fees for dragging and lining:

- (i) Upon request after every third game: Included in the base fee listed in the section 74-176 table above.
- (ii) Additional marking or lining requested beyond established department marking standards: \$50.00 per game.
- (2) Field Dry. \$30.00 per bag.
- (3) Temporary fencing: \$200.00 per field.

Sec. 74-177. Bike and related equipment rental.

Fees for use of bicycles and related equipment are as follows:

| Item | Fee Per Hour | Fee Per Half Day (6 hours) |
|--|--------------|----------------------------|
| Hybrid or Mountain Bike with Bike Helmet – ages 13 and over | \$15.00 | \$45.00 |
| Hybrid or Mountain Bike with Bike Helmet – ages 12 and younger | \$10.00 | \$30.00 |
| Road Bike with Helmet – ages 13 and over | \$15.00 | \$45.00 |
| Road Bike with Helmet – ages 12 and younger | \$10.00 | \$30.00 |
| Tandem Bikes | \$25.00 | \$50.00 |

Sec. 74-179. Park between Tenth and Fifteenth Streets and Grand Avenue and Locust Street a/k/a “Western Gateway Park”- Rentals.

For the purposes of this section “Facility Use Outdoor Rooms” shall be considered the area of ambience around a specific sculpture or grouping of sculptures within the John and Mary Pappajohn Sculpture Park and the “Lawn Areas” shall be the open space surrounding the Pappajohn Higher Education Center and the Central Des Moines Public Library.

| Item | Fee | Notes |
|----------------------------------|---|--|
| Facility Use Outdoor Rooms | \$1,500.00/half day (6 hours) | |
| Facility Use Outdoor Rooms | \$3,000.00/day (during park hours) | |
| Lawn Areas | \$650.00/day (during park hours) | |
| Set-up/tear down (rooms) | \$500.00/half day (6 hours) | Does not include hours when park is closed |
| Set-up/tear down (lawn) | \$250.00/day | |
| Clean up if City deems necessary | \$40.00/hour per staff position, two-hour minimum | Billed to renter after event |
| Seeding if City deems necessary | Contractor cost | Billed to renter after event |
| Sodding if City deems necessary | Contractor cost | Billed to renter after event |

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| Repair of damage if City deems necessary | Actual cost of replacement | Billed to renter after event |
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Sec. 74-180. Community recreation center building admissions and rentals.

(a) Community recreation center building admission fees shall be as follows:

| Admission Fee | Ages 19 to 59 | Ages Under 19 and Over 59 |
|----------------------------|---------------|---------------------------|
| Daily entry fee per person | \$2.00 | \$1.00 |
| Monthly pass per person | \$24.00 | \$12.00 |
| Annual pass per person | \$150.00 | \$100.00 |

(b) Community recreation center building rental fees shall be as follows:

| Rental Fees | Per Hour During Regular Operating Hours (2-hour minimum) | Per Hour During Holidays and Non Operating Hours (2-hour minimum) |
|--|--|---|
| Rental by governmental, public school and recognized Neighborhood Associations | No charge | No charge |
| Rental for exclusive use and public admissions where no fee or admission is charged and nothing is sold: | | |
| Small meeting room | \$20.00 | \$35.00 |
| Multipurpose room | \$35.00 | \$65.00 |
| Gymnasium | \$35.00 | 65.00 |

Sec. 74-181. Golf courses.

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

- (1) Weekdays are Monday through Thursday.
- (2) Weekends are Friday, Saturday, Sunday and holidays.
- (3) Twilight is from 3:30 p.m. until sunset on Friday, Saturday, and Sunday and as otherwise designated during non-peak periods by the parks and recreation director or designee.

(b) *Green fees.* Greens fees for golf courses shall be as follows:

- (1) *Daily:*

| | 9-Holes Weekday | 18-Holes Weekday | 9-Holes Weekday with Cart | 18-Holes Weekday with Cart | 9-Holes Weekend before 3:30 p.m. | 18-Holes Weekend before 3:30 p.m. | 9-Holes Weekend before 3:30 p.m. with Cart | 18-Holes Weekend before 3:30 p.m. with Cart | Twilight | Twilight with Cart |
|------------------|-----------------|------------------|---------------------------|----------------------------|----------------------------------|-----------------------------------|--|---|----------|--------------------|
| A.H. Blank | \$21.00 | 27.00 | 36.00 | 45.00 | 23.00 | 34.00 | 38.00 | 52.00 | 23.00 | 38.00 |
| Bright Grandview | \$20.00 | 25.00 | 35.00 | 43.00 | 21.00 | 29.00 | 36.00 | 47.00 | 21.00 | 36.00 |
| Waveland | \$23.00 | 30.00 | 38.00 | 48.00 | 26.00 | 37.00 | 41.00 | 55.00 | 26.00 | 41.00 |

a. *Youth mentor rates.* No charge for youth (under 18) playing with a paying adult, Monday through Thursday. Valid with non-discounted daily fee only; does not include season badge players.

(2) *Military.* Active military personnel with a valid ID, fees for golf shall be as follows:

| | 9-Holes Weekday | 18-Holes Weekday | 9-Holes Weekday with Cart | 18-Holes Weekday with Cart | Twilight | Twilight with Cart |
|------------------|-----------------|------------------|---------------------------|----------------------------|----------|--------------------|
| A.H. Blank | \$18.00 | 23.00 | 33.00 | 41.00 | 23.00 | 38.00 |
| Bright Grandview | \$17.00 | 22.00 | 32.00 | 40.00 | 21.00 | 36.00 |
| Waveland | \$20.00 | 25.00 | 35.00 | 43.00 | 26.00 | 41.00 |

(3) *Senior.* For seniors (62 years and older), fees shall be as follows:

| | 9-Holes Weekday | 18-Holes Weekday | 9-Holes Weekday with Cart | 18-Holes Weekday with Cart | Twilight | Twilight with Cart |
|--|-----------------|------------------|---------------------------|----------------------------|----------|--------------------|
| | | | | | | |

| | | | | | | |
|------------------|---------|-------|-------|-------|-------|-------|
| A.H. Blank | \$18.00 | 23.00 | 33.00 | 41.00 | 23.00 | 38.00 |
| Bright Grandview | \$17.00 | 22.00 | 32.00 | 40.00 | 21.00 | 36.00 |
| Waveland | \$20.00 | 25.00 | 35.00 | 43.00 | 26.00 | 41.00 |

(c) *Season badges.* Fees for golf badges shall be as follows:

| | 5 Day Pass Mon. – Fri. | 7 Day Golf Pass | 7 Day Golf Pass With a Cart | 5 Day Senior Pass Mon. – Fri. | 7 Day Senior Golf Pass | 5 Day Couple Pass | 5 Day Senior Couple Pass | 7 Day Couple Pass | 7 Day Senior Couple Pass | Jr. Badge (17 and Under) |
|--|---------------------------|-----------------|-----------------------------|----------------------------------|------------------------|-------------------|--------------------------|-------------------|--------------------------|--------------------------|
| All Courses Under City's Contractor's Management | \$1,000.00 | 1,400.00 | 2,425.00 | 800.00 | 1,150.00 | 1,425.00 | 1,100.00 | 2,020.00 | 1,565.00 | 300.00 |

- (1) 5-day badges are valid for play Monday through Friday and weekends and holidays after 3:30 p.m.
- (2) 7-day badges are valid for play all days and open hours.

(d) *Golf carts.*

- (1) Fees for renting golf carts for use on the course rented from are as follows:

| Course | 9-Holes | 18-Holes |
|------------------|---------|----------|
| A.H. Blank | \$15.00 | \$18.00 |
| Bright Grandview | \$15.00 | \$18.00 |
| Waveland | \$15.00 | \$18.00 |

- (2) Private golf carts registered by an individual with a city of Des Moines municipal golf course before May 1, 1996 with the same registrant as the operator are permitted. Such registrations may not be transferred to another individual. No new private golf cart registrations are accepted after April 30, 1996. The fee for use of private golf carts shall be one of the following:

- (i) Registration fee - \$200.00, plus a Daily Trail fee, per course, per cart - \$8.00; or
- (ii) Season cart badge - \$650.00.

(e) Miniature (a.k.a. mini) golf course fees shall be as follows:

| Rate Type | Fee |
|---------------------------|--------------------|
| Child (ages 4 and under) | Free |
| Child (ages 5 through 12) | \$8.00 |
| Adult (ages 13 and older) | \$11.00 |
| Groups of 10 or more | \$8.00 each player |

(f) *High school team* golf course fees involving at least one Des Moines high school team shall be as follows:

- (1) Practices (Des Moines high schools only) (start time 2:30 - 4:00 p.m.) \$1.00 per person.
- (2) Dual meets (start time 2:30 - 4:00 p.m.) \$4.00 per player.
- (3) Tournament (more than two teams, start time 2:30 - 4:00 p.m.) \$15.00 per player.
- (4) Tournament (more than two teams, start time before 2:30 p.m.) \$17.00 per player.
- (5) Schedules must be submitted to golf course management by March 1 each year.
- (6) Events scheduled are subject to change of date/time at the discretion of golf course management up to one week prior to the event.
- (7) Free golf cart use may be offered to officials/coaches at the discretion of golf course management.

Sec. 74-182. Park shelters and other park rentals.

Fees for park shelters and other park rentals shall be as follows:

- (1) *Sylvan Theater.*
 - a. Fee Based Event - \$750.00 for half-day (6:00 a.m. - 1:00 p.m. or 2:00 p.m. - 9:00 p.m.)
 - b. Events free to the public and exclusive use events (i.e. weddings) - \$350.00 first two (2) hours (minimum) - \$150.00 each additional hour
- (2) *Garden reservation fees.* Must specify garden area:
 - a. Clare and Miles Mills Rose Garden at Greenwood Park: \$350.00 first two (2) hours (minimum), \$150.00 each additional hour
 - b. Floral Garden at Union Park: \$15.00 per hour
 - c. Lilac Arboretum at Ewing Park: \$50.00 per hour
- (3) *Shelters.* Unless otherwise specified, each rental session is for the hours of 10:00 a.m. to 9:00 p.m. No rentals on New Year's Day, Thanksgiving Day, day after Thanksgiving, Christmas Eve, Christmas Day and New Year's Eve.
 - a. *Enclosed Shelters:*

| Enclosed Shelter | Monday through Thursday | Friday through Sunday |
|---------------------------------------|--------------------------------|------------------------------|
| Birdland Park - Ding Darling Shelter | \$225.00 | \$315.00 |
| Columbus Park Shelter | \$200.00 | \$250.00 |
| Drake Park Shelter | \$200.00 | \$250.00 |
| Grandview Park - Bob Mahaffey Shelter | \$200.00 | \$250.00 |
| Greenwood Park - Jay Spence Shelter | \$200.00 | \$250.00 |
| Hub Spot Shelter | \$225.00 | \$315.00 |
| MacRae Park - W.C. Walker Shelter | \$200.00 | \$250.00 |

| | | |
|---|--|----------|
| Martin Luther King Jr. Park Shelter | \$65.00 per hour for minimum of two (2) hours, \$40.00 per hour for each additional hour between the hours of 8:00 a.m. to 9:30 p.m. on Saturday and Sunday and 4:00 p.m. – 9:30 p.m. Monday – Friday. | |
| Pioneer Park Shelter | \$85.00 | \$105.00 |
| Union Park – Bill and Nellie Ritchie Shelter (East) | \$85.00 | \$105.00 |
| Union Park – Margaret Swanson Shelter (West) | \$85.00 | \$105.00 |

b. *Open-air shelters.*

| Capacity | 10:00 a.m. – 3:00 p.m. | 4:00 p.m. – 9:00 p.m. | 10:00 a.m. – 9:00 p.m. (all-day rental) |
|--|------------------------|-----------------------|---|
| Capacity of more than 100 <ul style="list-style-type: none"> • Crivaro Park Large Open Shelter (East) • Pioneer Park West Open Shelter (Large) | \$75.00 | \$75.00 | \$140.00 |
| Capacity of 100 or less <ul style="list-style-type: none"> • Any open-air shelter not listed above) | N/A | N/A | \$50.00 |

(4) *Stewart Square Park and Stage.* Each rental session is for an 11-hour block (reserved for only one group per day): \$50.00

(5) *Gray's Lake Park.*

- a. Christine Hensley Terrace Rental - \$250.00 per 3-hour block, \$75.00 per hour for each additional hour
- b. Designated open space rental - \$250.00 per half day (six (6) hours maximum)
- c. Canoe/paddle boat/stand up paddle board rental - \$8.00 per half hour and \$15.00 per hour
- d. Kayaks - \$10.00 per half hour and \$18.00 per hour
- d. Sailboat rental - \$25.00 per hour, 2-hour minimum
- e. Gray's Lake Railroad Corridor - \$500.00 per day per area as defined by Parks and Recreation Department (accessible during park hours only)

(6) *Trail Event Use Fees.* \$1.00 per participant.

- a. A refund may be requested if actual participant count is demonstrated to be less than estimated fee amount.
- b. Additional participant fee will be assessed if determined by the City that the estimated fee amount did not account for all actual participants.
- c. A cleaning fee, as defined in section 74-182(9)(c), will be assessed if trail conditions post-event are not similar to pre-event conditions.

(7) *Community garden plot.* \$35 per plot per year.

(8) *Miscellaneous.*

- a. Equipment rental:

1. Snowshoes - \$5.00 per day or \$10.00 for weekend (Friday noon until noon on Monday)
2. Late fee for each day late - \$5.00

b. Additional trash cans - \$15.00 each up to 10 total

c. Cleaning fee - \$40.00 per hour with a 2-hour minimum for all uses, except \$50.00 per hour with a 2-hour minimum for trail use cleaning.

d. Cancellation/transfer administrative fee - \$10.00 for activities and rentals up to \$100.00, \$30.00 for activities and rentals over \$100.00.

(9) *Open space permit.* \$10.00 per hour per field.

(10) *Disc golf tournament.* \$100.00 per day per location for recreational tournaments.

(11) *Park Road Closures.* \$25.00 per hour for a maximum of six (6) hours during a rental on parks roads in Ashworth, Birdland, Grandview, Greenwood, MacRae, Pioneer, Prospect and Union Parks.

Sec. 74-183. Aquatic centers, swimming pools and marina.

(a) Fees for use of city aquatic centers, swimming pools and the marina shall be as follows:

(1) *Northwest, Nahas and Teachout Aquatic Centers and Ashworth and Birdland Pools admissions*:*

- a. Children (under 3 years of age) - Free
- b. Youth (3 through 18 years of age) - \$3.00
- c. Adult (19 through 59 years of age) - \$5.00
- d. Senior (60 years of age and over) - \$3.00

*Half price admission after 5:00 p.m. Monday through Friday

(2) *Season swim passes at aquatic centers and swimming pools:*

| Pass Type* (valid at all locations) | Early Bird Rate | Standard Rate |
|--|-------------------------|-------------------------|
| Single | \$40.00 | \$45.00 |
| 1st and 2nd family members or shared residence | \$75.00 | \$80.00 |
| 3rd and 4th family member | Additional \$25.00 each | Additional \$30.00 each |
| Additional family members beyond 4th | Additional \$10.00 each | Additional \$10.00 each |
| Replacement tags | \$7.00 | \$7.00 |
| <i>Youth agency (i.e. daycares):</i> | | |
| 1 day a week child | N/A | \$30.00 |
| 2 days a week child | N/A | \$40.00 |
| 3 days a week child | N/A | \$50.00 |
| 4 days a week child | N/A | \$60.00 |
| 5 days a week child | N/A | \$70.00 |
| Replacement tags | N/A | \$7.00 |

* A season pass to the Heritage Carousel of Des Moines at Union Park may be added to the purchase of any season swim pass for \$25.00. All members included on the season swim pass will be included on the carousel pass. The carousel pass is valid for unlimited rides during the same season as the season swim pass. A new carousel pass must be purchased each season.

- (3) *Pool rental for exclusive use.* \$250.00/hour for a minimum block of two (2) hours. This fee includes \$150.00 per hour for pool use plus \$100.00 per hour for a minimum of four lifeguards and a supervisor. All rentals shall be outside of regular business hours unless approved by the parks and recreation director.
- (4) *Pool rental for athletic programs and practices.* \$90.00 per hour for a minimum of two (2) hours. This fee includes \$50.00 per hour for pool use plus \$40.00 per hour for a minimum of one lifeguard and a supervisor.
- (5) *Swim meets.* \$1,000.00/day, maximum of 12 hours. This fee includes exclusive use for a single facility; the City will provide lifeguards.

(b) *Birdland Marina moorage fees.* Moorage allowed annually from March 15 through November 15. All rentals are based on availability and are as follows:

- (1) *Seasonal Double access* - \$665.00
- (2) *Seasonal Single access* - \$580.00
- (3) *Replacement moorage decal* - \$5.00
- (4) *Boat left past last day* - \$20.00 per day

Sec. 74-184. Brenton Skating Plaza.

(a) Fees for use of the Brenton Skating Plaza ice rink during the skating season, as determined by the Parks and Recreation Department based on seasonal conditions, shall be as follows:

- (1) Admission and skate rental fees:

| Fee | Rate |
|---|----------|
| Adult (ages 13-59) | \$10.00 |
| Child (6-12)/Senior (60+) | \$6.00 |
| Children Under 5 years of age | \$2.00 |
| Skate Rental | \$5.00 |
| Punch Pass #1 – 10 Admissions including Skate Rentals, all ages | \$ 95.00 |
| Punch Pass #2 – Available from January 2 to end of season – four (4) Admissions including Skate Rentals, all ages | \$25.00 |
| Skate rental with paid Admission on Monday OR Tuesday January 2 to end of season | Free |

- (2) *Ice rink rental:* Fee for exclusive use of the Brenton Skating Plaza - \$250.00 per hour, minimum of two (2) hours.

(b) Fees for use of the Brenton Skating Plaza during the non-skating season, as determined by the Parks and Recreation Department based on seasonal conditions, are as follows:

- (1) Monday through Friday rental: \$75.00 per hour, minimum of two (2) hours.
- (2) Saturday and Sunday rental: \$100.00 per hour, minimum of two (2) hours

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Sec. 74-186. Principal Riverwalk.

- (a) *Long Look Garden*: \$200.00 – 4-hour time block, \$100.00 for each additional hour, weekends only.
- (b) *Union Pacific Railroad Bridge*: \$50.00 – 4-hour time interval for either the north or south area.
- (c) *World Food Prize Plaza adjacent to World Food Prize Hall of Laureates*: \$500.00 – 4-hour block, \$100.00 for each additional hour.
- (d) *Iowa Women of Achievement Bridge*: \$50.00 – 4-hour block, either the north or the south section of the bridge.
- (e) *Rotary Riverwalk Park*: \$50.00 per hour – playground must remain open to public during a permitted event.
- (f) *SW 1st Street Bridge (Water Street)*: \$50.00 – 4-hour block, down river (east) section of the bridge.

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Sec. 74-188. Miscellaneous.

- (a) Commercial photography or video permits issued per section 74-109: Per day - \$20.00.
- (b) Permits for special lighting on facilities equipped with programmable multi-colored L.E.D. lighting features: \$150.00 per day defined for this fee as from sunset to sunrise.
 - (1) Facilities include the Chris and Marcie Coleman Bridge, the Ruan Connector, and the Women of Achievement Bridge. Additional facilities may be added if equipped with programmable multi-colored L.E.D. lighting features, subject to approval of the parks and recreation director.
 - (2) Permits are subject to approval of the parks and recreation director and must promote the city, its civic institutions, state and federal holidays, and other public events of community significance per applicant.
 - (3) Each applicant may request up to two permits per calendar year. Each permit shall be limited to no more than three (3) consecutive total days and one (1) color scheme.

Sec. 74-189. Set program fees and authority to make temporary fee adjustments.

Recreation program fees, administrative fees for processing refunds, cancellations and customer requested program schedule changes that are not related to admissions or rental charges established in this section shall be set by the parks and recreation director taking into consideration market conditions and direct expenses related to said program offerings. Fees as determined in sections 74-175 through 74-188, and section 34-34 of this Code may be changed at the discretion of the parks and recreation director for engaging in special projects, programs or promotions that justify such change, including reduced fees to provide access to parks and recreation programs and facilities to low-income residents, organizations solely or primarily devoted to serving low-income individuals or not-for-profit agencies. The parks and recreation director shall report annually in January to the parks and recreation board and city manager on changed fees for the preceding year's activities that were approved by the director.

Sec. 74-190. Penalty and enforcement.

(a) Any person who fails to perform an act required by the provisions of this chapter, or who commits an act prohibited by the provisions of this chapter, shall be guilty of a misdemeanor punishable by a fine of \$50.00 or shall be guilty of a municipal infraction punishable by a civil penalty in the amount set forth in the schedule of administrative penalties adopted by the city council.

(b) The parks and recreation department staff may and all police officers shall enforce this article.

Secs. 74-191—74-209. Reserved.

ARTICLE VI. MOBILE FOOD VENDORS IN DESIGNATED PARKS

Sec. 74-210. Mobile food vendors and transient merchants.

(a) (i) Mobile vendors operating mobile vendor vehicles, as defined in article V of chapter 78 of this Code, and transient merchants, as defined in article III of chapter 78 of this Code, may be located or operated only in the following parks:

- (1) Ashworth Park
- (2) Evelyn K. Davis Park
- (3) Ewing Park
- (4) Grandview Park
- (5) Greenwood Park
- (6) MacRae Park
- (7) Riverview Park
- (8) Simon Estes Amphitheater Plaza
- (9) Union Park

(ii) Mobile vendors operating mobile vendor vehicles, as defined in article V of chapter 78 of this Code, and transient merchants, as defined in article III of chapter 78 of this Code, may be located or operated only in the following parks, subject to written advance approval from the parks and recreation department and alignment with the concessionaire agreement:

- (1) George Davis Softball Park
- (2) James W. Cownie Baseball Park
- (3) James W. Cownie Soccer Park

(b) Mobile vendor vehicles and transient merchant push carts, structures, and vehicles may only be located in a parking space within the paved parking lot or park road. Use of parking spaces are on a first-come, first-serve basis each day. No other parking space or parking on unpaved areas within the parks may be used for mobile vendor vehicles or transient merchant push carts, structures, or vehicles. Mobile vendors and transient merchants are not allowed to place any items within the park, other than the mobile vendor vehicle, such as tables or chairs.

(c) Mobile vendor vehicles and transient merchant push carts, structures, and vehicles are only allowed in the above-designated parks during the days of the year when

permanent restrooms are open to the public in such parks and only during hours when the park is open to the public.

(d) Every mobile food vendor operating or locating a mobile vendor vehicle within the designated parks must have a current mobile vendor license issued in compliance with article V of chapter 78 of this Code and operate in compliance with all license and article V of chapter 78 requirements. Every transient merchant operating or locating a pushcart, structure, or vehicle within the designated parks must have a current transient merchant license issued in compliance with article III of chapter 78 of this Code and operate in compliance with all license and article III of chapter 78 requirements.

(e) Every mobile food vendor and transient merchant operating or locating a mobile vendor vehicle within the above designated parks must have a mobile food vendor or transient permit issued by the parks and recreation director. An application for such permit must be made by submitting an application form provided by the department at least three (3) business days prior to use. The application must include a copy of the applicant's mobile vendor or transient merchant license issued by the city clerk and payment of the application fee established by city council for an annual permit or a 1-day permit as applicable. The parks and recreation director may designate dates within the permit period during which mobile vendors are prohibited from operating within the designated parks.

(f) The permit must be displayed within the mobile vendor vehicle or on the transient merchant push carts, structures, or vehicles in a manner such that it is readily visible to all persons seeking to conduct business with the mobile vendor.

(g) Upon complaint or a reasonable suspicion that a permittee or the permittee's employees or agents has furnished any false information in its application or has violated or failed to comply with any of the requirements of this article or chapter 78 of this Code, or any other provisions of this Code, the suspension or revocation provisions in section 78-73 or 78-211 of this Code, as applicable, shall apply, with the parks and recreation director or director's designee in substitution for the city clerk or city clerk's designee.

(h) Section 74-178 does not apply to mobile vendors or transient merchants.

(i) Notwithstanding subsection 74-210(a) above, up to two total mobile vendors operating mobile vendor vehicles, as defined in article V of chapter 78 of this code, and/or transient merchants, as defined in article III of chapter 78 of this code, may be located or operated in Birdland Marina within the concession area pursuant to a concession agreement approved by resolution of the city council.

Cross reference(s) Peddler and solicitors, ch. 78.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law or January 1, 2026.

FORM APPROVED: Cassie A. Bonefas, 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. 25-1725), passed by the City Council of said City at the meeting held on December 22, 2025 and signed by the Mayor on December 22, 2025 and published and provided by law in the Business Record on January 16, 2026. Authorized by Publication Order No. 13212.

Laura Baumgartner, City Clerk